



**Citation: Khalili Inc. v. Registrar, Real Estate Business Brokers Act, 2002, 2022
ONLAT REBBA 13801**

**Date: February 16, 2022
File: 13801/REBBA**

Appeal from a Proposal of the Registrar under the *Real Estate Business Brokers Act, 2002*, S.O. 2002, c. 30, Sched. C and Regulations thereto, as amended to Suspend a Registration

Between:

Masoud Khalili

Appellant

-and-

Registrar, *Real Estate Business Brokers Act, 2002*

Respondent

CONSENT ORDER

ADJUDICATOR: Jennifer Friedland, Member

APPEARANCES:

For the Appellant: Self-Represented

For the Respondent: Jonathan Miller, Counsel

Heard by teleconference: February 14, 2022

CONSENT ORDER

- [1] The appellant is a registered salesperson under the *Real Estate Business Broker's Act, 2002 2002* (the Act). He appeals against a Notice of Proposal issued December 22, 2021 by the respondent, the Registrar under the Act, to suspend his registration pursuant to s. 13 and 14 of the Act ("the NOP").
- [2] The basis for the proposal is the appellant's failure to have complied with an order of the Discipline Committee of the Real Estate Council of Ontario ("RECO") dated July 4, 2019 which required payment of a fine by June 30, 2020 and completion of an educational course ("the Order").
- [3] For various reasons, having to do with the impact of Covid-19 and other family and health issues, as well as having been informed by RECO that deadlines for compliance with disciplinary orders were not being enforced during the pandemic, the appellant did not comply with the timelines imposed by the Order.
- [4] Various efforts were then made by the Registrar to encourage the appellant's compliance with the Order. These efforts culminated in the parties agreeing to conditions of registration in October 2021 that required payment of the outstanding fine according to a particular schedule and enrolment in the educational course by a particular time.
- [5] At a case conference on February 14, 2022, the Registrar noted that pursuant to their agreement on conditions, the appellant was supposed to have enrolled in the required course by November 2021 but had not done so until February 2022. For his part, the appellant asserted that he had difficulty obtaining a spot in the course at that time. However, he confirmed that he had since enrolled, has now completed the course and has written the exam. He awaits only the results of the exam to know whether he has passed the course.
- [6] The Registrar was also able to confirm that the proposed payment plan has so far been adhered to. The appellant owes payment of a fine of \$14,000 pursuant to the Order. He has now paid \$7,000 toward that fine and has an agreement with RECO to pay \$1000 every three months until the full amount is paid off. The next payment is due March 31, 2022.
- [7] Given the above progress and likelihood that the appellant will in fact complete what he was ordered to complete, the Registrar agrees that it is no longer necessary to pursue its proposal to suspend the appellant's registration. At the same time, the Registrar wants to be clear that the agreement to withdraw the NOP is without prejudice to the Registrar's right to re-issue it if the appellant does

not follow through with his end of the bargain as set out below in this consent order.

- [8] Based on the above discussions and agreements, the following is ordered on consent of the parties:

CONSENT ORDER

- [9] The appellant will continue to pay the fine of \$1000 every three months (next payment due March 31,2022) until the full \$14,000 is paid in satisfaction of the Discipline Order dated July 4, 2019.
- [10] The appellant will provide the Registrar with proof of successful completion of the RECO Ethics and Business Practice course forthwith upon receiving such confirmation (expected within approximately 30-days).
- [11] If the appellant is required to re-take the exam, he must provide proof of successful completion of the course by no later than June 30, 2022.
- [12] As a result of the terms of this consent order:
- a. The Registrar has withdrawn its Notice of Proposal without prejudice to its right to re-issue it if the terms of this Order are not complied with;
 - b. The appellant has withdrawn his Notice of Appeal; and
 - c. The Tribunal will now close its file.

LICENCE APPEAL TRIBUNAL



Jennifer Friedland, Member

Released: February 16, 2022