



Citation: Habibzi v. Registrar, *Trust in Real Estate Services Act* ONLAT 14773/TRESA

Date: 2024-01-31

File Number: 14773/TRESA

An appeal from a Notice of Proposal and Decision of the Registrar, *Trust in Real Estate Services Act, 2020 2002*, S.O. 2020 2002, c 1 to refuse registration.

**Between:**

Meerwise Habibzi

Appellant

and

Registrar, *Trust in Real Estate Services Act, 2020 2002*

Respondent

**AMENDED CONSENT ORDER**

**ADJUDICATOR:**

**Jeffery Campbell, Vice-Chair**

**Date:**

**January 26, 2024**

## BACKGROUND

- [1] Meerwise Habibzi (the “appellant”) appealed the Notice of Proposal to Refuse Registration dated March 10, 2023, (the “NOP”) issued by the Registrar, *Trust in Real Estate Services Act, 2020 2002* (the “respondent”) under the *Trust in Real Estate Services Act, 2020 2002*, S.O. 2020, c 1 (the “Act”) to refuse his application for registration as a real estate salesperson.
- [2] The parties advised the Tribunal that they had resolved the issues in dispute and both parties have consent to the registration of the appellant as a salesperson under the Act on the terms and conditions set out in Schedule A signed by both parties on January 24, 2024.
- [3] Further, both parties confirmed that pursuant to section 4.1 of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S 2* (the “SPPA”), both parties waive the requirements of a hearing and consent to an Order of the Tribunal to continue the appellants’ registrations on the terms and conditions set out on Schedule A. A copy of the agreement signed by both parties is attached as Schedule A to this Order.

### ON CONSENT OF BOTH PARTIES, I ORDER:

- [4] Pursuant to s. 4.1 of the SPPA and on the consent of the parties, I dispose of this proceeding without a hearing on the terms set out in the agreement signed by the parties on January 24, 2024, the copy attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



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Jeffery Campbell, Vice-Chair

Released: January 31, 2024

**Schedule "A"**

Tribunal File No. 14773/TRESA

**In a Matter Before the Licence Appeal Tribunal**

BETWEEN

**Meerwise Wais Habibzi**

Appellant

- and-

**Registrar, *Trust in Real Estate Services Act, 2002***

Respondent

**MINUTES OF SETTLEMENT**

**WHEREAS** the Respondent issued a Notice of Proposal, dated March 10, 2023, to refuse the registration of the Appellant as a salesperson under the *Real Estate and Business Brokers Act, 2002* ("REBBA") that was amended to become the *Trust in Real Estate Services Act, 2002* ("TRESA") effective December 1, 2023;

**AND WHEREAS** the Appellant filed a Notice of Appeal, dated April 12, 2023, to request a hearing before the Licence Appeal Tribunal ("Tribunal");


**AND WHEREAS** the parties have engaged in discussions aimed at attempting to resolve the matter without a hearing;

**NOW THEREFORE** the parties have agreed that this matter be resolved as set out below:

1. The Appellant withdraws his application for registration that was submitted to the Real Estate Council of Ontario ("RECO") on February 1, 2021, that resulted in the Respondent issuing the Notice of Proposal, and RECO shall refund the Appellant the fees associated with the application.
2. The Respondent withdraws the Notice of Proposal.
3. The Appellant may resubmit an application for registration after the civil matter between Lilia Togade and Don Togade, as plaintiffs, and the Appellant, as defendant, commenced in the City of Toronto, in the Province of Ontario before the Superior Court of Justice ("Court"), with court file number CV18006088290000, has been disposed of by the Court, and the time frame to file an appeal of that disposition has been extinguished, or resolved by the parties. Should the Appellant submit an application for registration at that point in time, he shall provide a copy of a final order of the Court, or appropriate resolution documentation, with that application.

4. The Appellant agrees that non-compliance with any of the terms of these Minutes of Settlement may result in a proposal to refuse future registration under TRESA or any successor legislation, and that this settlement does not preclude the Registrar from evaluating the Appellant's future application for registration on its merits under sections 10 and 13 of TRESA or any successor legislation.
5. The Appellant agrees that nothing in these Minutes of Settlement or the Order of the Tribunal arising out of these Minutes of Settlement restricts in any manner the ability of the Registrar to commence or take any further action pursuant to REBBA, TRESA or any successor legislation based on any information that may come to the Registrar's attention for the first time after an Order of the Tribunal.
6. The Appellant confirms that he has read and understood the terms of these Minutes of Settlement and confirms that he had the opportunity to obtain independent legal advice with respect to the contents of these Minutes of Settlement.

Reviewed, Acknowledged and Accepted by:

  
[Wais Habibzai \(Jan 24, 2024 14:06 EST\)](#)  
Meerwise Wais Habibzi

January 24, 2023

  
Joseph Richer, Registrar  
*Trust in Real Estate Service Act, 2002*

January 24, 2024

Date

# Minutes of Settlement 24-1-24

Final Audit Report


2024-01-24

Created:	2024-01-24
By:	Sienna Molu (sienna.molu@shibleyrighton.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAPw1cagfDtxPJbR_pFwTMUsvxpuBVBZS


## "Minutes of Settlement 24-1-24" History

 Document created by Sienna Molu (sienna.molu@shibleyrighton.com)

2024-01-24 - 6:57:37 PM GMT

 Document emailed to Wais Habibzai (waishabibzi@gmail.com) for signature

2024-01-24 - 6:57:56 PM GMT

 Email viewed by Wais Habibzai (waishabibzi@gmail.com)

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 Document e-signed by Wais Habibzai (waishabibzi@gmail.com)

Signature Date: 2024-01-24 - 7:06:10 PM GMT - Time Source: server

 Agreement completed.

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