



Citation: Jarvis v. Registrar, *Real Estate and Business Brokers Act, 2002*, 2022 ONLAT REBBA 13871

Date: 2023-05-12
File Number: 13871 REBBA

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

Between:

John Jarvis

Appellant

and

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

Respondent

CONSENT ORDER

Adjudicator: Avril A. Farlam, Vice-Chair

Appearances:

For the Appellant: Nicole Koteff, Counsel

For the Respondent: Shane Smith, Counsel

**Heard by
Videoconference:** February 27, 2023

BACKGROUND

- [1] John Jarvis (the “appellant”) appealed the Notice of Proposal to Refuse to Revoke Registration dated February 12, 2022 issued by the Registrar, *Real Estate and Business Brokers Act, 2002*, under the *Real Estate and Business Brokers Act, 2002*, S.O. 2002, c. 30, Sch. C (the “Act”) to revoke the appellant’s registration as a broker under the Act.
- [2] The parties attended this hearing on February 27, 2023 and advised that they had resolved the issues in dispute.
- [3] The parties submitted to the Tribunal signed Minutes of Settlement and indicated that orally at the hearing that, in accordance with section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 (the “SPPA”), they waive the requirements of a hearing and consent to an Order of the Tribunal disposing of this appeal in accordance with the Minutes of Settlement signed by the appellant on February 23, 2023 and signed by the Registrar on February 24, 2023, attached as Schedule A.

ON CONSENT OF THE PARTIES, I ORDER THAT:

- [4] Pursuant to s. 4.1 of the SPPA and s. 14(5) of the Act, and on the consent of both parties, I dispose of this proceeding without a hearing on the terms set out in the Minutes of Settlement signed by the appellant on February 23, 2023 and signed by the Registrar on February 24, 2023, attached to this Order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



Avril A. Farlam, Vice-Chair

Released: May 12, 2023

Schedule A

1. John Jarvis (the “**Appellant**”) instituted an appeal of a Notice of Proposal that was issued by the Registrar, *Real Estate and Business Brokers Act, 2002* (the “**Registrar**”) on February 12, 2022.
2. The Registrar proposed to refuse the Appellant’s application on the following grounds:
 - a. given his financial situation, he could not reasonably be expected to be financially responsible in the conduct of business;
 - b. because he had made or provided a false statement in an application for registration or for renewal of registration; and
 - c. his past conduct provided reason to believe that he would not carry on business in accordance with the law, and with integrity and honesty.
3. The parties have advised the Tribunal that were able to agree upon a settlement in this matter and have requested that the terms of the settlement be incorporated into a consent order disposing of this proceeding.
4. Executed minutes of settlement were provided to the Tribunal on **[INSERT DATE]**.

ORDER AND DIRECTION

5. 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 not to carry out the Notice of Proposal to revoke the Appellant’s registration, but rather that the Registrar will proceed to apply the following conditions to the registration of the Appellant going forward:
 - i. The Appellant will successfully complete the RECO Mandatory Continuing Education courses entitled Compliance and Ethics in Real Estate, Part 1 and Part 2 and provide proof of same to RECO within

thirty (30) days of the issuance of the Consent Order;

- ii. The Appellant will successfully complete the REIC course entitled "Ethics in Business Practice" and provide proof of same to RECO within one hundred eighty (180) days of the issuance of the Consent Order;
- iii. The Appellant will notify RECO, forthwith and in writing, regarding the outcome of the criminal charges currently outstanding against him and cooperate with RECO in providing any further information or documentation requested by RECO in respect of the disposition of the criminal charges;
- iv. In the event a trial is scheduled in respect of the outstanding criminal charges, the Appellant will notify RECO, forthwith and in writing, as to the scheduled dates for the trial, including any changes to the scheduled dates;
- v. The Appellant will notify RECO, forthwith and in writing, of any charges under the *Criminal Code*, *Narcotics Control Act*, and other Federal and Provincial statutes, including the *Highway Traffic Act*;
- vi. The Appellant will notify RECO, forthwith and in writing, of any and all complaints made about him relating to his role as a registrant, and without limiting the generality of the foregoing, including consumer complaints lodged with his brokerage and/or complaints lodged with any real estate board by either consumers or registrants. This condition will be reassessed at the time of the Appellant's first renewal of his registration following two years from the date of the Consent Order.
- vii. The Appellant will notify RECO, in writing, within 5 days of transferring his registration to another brokerage;
- viii. For a period of five (5) years from the commencement of these conditions, the Appellant will:
 1. not be designated, or apply to be designated, as a broker of record of any brokerage registered under the Act;
 2. not be an officer, director, manager, interested person,

- associated person, sole proprietor, partner or shareholder of any real estate brokerage registered under the Act; and
3. not have signing authority/be a signatory on any statutory trust account established pursuant to subsection 27 of the Act.
 - ix. The Appellant will make his current Broker of Record aware of these conditions on his registration and provide RECO with a signed written acknowledgement of same from the Broker of Record; and
 - x. In the event the Appellant transfers his registration while any of these conditions are still in effect, then the Appellant will make the Broker of Record at the new brokerage aware of these conditions and provide RECO with a signed written acknowledgment of same from the new Broker of Record.
6. The proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out above.

AGRED TO AND EXECUTED BY:

John Jarvis
Reg. No. 2265031

Date

John Jarvis dotloop verified
02/23/23 11:35 AM EST
ZG03-ZLS3-JFEL-WT4N

02/23/2023


Joseph Richer
Registrar
Real Estate and Business Brokers Act, 2002

February 24, 2023

Date