



Citation: Fasciani v. Registrar, *Real Estate and Business Brokers Act, 2002, 2022 ONLAT HTA REBBA 13849*

Date: 2022-09-23

File Number: 13849/REBBA

Appeal under the *Real Estate and Business Brokers Act, 2002*, S.O. 2002, Chapter 30, Schedule C and Regulations, as amended, to apply conditions

Between:

PAOLO JOSEPH FASCIANI

Appellant

and

THE REGISTRAR, REAL ESTATE AND BUSINESS BROKERS ACT, 2002

Respondent

CONSENT ORDER

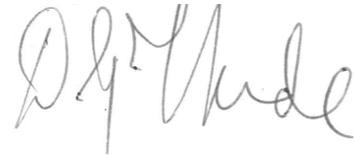
ADJUDICATOR: D. Gregory Flude, Vice Chair

DATE: September 23, 2022

CONSENT ORDER

- [1] The Appellant requested a hearing before the Licence Appeal Tribunal (the "Tribunal") to appeal the respondent's proposal to attach conditions to his registration as a real estate salesperson.
- [2] The parties have advised the Tribunal that they have resolved the issues in dispute and have requested the Tribunal issue an order on consent disposing of this proceeding without a hearing.
- [3] On consent of the parties, and pursuant to Section 4.1 of the Statutory Powers Procedure Act. and subsection 10(2) of the *Real Estate and Business Brokers Act, 2002* ("REBBA") the parties to the proceeding, Paolo Joseph Fasciani ("Mr. Fasciani") and the Registrar, *Real Estate and Business Brokers Act, 2002* (the "Registrar"), waive the requirement of a hearing and hereby consent to an Order of the Licence Appeal Tribunal (the "Order") based on the terms and conditions to the registration of Mr. Fasciani as a real estate salesperson under the REBBA attached hereto as Schedule "A."

LICENCE APPEAL TRIBUNAL



D. Gregory Flude, Vice-Chair

Released: September 23, 2022

SCHEDULE "A"

TO: Licence Appeal Tribunal
Tribunals Ontario
Safety, Licensing Appeals and Standards Division
PO Box 250
Toronto, ON M7A 1N3

FROM: The Registrar, *Real Estate and Business Brokers Act, 2002*
Real Estate Council of Ontario
3300 Bloor Street West
West Tower, Suite 1200
Toronto, ON M8X 2X2

AND FROM: Paolo Joseph Fasciani
8 Cirillo Court
Toronto, ON M6L 1R5

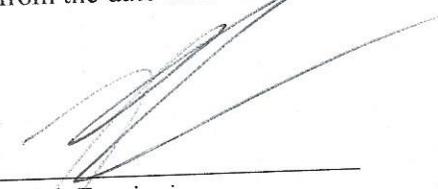
Pursuant to subsection 10(2) of the *Real Estate and Business Brokers Act, 2002* (the "*REBBA*"), Paolo Joseph Fasciani (the "**Registrant**") and the Registrar, *Real Estate and Business Brokers Act, 2002*, (the "**Registrar**"), in accordance with section 4.1 of the *Statutory Powers Procedure Act*, do hereby waive the requirements of a hearing and consent to an Order of the Licence Appeal Tribunal ("**Consent Order**") based upon the following terms and conditions:

1. The Registrar agrees that the Registrant will be registered as a real estate salesperson, subject to the requirements outlined in the *REBBA* and the terms and conditions contained herein.
2. The Registrant agrees not to be a partner, shareholder, officer, director, or controlling mind of a brokerage.
3. The Registrant shall comply with all requirements of the *REBBA* and its associated regulations as may be amended from time to time. The Registrant further agrees to read all correspondence, publications and bulletins from the Real Estate Council of Ontario ("**RECO**"), including all RECO policies and guidelines.
4. The Registrant shall provide full and complete disclosure in all future correspondence with the Registrar and on all future applications, regardless of whether or not disclosure has been made previously to the Registrar.
5. The Registrant shall have his next application to RECO reviewed by his legal counsel, who shall provide to the Registrar his or her written confirmation that a full review of the application was completed prior to submitting said application to RECO.
6. The Registrant shall notify the Registrar, in writing, within five (5) days of transferring his registration to another brokerage.

7. The Registrant shall advise the Registrar and his sponsoring brokerage, in writing and within five (5) business days, or any findings of guilt, convictions, or pending charges under any law. The Registrant will provide the Registrar with a copy of the notification acknowledged by the signature of his sponsoring brokerage.
8. The Registrant shall advise the Registrar, in writing, as soon as reasonably practicable, of any statements of claim, judgments, bankruptcy, liens, or changes in financial status that might be reasonably anticipated to affect the Registrant's ability to comply with any requirement under the *REBBA* or its regulations.
9. If these terms and conditions are still in effect at the time of transferring his registration, the Registrant shall notify the new brokerage of these terms and conditions, prior to the transfer of his registration. The Registrant shall ensure that a copy of these terms and conditions are duly signed by his new broker of record.
10. Without limiting the generality of the foregoing and the Registrar's authority pursuant to the *REBBA* and its regulations, the Registrant acknowledges that the Registrar may take further administrative action, including issuing a Proposal to Refuse to Renew, Suspend, Revoke or Apply Conditions to Registration, should the Registrant fail to comply with these conditions.

ACKNOWLEDGMENT AND UNDERTAKING:

11. The Registrar is relying on the accuracy and completeness of all documents, statements or information provided by the Registrant.
12. The Registrant acknowledges that the Registrar may take further administrative action, including a proposal to suspend or revoke registration, arising from any matters that have occurred or may occur related to honesty and integrity, financial responsibility or compliance with these terms and conditions.
13. Independent legal advice has been obtained or the Registrant has had the opportunity to obtain independent legal advice respecting consent to the Conditions contained in this document.
14. The Conditions contained in this document shall be in force for a period of one (1) year from the date of the Consent Order.

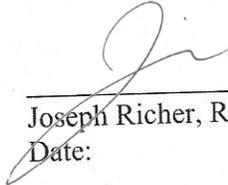


Paolo Joseph Fasciani

Date:

Sept 14 / 2022

These Conditions are accepted by the Registrar, *Real Estate and Business Brokers Act, 2002*


September 16, 2022

Joseph Richer, Registrar
Date: