



Citation: Phillipoff v. Registrar, *Real Estate and Business Brokers Act* ONLAT
14744/REBBA

Date: 2023-07-04
File Number: 14744/REBBA

An appeal from a Notice of Proposal by the Registrar, *Real Estate and Business Brokers Act*, 2002, S.O. c. 30 Sch. C to refuse a registration

Between:

Matthew Phillipoff

Appellant

and

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

Respondent

CONSENT ORDER

ADJUDICATOR: Jeffery Campbell, Vice-Chair

Date: July 4, 2023

BACKGROUND

- [1] The appellant, Matthew Fillipoff, is seeking registration as a real estate salesperson under the *Real Estate and Business Brokers Act, 2002*, (the “Act”).
- [2] On March 20, 2023, the Registrar appointed under the *Act*, issued a Notice of Proposal to refuse the registration of Matthew Fillipoff on the basis that his past conduct affords reasonable grounds for the belief that he will not carry on business in accordance with law and with integrity and honesty.
- [3] The Notice of Proposal to Refuse the registration has been appealed to the Tribunal.
- [4] The parties advised the Tribunal that they had resolved the issues in dispute and both parties have consented to the registration of Matthew Fillipoff as a real estate salesperson under the *Act* on the terms and conditions set out in Schedule A signed by both parties June 28, 2023.
- [5] 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 accept 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:

- [6] 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 both parties on June 28, 2023, attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



Jeffery Campbell, Vice-Chair

Released: July 4, 2023

(Schedule "A")

MINUTES OF SETTLEMENT

WHEREAS the Respondent issued a Notice of Proposal, dated March 20, 2023, to refuse the registration of the Appellant as a salesperson under the *Real Estate and Business Brokers Act, 2002* ("Act");

AND WHEREAS the Appellant filed a Notice of Appeal, dated March 23, 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 Respondent shall withdraw the Notice of Proposal.
2. The Appellant shall withdraw his application for registration that was submitted to the Real Estate Council of Ontario ("RECO") on June 22, 2021 that resulted in the Respondent issuing the Notice of Proposal.
3. The Appellant may again apply for registration after June 12, 2024.
4. It is understood by the Appellant that non-compliance with any of the terms of these Minutes of Settlement may result in a proposal to refuse future registration under the Act or successor legislation and that this settlement does not preclude the Registrar from evaluating the Appellant's application for registration on its merits under sections 10 and 13 of the Act or similar provisions under a successor legislation.
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 Act or any successor legislation based on any information that may come to the Registrar's attention for the first time after the execution of these Minutes of Settlement.

6. The Respondent agrees that it will not propose to refuse the Appellant's registration after June 12, 2024 for the facts as set out in the Notice of Proposal dated March 20, 2023 unless there are new Criminal Code charges or other serious charges of another nature set out against him;
7. The Appellant acknowledges that he has read and understood the terms of these Minutes of Settlement and confirms that he has had the opportunity to obtain independent legal advice with respect to the content of these Minutes of Settlement.
8. These Minutes of Settlement may be executed in counterparts and a faxed or scanned copy shall be considered valid and binding.

Executed By:

Matthew F

Matthew Phillipoff

June 28/23

DATE

Joseph Richer

Joseph Richer

Registrar

June 28, 2023

DATE