



Citation: Rose v. Registrar, Real Estate and Business Brokers Act, 2002, ONLAT 13928 REBBA

**Date: 2022-12-05
File Number: 13928/REBBA**

Appeal from a Notice of Proposal under the *Real Estate and Business Brokers Act 2002*, S.O. 2002, c. 30, Sch. C. to Refuse Registration

Between:

Kristopher Mark Rose

Appellant

and

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

Respondent

CONSENT ORDER

ADJUDICATOR: Jeffery Campbell, Vice Chair

APPEARANCES:

For the Applicant: Eric Brousseau, Counsel

For the Respondent: Ian Daley, Counsel
Angela Volpe, Management Registration

Heard by Videoconference: December 5, 2022

CONSENT ORDER

BACKGROUND

- [1] The Registrar, *Real Estate and Business Brokers Act, 2002* (“Registrar”) proposed to suspend the registration of Kristopher Rose (the “Appellant:”) as salesperson on the grounds that his past conduct afforded reasonable grounds for belief that he 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 March 17, 2022.
- [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 December 5, 2022.

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 Section 4.1 of the *Statutory Powers Procedure Act* and 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 three months, starting on December 14, 2022.
- [5] The proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out in the attached Schedule A, Minutes of Settlement.

LICENCE APPEAL TRIBUNAL



Jeffery Campbell, Vice-Chair

Released: December 5, 2022

SCHEDULE "A"

Tribunal File No. 13928/REBBA

In a Matter Before the Licence Appeal Tribunal

BETWEEN

Kristopher Rose

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 February 27, 2022;

AND WHEREAS the Appellant filed a Notice of Appeal dated March 17, 2022, 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 three months, as sought in the Notice of Proposal, by Order of the Tribunal, with such suspension to begin on December 14, 2022.
2. Subject to the agreement of the Tribunal, the Order of the Tribunal will be in the form attached hereto as Appendix A.
3. 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 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.
4. The Appellant acknowledges that he has read and understood the terms of these Minutes of Settlement and confirms that he has obtained or had the opportunity to obtain independent legal advice with respect to the content of these Minutes of Settlement.

5. These Minutes of Settlement may be executed in counterparts and a faxed or scanned copy shall be considered valid and binding.

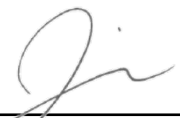
EXECUTED BY:


Kris Rose (Dec 2, 2022 14:14 EST)

Kristopher Rose
Reg. No. 5001596

Dec 2, 2022

Date



Joseph Richer
Registrar
Real Estate and Business Brokers Act, 2002

December 2, 2022

Date

