

In a Matter Before the Licence Appeal Tribunal

BETWEEN

Jela Elizabeth Smoljan (aka Helen Elizabeth Smoljan)

Appellant

- and -

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

Respondent

MINUTES OF SETTLEMENT

WHEREAS the Respondent issued a Notice of Proposal to refuse the registration of the Appellant dated June 27, 2019;

AND WHEREAS the parties have engaged in discussions aimed at attempting to resolve the dispute without a hearing;

NOW THEREFORE the parties have agreed that this matter be resolved as set out below:

1. The June 27, 2019 proposal to refuse registration with the Real Estate Council of Ontario (RECO) shall be upheld by Order of the Tribunal.
2. The Appellant may apply for reinstatement of her registration with RECO after May 28, 2022, subject to the conditions below:
 - a. The Appellant agrees to provide the Registrar with evidence supporting the successful completion of all courses required for: Course 1 of the pre-registration phase in the Humber College, Real Estate Salesperson program.
 - b. The Applicant agrees to provide the Registrar with evidence supporting the successful completion of all remaining courses required for completion of the post-registration Humber College, Real Estate Salesperson program, during the immediate two year period of registration following approval of the application for reinstatement.
3. Subject to the agreement of the Tribunal, the Order of the Tribunal will be in the form attached hereto as Appendix A.
4. It is understood by the Appellant that non-compliance with any of the conditions may result in a proposal to refuse future registration under the Act, 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 *Real Estate and Business Brokers Act, 2002* or its 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 *Real Estate and Business Brokers Act, 2002* based on any information, deficiency or event that may come to the Registrar's attention for the first time after the execution of these Minutes of Settlement.
6. The Appellant acknowledges that she has read and understood the terms of these Minutes of Settlement and confirms that she has obtained or had the opportunity to obtain independent legal advice with respect to the content of these Minutes of Settlement.
7. These Minutes of Settlement may be executed in counterparts and a faxed or scanned copy shall be considered valid and binding.



EXECUTED BY:

per 

Helen Smoljan
Applicant By her Counsel Neil P. Gill

May 28, 2021

May 28, 2021



Joseph Richer
Registrar
Real Estate and Business Brokers Act, 2002

Appendix A – Form of Order

BACKGROUND

1. The Registrar proposed to refuse the Appellant's registration as a salesperson on June 27, 2019, on the grounds that:
 - a. her past conduct provided reason to believe that she would not carry on business in accordance with the law, and with integrity and honesty; and
 - b. she made false statements in an application for registration; and
 - c. she could not reasonably be expected to be financially responsible in the conduct of business.
2. The parties have advised the Tribunal that they were able to agree upon a settlement of all outstanding issues in this matter, have prepared minutes of settlement and have requested that the terms of settlement be incorporated into a consent order disposing of this proceeding.
3. Executed minutes of settlement were provided to the Tribunal on May 28, 2021.

ORDER AND DIRECTION

4. Accordingly, on the consent of the parties and upon having reviewed the minutes of settlement signed by the Appellant and the Registrar, the Tribunal, pursuant to subsection 14(5) of the *Real Estate and Business Brokers Act, 2002* directs and orders the Registrar carry out the Notice of Proposal to refuse the Appellant's registration but the Appellant shall be entitled to apply for reinstatement of registration after May 28, 2022 subject to the following conditions:
 - a. Upon application for registration, the Appellant agrees to provide the Registrar with evidence supporting the successful completion of all courses required for: Course 1 of the pre-registration phase in the Humber College, Real Estate Salesperson program.
 - b. The Applicant agrees to provide the Registrar with evidence supporting the successful completion of all remaining courses required for completion of for the Humber College, Real Estate Salesperson program, during the immediate two year period of reinstatement.
5. Non-compliance with any of the conditions above may result in a future proposal to refuse registration under the Act, and 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 *Real Estate and Business Brokers Act, 2002* or its successor legislation.
6. The proceedings in this matter are concluded and disposed of without a hearing on the basis

of the terms set out above.