

**Licence
Appeal
Tribunal** **Tribunal
d'appel en
matière de permis**



DATE: 2016-08-30
FILE: 10379/REBBA
CASE NAME: 10379 v. Registrar, *Real Estate and Business Brokers Act, 2002*

Appeal from a Notice of Proposal to Revoke Registration and from an Order of Immediate Suspension issued by the Registrar, *Real Estate and Business Brokers Act, 2002*

Winniefred Winnie Lee and Prospective Realty Inc.

Appellants

-and-

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

Respondent

ORDER

ADJUDICATOR: Patricia McQuaid, Vice-Chair

APPEARANCES:

For the Appellants: Winniefred Winnie Lee on her own behalf and
 as Agent for Prospective Realty Inc.

For the Respondent: Dipak Parmar, Paralegal

Heard in Toronto: August 23, 2016

ORDER

Winniefred Winnie Lee and Prospective Realty Inc. (the "Appellants") appealed a Proposal and Immediate Suspension Order issued by the Registrar, *Real Estate and Business Brokers Act, 2002* (the "Registrar"), on July 26, 2016. The Registrar proposed to revoke 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 and that they cannot reasonably be expected to be financially responsible in accordance with the Act.

The hearing was scheduled to commence on August 23, 2016. In attendance were Dipak Parmar, Paralegal for the Registrar, and Winniefred Winnie Lee, on her own behalf and as Agent for Prospective Realty Inc. Accompanying Ms Lee was her spouse, Bradman Lee. Mr. Lee is a manager at Prospective Realty Inc.

At the outset of the hearing on August 23, 2016, the parties advised that they had reached an agreement regarding conditions to attach to the registrations. The parties requested that the Tribunal approve the agreement and issue an Order incorporating its terms. On the basis of the consent agreement, Mr. Parmar advised that the Registrar would be lifting the Interim suspension Order and withdrawing the Notice of Proposal.

The Tribunal has reviewed the written settlement signed by the Appellants and the Registrar as to the disposition of these proceedings. Therefore, after hearing the parties' submissions, and upon consent of the parties, this Tribunal, pursuant to subsection 14(5) of the *Real Estate and Business Brokers Act, 2002*, directs that the Registrar not carry out the Notice of Proposal to revoke the Appellants' registration and that conditions attach to the registration of the Appellants as set out in Schedule "A" which is incorporated into and made part of this Order.

Therefore, on the basis of the foregoing, this Tribunal orders that the proceedings in this matter are concluded and disposed of without a hearing.

LICENCE APPEAL TRIBUNAL



Patricia McQuaid, Vice-Chair

RELEASED: August 30, 2016

SCHEDULE A

CONDITIONS TO THE REGISTRATION OF WINNIEFRED WINNIE LEE AS BROKER AND CONDITIONS TO THE REGISTRATION OF PROSPECTIVE REALTY INC., UNDER THE REAL ESTATE BUSINESS BROKERS ACT, 2002.

WHEREAS in the matter of the Real Estate and Business Brokers Act, 2002 (hereafter, the “REBBA 2002”) and Licence Appeal Tribunal file number 10379/REBBA, the Registrar, REBBA 2002 and Winniefred Winnie Lee and Prospective Realty Inc. 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 Winniefred Winnie Lee and Prospective Realty Inc. and attach conditions to the registrations of Winniefred Winnie Lee and Prospective Realty Inc.

AND WHEREAS on the consent and joint submission of the parties to this matter, the Registrar, REBBA 2002 and Winniefred Winnie Lee and Prospective Realty Inc., the following conditions are attached to this Order:

- 1) I shall pursuant to section 28 of O. Reg 567/05, request in writing for consent from the Registrar, to a change in the officers or directors of Prospective Realty Inc., under subsection 4(4) of the Act, within five days of that change.
- 2) I shall pursuant to section 34 of O. Reg 567/05, inform the Registrar in writing, to any change in the information that was included in Winniefred Winnie Lee and Prospective Realty Inc.'s applications under section 3 of O. Reg 567/05, within five days of that change.
- 3) I shall pursuant to section 20(1) of the Act, grant the Registrar to conduct an inspection and may, as part of that inspection, enter and inspect at any reasonable time the business premises of Prospective Realty Inc. for the purpose of:
 - a) Ensuring compliance with the Act and its regulations;
 - b) Dealing with a complaint under section 19 of the Act; or
 - c) Ensuring the registrant remains entitled to registration.
- 4) For a period of three years from the date of this Order, on a quarterly basis commencing on September 1, 2016, Prospective Realty Inc., shall provide the Registrar (via the RECO Registration Department), within the previous three months, with real estate trust account reconciliation statements (signed and dated by the Broker of Record).
- 5) I hereby acknowledge that I have read and understood these Conditions and that I have had the opportunity to obtain independent legal advice with respect to my consent to the Conditions set out herein.