



Citation: Ghaffar v. Registrar, Real Estate and Business Brokers Act, 2002, 2021 ONLAT REBBA 12989

Date: 2021-04-08

Tribunal File Number: 12989/REBBA

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

Between:

Fazle Ghaffar

Appellant

and

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

Respondent

CONSENT ORDER

Order Made by: Ian Maedel, Vice Chair

Date of Order: April 8, 2021

BACKGROUND

- [1] This is an appeal from a Notice of Proposal issued by the Registrar under the *Real Estate and Business Brokers Act, 2002* (“Act”), to refuse to grant registration to Fazle Ghaffar (“the Appellant”) as a salesperson pursuant to ss. 13 and 14 of the Act.
- [2] The parties have advised the Tribunal that they were able to agree upon a settlement of all outstanding issues in this matter and have requested that the terms of settlement be incorporated into a Consent Order disposing of this proceeding.
- [3] The parties apply under s. 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 for an order of the Tribunal to dispose of this matter without a hearing.

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 *Real Estate and Business Brokers Act, 2002* directs and orders that the Appellant shall be bound by the terms of the consent agreement signed and executed by all of the parties.
- [5] The signed agreement is appended as **Schedule “A”** to this Order.
- [6] The hearing scheduled for April 14, 15, 16, 2021 shall be vacated.
- [7] This Tribunal file shall be closed.

LICENCE APPEAL TRIBUNAL



Ian Maedel, Vice Chair

Released: April 8, 2021

SCHEDULE "A"

Conditions to the registration of Fazle Ghaffar as a salesperson under the *Real Estate and Business Brokers Act, 2002, S.O. 2002, Chapter 30, Schedule C.*

Pursuant to subsection 10(2) of the Act, I, Fazle Ghaffar, hereby consent and undertake to abide by the following conditions to my registration as a salesperson under the Act:

1. Prior to the me being registered to trade in real estate, I shall complete, and provide the Registrar with acceptable proof/attestation of successful completion of, the following courses:
 - i. REIC2600 – Ethics in Business Practice offered by the Real Estate Institute of Canada (proof of completion);
 - ii. RECO MCE: Compliance and Ethics in Real Estate, Part I (attestation);
and
 - iii. RECO MCE: Compliance and Ethics in Real Estate, Part 2 (attestation).
 - iv. I understand that the above courses are separate from any courses that I am otherwise required to complete while I am registered and cannot be used to fulfil any of those requirements.
 - v. Further, only upon receipt of the acceptable proof and attestations of completion of the above courses shall I be eligible to be registered to trade in real estate.

2. I shall for a period of 4 years from the date I first become registered:
 - i. not be designated, or apply to be designated, as a broker of record of any brokerage registered under the Act;
 - ii. not be an officer, director, manager, interested person, associated person, sole proprietor, partner or shareholder of any real estate brokerage registered under the Act;
 - iii. not have signing authority/be a signatory on any statutory trust account established under section 27 of the Act, or any other brokerage accounts;
 - iv. not be designated as an alternate signing authority to any brokerage in the absence of any broker of record; and

- v. work closely with, and be supervised by, the broker of record employed by the brokerage by which I am also employed.
- vi. I agree that in doing so the broker of record employed by the brokerage by which I am also employed will monitor my activities of trading in real estate under the Act.
- vii. I agree that where any such broker of record does not agree to closely work with or supervise me, or stops doing so for any reason, I will transfer my registration to another brokerage registered under the Act where the broker of record employed by said brokerage agrees to closely work with and supervise me.

3. I shall:

- i. provide a copy of these conditions to any broker of record, including new brokers of record, employed by the brokerage by which I am, or may become, employed;
- ii. prior to engaging in the trade of real estate, obtain a written acknowledgement from the broker of record employed by the brokerage by which I am, or become, employed that I have provided him/her with a copy of these conditions; and
- iii. prior to engaging in the trade of real estate, provide the Registrar with a copy of said broker of record's acknowledgement of having received a copy of these conditions.

4. I shall notify the Registrar immediately, in writing, of any complaints made against me, including any complaints made by clients, consumers, brokerage employees, registrants, or any real estate boards, and shall provide the Registrar with the details of such complaints, including any documentation that the Registrar may request and/or require.

5. I shall notify the Registrar immediately, and in writing, of any change to the information included in any application for registration, and/or the renewal of my registration, made under the Act, and shall set out the nature of the change, in detail.

6. I hereby acknowledge that if new or additional information comes to the attention of the Registrar related to my honesty, integrity, compliance with the law or financial responsibility, or if I make or provide a false statement on an

application for registration or renewal of registration, or if I breach any of these conditions, the Registrar may take further administrative action, including a proposal to revoke my registration, based on the totality of the evidence of my past conduct and/or financial position, including the particulars of the offences that form the basis of these conditions.

7. I agree that the Registrar may, at his discretion, publish a copy of these conditions and/or a copy of the resulting Consent Order from the Licence Appeal Tribunal on RECO's website.
8. I agree that I will not make any representations that are inconsistent with these conditions.
9. If any of these conditions are deemed invalid, unenforceable, illegal or a mutual mistake, such conditions shall be severed and the remaining conditions shall remain in full force and effect.

I hereby acknowledge that I have read and understood these conditions and that I have obtained or had the opportunity to obtain independent legal advice with respect to my consent to the conditions set out herein.

Dated in the City of _____, this _____ day of _____ 2021.

Printed Name of Witness

Fazle Ghaffar

Witness Signature

ACKNOWLEDGED AND UNDERSTOOD BY:

Aamir Jamil, Broker of Record
Prime One Realty Inc.