

**LICENCE APPEAL
TRIBUNAL**

**TRIBUNAL D'APPEL EN MATIÈRE
DE PERMIS**



**Safety, Licensing Appeals and
Standards Tribunals Ontario**

**Tribunaux de la sécurité, des appels en
matière de permis et des normes Ontario**

Citation: Nilesh (Neil) Modi v. Registrar, *Real Estate and Business Brokers Act, 2002*,
2018 ONLAT-REBBA 11315

Date: 2018-08-08
File Number: 11315/MVDA

An Appeal from a proposal by the Registrar, *Real Estate and Business Brokers Act, 2002*, to Refuse Registration

Between:

Nilesh (Neil) Modi

Appellant

-and-

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

Respondent

CONSENT ORDER

Order made by:

Joanne E. Foot, Member

Date of Order:

August 8, 2018

BACKGROUND

1. The appellant appealed a Proposal issued by the Registrar, *Real Estate and Business Brokers Act, 2002* (the "Registrar") on April 11, 2018. The Registrar proposed to revoke the Appellant's registration as a broker on the grounds that his past conduct provided reason to believe that he would not carry on business in accordance with the law, and with integrity and honesty.
2. The case conference in this matter was held on June 29, 2018. The parties were able to agree upon a settlement of all outstanding issues at the case conference. Counsel for the respondent indicated that minutes of settlement would be prepared and 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 July 18, 2018.

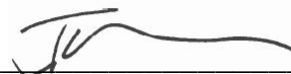
ORDER AND DIRECTION

Accordingly, on the consent of the parties, and in accordance with the minutes of settlement, I:

4. I direct that, pursuant to subsection 14(5) of the *Real Estate and Business Brokers Act, 2002*, the Registrar not carry out the Notice of Proposal to revoke the Appellant's registration but that it suspend the registration of the appellant for a term of twenty-eight (28) weeks from the date of the issuance of this Order.
5. I order that the following conditions attach to the registration of the appellant for a period of five years from the date of this Order:
 - a. the appellant will not be able or eligible to apply to be designated as a broker of record for a brokerage; and
 - b. in dealing with any customers or clients, the appellant will only provide referrals to and/or the contact information of mortgage brokerages, mortgage brokers or mortgage agents that are on a documented list provided and approved by the broker of record for the brokerage with which the appellant is then employed, with copies of such list(s) to be retained by the appellant.
6. I further order that the appellant successfully complete the Real Estate Institute of Canada's Ethics in Business Practice course by December 31, 2018.

7. The proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out above.

LICENCE APPEAL TRIBUNAL



Joanne E. Foot, Member

Released: August 8, 2018