

Paula Tansley
Registration Number: R18267
Mississauga, Ontario

HEARING DATE: April 7, 2011

MISCONDUCT: Ont. Reg. 991, s.14(3)

PARTICULARS OF THE COMPLAINT:

In January 2010, a client of Ms. Tansley, a member of the public and a 25 year client of the brokerage where Ms. Tansley is employed advised RIBO that in January 2009, at the request of her insurer, a home inspection was arranged of her residence.

In July 2009, Ms. Tansley advised the client that as a result of an inspection of her home that the insurer increased the replacement value and made two recommendations to be in compliance with the insurer's guidelines and local bylaws. One recommendation was to have a certified heating contractor remove the Styrofoam insulation around the chimney in the basement and have it replaced with a non-combustible insulation.

On or about August 4, 2009, the client advised Ms. Tansley that the recommendation to remove and replace the wood-stove chimney insulation had been complied with however, due to financial issues; she was not able to complete the railing recommendation and requested Ms. Tansley ask the insurer for an extension until spring of 2010.

On December 9, 2009, as a result of receiving an invoice from the insurer indicating an outstanding balance, the client called Ms. Tansley and left a voice message questioning the amount owing. This was subsequently followed up with an email to Ms. Tansley on December 10, 2009.

On December 23, 2009 the client received a notice from Canada Post to pick up a registered letter, however she said as she was going away for a few days for Christmas she decided to go to the post office when she returned.

Later that day, the client said she then thought perhaps the letter was regarding her insurance, she shall called the brokerage office and left a message for a manager explaining her concerns and asked for a return call at her son's residence where she was staying.

The client said she did not receive a return phone call and she called again on December 24, 2009, but this time was unable to leave a voice message at the brokerage office.

On December 29, 2009, the client said she phoned the brokerage office requesting to speak to management and at that time was informed that the insurer was not offering a renewal of her home owner policy as the volume of wood that was burned in the wood stoves during the course of a year exceeded the insurer's guidelines.

The client advised the investigator that she was able to obtain insurance coverage elsewhere effective January 12, 2010 and that the Regional Manager at the brokerage was able to obtain a one week extension from the previous insurer so there would not be a gap in coverage.

DISCIPLINE COMMITTEE'S DISPOSITION:

Ms. Paula Tansley was a registered insurance broker in the Province of Ontario during the period covered by the charges before us. Ms. Tansley was personally served with the Notice of Hearing of these proceedings as evidenced by the Affidavit of Service of the Process Server.

The Discipline Committee finds that it has jurisdiction to hear this matter as the events in question occurred during the time that Ms. Tansley was registered with RIBO.

The Discipline Committee heard evidence brought forward by Counsel for RIBO, including the oral testimony of the complainant, and of the RIBO Investigator, as well as numerous exhibits.

Based on the oral evidence and supporting documentation, as well as all submissions from RIBO Counsel, the Discipline Committee unanimously believes that the action of Ms. Tansley, in handling the non-renewal of the client's property, fell below the quality of service at least equal to that which members would generally expect of a member in a like situation, and they find her guilty of violating section 14(3) of Ont. Reg. 991, and ordered as follows:

- (a) That the Certificate of Registration of Paula Tansley be suspended for 6 months from the date of this Order.
- (b) That if Paula Tansley wishes to reinstate her license after October 7, 2011, she must complete and pass the IBAO Basic Broker Preparation Course.