



Citation: Hogben v. Registrar, *Real Estate and Business Brokers Act, 2002*, 2021 ONLAT REBBA 13260

**Date: 2021-06-04
File Number: 13260/REBBA**

Appeal from the Notice of Proposal by the Registrar, *Real Estate and Business Brokers Act, 2002* to Suspend Registration

Between:

Wendy Hogben

Appellant

and

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

Respondent

CONSENT ORDER

Order made by: Jacqueline Castel, Member

Date of Order: June 4, 2021

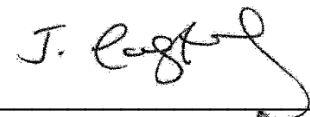
BACKGROUND

- [1] The Registrar, *Real Estate and Business Brokers Act, 2002* ("Registrar") proposed to suspend the registration of Wendy Hogben (the "Appellant") as a salesperson on the grounds that her past conduct afforded reasonable grounds for belief that she would not carry on business in accordance with the law, and with integrity and honesty. The Appellant appealed the Notice of Proposal issued by the Registrar on April 12, 2021.
- [2] The parties have advised the Tribunal that they were able to agree upon a settlement of all outstanding issues in this matter and prepared minutes of settlement. The parties have requested that the terms of settlement be incorporated into a consent order disposing of this proceeding.
- [3] Executed minutes of settlement were provided to the Tribunal on June 3, 2021.

ORDER AND DIRECTION

- [4] Accordingly, on the consent of the parties and upon having reviewed the agreement signed by the Appellant and the Registrar, the Tribunal, pursuant to subsection 14(5) of the *Real Estate and Business Brokers Act, 2002* directs and orders:
 - a. The Registrar shall carry out the Notice of Proposal to suspend the Appellant's registration for four weeks from the date of this Order.
 - b. The Appellant shall successfully complete the REGO Mandatory Continuing Education elective courses "Compliance and Ethics in Real Estate, Parts 1 and 2", within three months of this Order.
- [5] The signed agreement is appended as **Schedule "A"** to this Order.
- [6] The proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out above.

LICENCE APPEAL TRIBUNAL



Jacqueline Castel, Member

Released: June 4, 2021

Schedule "A"

Tribunal File No. 13260/REBBA

In a Matter Before the Licence Appeal Tribunal

BETWEEN

Wendy Hogben

Appellant

- and -

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

Respondent

MINUTES OF SETTLEMENT

WHEREAS the Respondent issued a Notice of Proposal to suspend the registration of the Appellant as a salesperson dated March 15, 2021;

AND WHEREAS the Appellant filed a Notice of Appeal dated April 12, 2021 to request a hearing before the Licence Appeal Tribunal ("Tribunal") to contest the Notice of Proposal;

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

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

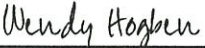
1. The Appellant's registration with the Real Estate Council of Ontario (RECO) shall be suspended for four weeks by Order of the Tribunal, with such suspension to begin on the date the Tribunal issues its Order;
2. The Appellant shall not engage in any trade (as defined in subsection 1(1) of the Act), or any action in furtherance of a trade during the suspension period for which remuneration would be paid at the conclusion of the suspension period.
3. Within three months of the issuance of the Tribunal's Order, the Appellant shall successfully complete the RECO Mandatory Continuing Education elective courses "Compliance and Ethics in Real Estate, Parts 1 and 2", offered online.
4. Subject to the agreement of the Tribunal, the Order of the Tribunal will be in the form attached hereto as Appendix A.
5. 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 *Real Estate and Business Brokers Act, 2002* based on any information, deficiency or event that may come to the Registrar's attention for the first time after the execution of

these Minutes of Settlement. The Registrar shall not commence or take any further action pursuant to the *Real Estate and Business Brokers Act, 2002* based solely on any information, deficiency or event that is within the Registrar's knowledge and/or attention up to and including the date of the execution of these Minutes of Settlement.

6. The Appellant acknowledges that she has read and understood the terms of these Minutes of Settlement and confirms that she has obtained or had the opportunity to obtain independent legal advice with respect to the content of these Minutes of Settlement.
7. These Minutes of Settlement may be executed in counterparts and a faxed or scanned copy shall be considered valid and binding.

EXECUTED BY:

DocuSigned by:



Wendy Hogben

Reg. No. 4718127

Jun-03-2021 | 9:50 AM EDT

Date


Joseph Richer

Registrar

Real Estate and Business Brokers Act, 2002


Date

Appendix A – Form of Order

BACKGROUND

1. The Registrar, *Real Estate and Business Brokers Act, 2002* (“Registrar”) proposed to suspend the registration of Wendy Hogben (the “Appellant”) as a salesperson on the grounds that her past conduct afforded reasonable grounds for belief that she would not carry on business in accordance with the law, and with integrity and honesty. The Appellant appealed the Notice of Proposal issued by the Registrar on April 12, 2021.
2. The parties have advised the Tribunal that they were able to agree upon a settlement of all outstanding issues in this matter and prepared minutes of settlement. The parties have requested that the terms of settlement be incorporated into a consent order disposing of this proceeding.
3. Executed minutes of settlement were provided to the Tribunal on June ____, 2021.

ORDER AND DIRECTION

4. Accordingly, on the consent of the parties and upon having reviewed the agreement signed by the Appellant and the Registrar, the Tribunal, pursuant to subsection 14(5) of the *Real Estate and Business Brokers Act, 2002* directs and orders:
 - a. The Registrar shall carry out the Notice of Proposal to suspend the Appellant’s registration for four weeks from the date of this Order.
 - b. The Appellant shall successfully complete the RECO Mandatory Continuing Education elective courses “Compliance and Ethics in Real Estate, Parts 1 and 2, within three months of this Order.
5. The proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out above.