

Licence Tribunal  
Appeal d'appel en  
Tribunal matière de permis



DATE: 2016-07-20  
FILE: 10173/REBBA  
CASE NAME: 10173 v. Registrar, *Real Estate and Business Brokers Act, 2002*

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

Adam Ezak and Hamid Hakimi

Appellants

-and-

Registrar, Real Estate and Business Brokers Act, 2002

Respondent

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**ORDER**

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**ADJUDICATOR:** Alex McCauley, Member

**APPEARANCES:**

**For the Appellants:** Sharoon Gill, Counsel  
Arthur Burns, Counsel

**For the Respondent:** Jonathan Miller, Counsel  
Jay Blair, Counsel

Heard in Hamilton: July 4,5,6,7, and 13 , 2016

## ORDER

Adam Ezak and Hamid Hakimi (the “Appellants”) appealed a Proposal issued by the Registrar, *Real Estate and Business Brokers Act, 2002* (the “Registrar”), on February 26, 2016. The Registrar proposed to refuse the Appellants’ registration on the grounds that their past conduct provides reason to believe they will not carry on business in accordance with the law, and with integrity and honesty.


The hearing commenced on July 4, 2016 and continued on July 5, 6, 7, and 13, 2016. On July 13, 2016, after a recess in the hearing, the parties advised the Tribunal that they had reached a settlement of all of the issues. The parties requested that the Tribunal approve the agreement and issue an Order incorporating its terms.

Therefore, after hearing Counsel’s submissions, and upon consent of the parties, this Tribunal, pursuant to subsection 14(5) of the *Real Estate and Business Brokers Act, 2002*, directs the Registrar to grant registration to the Appellants and attach conditions to the registration of the Appellants as follows:

- 1) For a period of three years from the date of this Order, the Broker of Record of the Appellants’ employing brokerage (or the statutory designate pursuant to subsection 30(2) of O. Reg. 567/05) shall review all documentation completed or collected by the Appellants in the course of each real estate transaction, prior to closing, and must sign and date a document confirming that the subject documentation has been reviewed;
- 2) For a period of three years from the date of this Order, on a quarterly basis, the Appellants must each supply to the Registrar (via the RECO Registration Department) a list of each person or corporation to whom the Appellants have provided client or customer service in furtherance of a trade in real estate in the previous quarter, including the contact information of each person or corporation, and the Appellants’ Broker of Record (or the statutory designate pursuant to section 30(2) of O. Reg. 567/05) must sign and date a document confirming that the subject list has been reviewed.
- 3) For a period of five years from the date of this Order, the Appellants shall not apply to be an officer, director, partner, legal or equitable shareholder of 10% or more shareholdings, broker of record, or sole proprietor of a real estate brokerage.
- 4) Within a period of 60 days from the date of this Order, the Appellants shall, jointly and severally, provide restitution to Ahmad and Maha Hasan in the amount of \$5,000.00 and provide written confirmation of payment to the Registrar via the RECO Registration Department.

- 5) For a period of 30 days from the date of this Order, the registration of the Appellants shall be suspended.

LICENCE APPEAL TRIBUNAL



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Alex McCauley, Member

*RELEASED: July 20, 2016*

**SCHEDULE "A"**  
**LICENCE APPEAL TRIBUNAL**

BETWEEN:

ADAM EZAK & HAMID HAKIMI

Appellants

and

THE REGISTRAR, *REAL ESTATE AND BUSINESS BROKERS ACT, 2002*

Respondents

**CONSENT ORDER**

**WHEREAS** in the matter of the Real Estate and Business Brokers Act, 2002 (hereafter, the "REBBA 2002") and Licence Appeal Tribunal file number 10173/REBBA, the Registrar, REBBA 2002 and the Appellants agree on consent and jointly submit that the Licence Appeal Tribunal, pursuant to subsection 14(5) of the REBBA 2002, direct the Registrar to grant registration to the Appellants and attach conditions to the registration of the Appellants;

**AND WHEREAS** on the consent and joint submission of the parties to this matter, the Registrar, REBBA 2002 and the Appellants, the following conditions are attached to this Order:

- 6) For a period of three years from the date of this Order, the Broker of Record of the Appellants' employing brokerage (or the statutory designate pursuant to subsection 30(2) of O. Reg. 567/05) shall review all documentation completed or collected by the Appellants in the course of each real estate transaction, prior to closing, and must sign and date a document confirming that the subject documentation has been reviewed;
- 7) For a period of three years from the date of this Order, on a quarterly basis, the Appellants must each supply to the Registrar (via the RECO Registration Department) a list of each person or corporation to whom the Appellants have provided client or customer service in furtherance of a trade in real estate in the previous quarter, including the contact information of each person or corporation, and the Appellants' Broker of Record (or the statutory designate pursuant to section

30(2) of O. Reg. 567/05) must sign and date a document confirming that the subject list has been reviewed.

- 8) For a period of five years from the date of this Order; the Appellants shall not apply to be an officer, director, partner, legal or equitable shareholder of 10% or more shareholdings, broker of record, or sole proprietor of a real estate brokerage.
  - 9) Within a period of 60 days from the date of this Order, the Appellants shall, jointly and severally, provide restitution to Ahmad and Maha Hasan in the amount of \$5,000.00 and provide written confirmation of payment to the Registrar via the RECO Registration Department.
  - 10) For a period of 30 days from the date of this Order, the registration of the Appellants shall be suspended.
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