



**Citation: M. Jawaid v. Registrar, *Trust in Real Estate Services Act, 2002* ONLAT TRESA 16041**

**Licence Appeal Tribunal File Number: 16041/TRESA**

In the matter of an appeal from Notice of Proposal to revoke registration by the Registrar under the *Trust in Real Estate Services Act, 2002*, S.O. 2002, c. 30, Sched. C

Between:

**Jawaid Muhammad**

**Appellant**

and

**Registrar, *Trust in Real Estate Services Act, 2002***

**Respondent**

**ADJOURNMENT ORDER**

**ADJUDICATOR:** Robert Maich

**APPEARANCES:**

For the Appellant      Jawaid Muhammad, Appellant  
Granville Cadogan, Counsel

For the Respondent      Angela Volpe, Deputy Registrar  
Sania Cherian, Counsel  
Jasmine Yerbury, Student-at-Law

**Heard by videoconference: January 28, 2025**

## OVERVIEW

- [1] On June 12, 2024, the Registrar (the “respondent”), under the *Trust in Real Estate Services Act, 2002* (the “Act”) issued a notice of proposal to revoke registration to Jawaid Muhammad (the “appellant”) pursuant to s. 13 and s. 14 of the Act.
- [2] On July 2, 2024, the appellant filed an appeal with the Licence Appeal Tribunal (the “Tribunal”) with respect to this proposal.
- [3] This matter was set to a one day hearing on January 28, 2025.

## PRELIMINARY MOTION

- [4] At the outset of the hearing the appellant’s counsel submitted the appellant is not competent to testify today, and brought an oral motion for adjournment at the outset of the hearing seeking an adjournment duration of 30 days.
- [5] The respondent consented to the adjournment with the understanding that the appellant’s registration under the Act had lapsed, and he may not engage in the trade of real estate unless registered under the Act.
- [6] The appellant acknowledges his registration under the Act had lapsed, and he must apply for registration and receive approval of registration under the Act before he may engage in the trade of real estate.
- [7] There is a question whether the notice of proposal to revoke the applicant’s registration under the Act and the appeal herein is moot given the lapse of the appellant’s registration under the Act. Both parties submit the question is not moot, and the question should be decided before the hearing adjudicator.

## RESULT

- [8] The appellant’s request for an adjournment is granted, on consent.

## ANALYSIS AND REASONS

- [9] The *Licence Appeal Tribunal Rules, 2023* (the “Rules”) Rule 16.2 of the rules provides a request for an adjournment may be made orally at an adjudicative event if the party could not have known of the circumstance giving rise to the adjournment request prior to the event.

- [10] Counsel for the appellant advised he became aware the appellant was not competent to give testimony after an interview with the appellant the evening prior to this adjudicative event.
- [11] I find the appellant meets the requirements of Rule 16.2 and could not have known at an earlier date of the circumstances giving rise to the adjournment request.
- [12] When considering an adjournment, the Tribunal may consider the factors outlined in Rule 16.3. A previous adjournment was granted to accommodate counsel's calendar, it was not lengthy, and this hearing date was not set peremptory on either party. The appellant submitted that there is no prejudice to the respondent and the only possible prejudice of the adjournment is to the appellant as the delay affects his income. The respondent submitted that there is no prejudice to the public as the appellant's registration has lapsed and he may not engage in the trade of real estate unless he applies for registration under the *Act*, and the application is approved by the registrar. I find there is no prejudice to either party as a result of an adjournment.
- [13] I find the principles of natural justice and fairness are served by the adjournment, permitting the appellant to testify on his own behalf. Further, I find broader institutional and public interest are served by permitting salient evidence to be put before the Tribunal for its consideration. I find the short duration of the adjournment requested will not unduly delay the proceedings.
- [14] I conclude the factors to be considered outlined in Rule 16.2 and 16.3, support granting the adjournment.

## **ORDER**

- [15] The hearing is adjourned for 30 days on the consent of the parties. Accordingly, the scheduled hearing dates are vacated.
- [16] The matter will proceed to a 1-day videoconference hearing on a date to be determined by the Licence Appeal Tribunal ("LAT") Registrar.
- [17] The tribunal will send a revised Notice of Videoconference Hearing to the parties confirming the new hearing date.
- [18] Except for the provisions contained in this order, all previous orders made by the Tribunal remain in full force and effect.
- [19] If the parties resolve the issue(s) in dispute, the applicant shall immediately advise the Tribunal in writing.

[20] I am not seized of this matter.

**LICENCE APPEAL TRIBUNAL**



---

**Robert Maich  
Vice-Chair**

**Released: February 7, 2025**