



Citation: Logendralingam v. Registrar, *Real Estate and Business Brokers Act, 2002*, 2021 ONLAT REBBA 12997

Date: 2021-11-05
File Number: 12997/REBBA

Appeal from a Notice of Proposal to Revoke Registration dated November 5, 2020, made by the Registrar, *Real Estate and Business Brokers Act, 2002*, under Sections 13 and 14 of the *Real Estate and Business Brokers Act, 2002*, S.O. 2002, c. 30

Between:

Balasathyan Logendralingam

Appellant

-and-

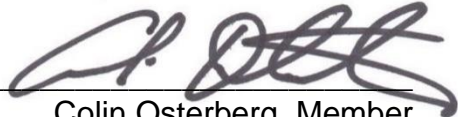
Registrar, *Real Estate and Business Brokers Act, 2002*

Respondent

CONSENT ORDER

- [1] The appellants and the Registrar, *Real Estate and Business Brokers Act, 2002* (the “**Registrar**”) apply under section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 for an order of the Tribunal to dispose of this matter without a hearing.
- [2] I have reviewed the Minutes of Settlement, which is signed by the appellants and Joseph Richer, Registrar, and which is attached to this Consent Order as “Schedule A”.
- [3] On consent of the parties, I order that the proceedings in this matter are concluded and disposed of without a hearing according to the terms set out in the attached Schedule A, which are incorporated into and made part of this Consent Order.

LICENCE APPEAL TRIBUNAL



Colin Osterberg, Member

Released: November 5, 2021

LAT File No.: 12997/REBBA

IN THE MATTER OF

the *Real Estate and Business Brokers Act, 2002*, S.O. 2002, c.30,
Schedule C and Regulations thereto, as amended (the "Act")

("Respondent")

- and -

IN THE MATTER OF

The Registration of Balasathyan Logendralingam
as a Salesperson under the Act

("Appellant")

MINUTES OF SETTLEMENT

WHEREAS the Respondent issued a Notice of Proposal dated November 5, 2020, to revoke the registration of the Appellant as a salesperson under the Act ("Proposal");

AND WHEREAS on November 19, 2020, the Appellant filed appealed the Proposal and requested a hearing before the Licence Appeal Tribunal ("Tribunal");

AND WHEREAS the parties have agreed to resolve the matter without a hearing;

NOW THEREFORE the Parties agree this matter be resolved in accordance with the agreed upon terms set out below, and by way of an Order issued by the Tribunal incorporating the following terms:

1. The Appellant acknowledges and agrees that he:
 - a. Made false statements in an application for registration under the Act on April 2, 2015. More specifically:
 - i. Made a false statement with respect to the underlying facts of a criminal conviction on June 12, 2017; and
 - ii. Made false statements by failing to disclose charges and convictions under the *Criminal Code of Canada*.
 - b. Made false statements in an application for the renewal of registration under the Act on July 10, 2017.
 - c. Entered conditions of registration on July 3, 2015, and then again on November 16, 2017, and then he breached these conditions.
2. The Appellant's registration with the Real Estate Council of Ontario (RECO) will be suspended by Order of the Tribunal for a period of twelve (12) months, with such suspension to begin on December 1, 2021.
3. During the period of suspension, the Appellant agrees:
 - a. to enroll in counselling with an independent, third party counsellor with the following stipulations:
 - i. the Appellant shall provide the Registrar with the name of his counsellor within 30 days of the Tribunal's order and agrees to commence the counselling within 90 days of the Tribunal's order.
 - ii. the Appellant shall receive counselling at a minimum interval of two sessions per month, with at least one week between sessions. the Appellant will also receive no fewer than 24 sessions.
 - iii. the Appellant shall have his counsellor provide the Registrar with a letter confirming his attendance and participation in the sessions during the Suspension.
 - b. to enroll in and provide the Registrar by no later than December 30, 2022, with proof of his successful completion of the following educational course: REIC2600 – Ethics in Business Practice.
 - c. To immediately notify the Office of the Registrar in writing, of any new charges or summons under any law, Canadian or otherwise, including but not limited to the *Criminal Code of Canada*, *Highway Traffic Act*, or any other Federal or Provincial statutes.

4. Following the period of suspension, the Appellant's registration under the Act will be subject to the following conditions for a period of five (5) years ("Conditions"):
 - a. The Appellant shall hold the registration of a 'Salesperson' under the Act.
 - b. The Appellant shall have his counsellor provide the Registrar with a letter confirming the need for any continued treatment. If the counsellor is of the opinion that there is a need for any continued treatment, the Appellant shall follow the counsellor's prescribed treatment plan and have the counsellor provide reports every six (6) months directly to the Registrar confirming his regular attendance and participation in the prescribed treatment plan.
 - c. The Appellant shall work under his Broker of Record's close supervision and agrees to have his Broker of Record provide the Registrar with a signed acknowledgment of having received, reviewed, and consented to these Conditions, including to the supervising of the Appellant.

The Appellant further acknowledges and agrees that prior to any transfer of his registration to any other brokerage, that he shall obtain any new Broker of Record's acknowledgment of having received, reviewed, and consented to these Conditions, and to the supervision of the Appellant.

- d. The Appellant acknowledges and agrees that if there is any change to the information he provides or provided in any application, past or present, that he shall immediately notify the Office of the Registrar in writing. The Appellant acknowledges that this includes any new charges or summons under any law, Canadian or otherwise, and includes but is not limited to the *Criminal Code of Canada*, *Highway Traffic Act*, or any other Federal or Provincial statutes.
- e. The Appellant shall provide the Registrar, at his sole cost, an original Criminal Record and Judicial Matters check (CRJMC), or if applicable, an RCMP fingerprint verification report, every twelve (12) months.
- f. The Appellant acknowledges and agrees that a breach of these Conditions would be a contravention of section 10(2)(f) of the Act.
- g. The Appellant acknowledges and agrees that in the event any new information about him comes to the attention of the Registrar, including but not limited to any charges or convictions under any law, or should the Registrar become aware that he breached any of these Conditions to his registration, that the Registrar may issue a proposal to revoke his registration and that the Registrar may rely on any and all past conduct.
- h. The Appellant acknowledges and agrees that this settlement does not preclude the Registrar from evaluating the Appellant's future application(s) for registration on its

merits under section(s) 10 and / or 13 of the Act, or under any similar provision(s) under any successor legislation.

- i. Nothing in this agreement, or the Order of the Tribunal arising out of this agreement, restricts in any manner the ability of the Registrar to commence or take any further action pursuant to the Act, or any successor legislation, based on any information that may come to the Registrar's attention after the execution of these Minutes of Settlement.
- j. The Appellant acknowledges and agrees that he has read and understood the terms of these Minutes of Settlement and confirms that he has obtained independent legal advice with respect to the content of these Minutes of Settlement.
- k. These Minutes of Settlement may be executed in counterparts and faxed or scanned copy shall be considered valid and binding.

Executed by:

 Authentisign
BALA LOGENDRALINGAM

10/28/21

Balasathyan Logendralingam

Date


Joseph Richer


Date