



Public Notice Policy – Regulatory Activity

Revised: July 24, 2007

PURPOSE:

Under the Real Estate and Business Brokers Act, 2002 (REBBA 2002) and associated regulations, the Registrar is required to make certain information about registrants and non-registrants available to the public. The Discipline and Appeals Committees are required to publish Committee Decisions.

SCOPE:

Ontario Regulation 567/05, sections 11, 27 and 42.

POLICY:

While this policy specifically addresses the provision of public information through the “regulatory activity” section and the registrant search function of the RECO website, the information is available in hard copy format upon request for the time periods specified. The Registrar may publish any or all of this information in such other formats as may be appropriate; including newsletters, annual reports, and educational materials.

1.0 GENERAL REGISTRANT INFORMATION

1.1 Salespersons and Brokers

The registrant search function on the RECO website will display the following information for salespersons and brokers:

- ♦ the registration status (i.e. broker or salesperson);
- ♦ the expiry date of the individuals registration;
- ♦ the brokerage that employs the individual (with link to brokerage information);
- ♦ contact information for the brokerage (address, phone number and email and fax where known to RECO).

1.2 Brokers of Record

The registrant search function will display the following information for brokers of record:

- ♦ the registration status;
- ♦ the expiry date of the registration;
- ♦ the brokerage that employs the individual and for whom the individual is acting as broker of record (with link to brokerage information);

- ♦ contact information for the brokerage (address, phone number and email and fax where known to RECO).

1.3 Brokerages

The registrant search function will display the following information for brokerages:

- ♦ the registration status;
- ♦ addresses and contact information for head office and branch offices (address, phone number and email and fax where known to RECO);
- ♦ identification of the broker of record;
- ♦ list of employees along with registration status (with links to employee information);
- ♦ the expiry date of the brokerage's registration.

2.0 REGISTRAR'S NOTICE OF PROPOSAL

2.1 Proposals Issued

On the date that the Registrar issues a notice of proposal, the registrant search function on the RECO website will indicate that the Registrar has issued a notice of proposal to either:

- a) revoke the registration;
- b) refuse to renew the registration;
- c) suspend the registration; or
- d) apply terms and conditions to the registration.

Where the Registrar has ordered an immediate suspension of registration in connection with a notice of proposal, the registrant search function on the RECO website will indicate a status of "suspended" in addition to the notice of proposal information.

Information related to notices of proposals issued, but not yet disposed of, will be updated as appropriate.

2.2 Proposals Disposed Of

The "regulatory activity" section of the RECO website will include information regarding all Registrar's proposals that have been disposed of where some action was taken against the registrant. This section of the website will provide information on the proposal, its outcome and other related information. The name of the registrant will be included. This information will be available on the RECO website for at least 60 months.

2.3 Suspensions

RECO's registrant search function will indicate that a registrant's registration is suspended during the period of the suspension (i.e. if the suspension is current). If a registrant is or was suspended as the result of a registrar's proposal, the

registrant search function will indicate that the registration was/is subject to a proposal to suspend the registration. A link or reference to information regarding the proposal outcome will also be provided. This information is available on the registrant search results for at least 60 months.

2.4 Terms and Conditions

The registrant search function will indicate if a registrant's registration is subject to mandatory terms and conditions during the period for which the terms and conditions apply. A link or reference to information regarding the proposal outcome will also be provided. This information would appear on the registrant search results for at least 60 months.

3.0 FALSE ADVERTISING ORDERS

Copies of false advertising orders required to be published will be contained in the "regulatory activity" section of the RECO website. This information will be updated following resolution of the order. This information will remain on the RECO website for at least 60 months.

4.0 CHARGES AND CONVICTIONS

4.1 Charges under REBBA 2002 (and other Acts)

RECO's registrant search function will provide an indication of any charges that have been laid against the registrant as a result of information laid by a RECO employee. The information will include: the Act or Acts that create the offence(s); a description of the charge or charges, and the date on which the information was laid.

With respect to brokerage officers or directors that have been charged as a result of information laid by a RECO employee, the registrant search function for the brokerage will provide an indication that officers and directors have been charged. The information will include the name(s) of the officers and directors charged; the Act or Acts that create the offence(s); a description of the charge(s), and the date on which the information was laid.

With respect to persons who are not registrants or officers or directors of brokerages, who have been charged as a result of information laid by a RECO employee (including registrants who surrendered their registration following charges being laid), the information will be provided in the "regulatory activity" section of the RECO website. This information will provide a summary of charges against non-registrants including: the name(s) of the person(s) charged; the Act(s) that create the offence(s); a description of the charge(s), and the date on which the information was laid.

The above information will remain on RECO's website until such time as the charges have been resolved.

4.2 Convictions under REBBA 2002 (and other Acts)

The “regulatory activity” section of the RECO website will include information on any convictions made as a result of information laid by a RECO employee. The information will include: the name of the person(s) convicted; the Act or Acts which created the offence(s); a description of the offence(s) and a description of the disposition of the charge(s) including any sentence that was imposed by the court and any orders to pay compensation or make restitution. This information will remain the RECO website for a period of at least 60 months from the date of the Court decision.

The registrant search function will provide an indication of a successful conviction related to a registrant (assuming the conviction has not led to a loss of registration). The information on the registrant search function will provide a summary of the conviction.

4.3 Appeals of Convictions

The website will provide an indication of an appeal of a court decision. In the event that the conviction is overturned upon appeal, the information will be removed from the website. In the event that the conviction is upheld or partially upheld, the information contained on the website will be updated to reflect the appeal decision.

5.0 REGISTRAR’S ACTIONS UNDER SECTION 19 (4) OF REBBA 2002

The “regulatory activity” section of the RECO website will provide information on Registrar’s actions taken under paragraph 1 of section 19(4) of REBBA 2002.

The information will include a brief description of the issue along with the steps taken under paragraph 1 of subsection 19(4) of the Act. The information will not include the names of registrants or other persons. This information will remain on the RECO website for a period of at least 60 months.

6.0 DISCIPLINE AND APPEALS COMMITTEE DECISIONS

The “regulatory activity” section of the RECO website will contain all Discipline Committee and related Appeals Committee decisions. This information will not include any persons name(s) without their consent with the exception of registrants who have been found to be in violation of the Code of Ethics.

Discipline Committee decisions are not posted until the period to appeal the decision has expired. In the event of an appeal, the website will not include any information related to the decision until such time as the appeal has been heard or abandoned.

This information will remain on RECO’s website for a period of at least 60 months.

The registrant search function will also indicate that the registrant has been found to be in violation of the Code of Ethics and will include a link or reference to information regarding the relevant Discipline Committee decision (and Appeals Committee decision if applicable).

7.0 REGULATORY ACTIVITY UNDER THE AUTHORITY OF RECO BYLAWS

In the case of regulatory activity conducted under the authority of RECO membership bylaws, RECO will publish Discipline and Appeals Committee decisions in a manner consistent with section 6.0 above.

8.0 OTHER INFORMATION

In addition to the information identified above, the Registrar may also choose to make certain information available to the public where it is his or her opinion that providing such information could assist in protecting the public. This could include information regarding registrants, former registrants, officers and directors of registrants or any person who is trading in real estate. Such types of public information could include public advisories, media advisories, alerts or statements in virtually any type of public medium.