



Citation: Karalasingam v. Registrar, *Trust in Real Estate Services Act, 2002*, 2025 ONLAT 17670/TRESA

Licence Appeal Tribunal File Number: 17670/TRESA

In the matter of an appeal from a Notice of Proposal to Revoke Registration by the Registrar under the *Trust in Real Estate Services Act, 2002*, S.O. 2002, c. 30, Sched. C (the "*Act*"), and an Immediate Temporary Suspension Order issued under section 13 of the *Act*.

Between:

Sayanthan Karalasingam

Appellant

and

Registrar, *Trust in Real Estate Services Act, 2002*

Respondent

ORDER

ADJUDICATOR: Michael Beauchesne

APPEARANCES:

For the Appellant: Herman Gill, Counsel

For the Respondent: Shane Smith, Counsel

HEARD: by videoconference September 22, 2022

OVERVIEW

- [1] On August 12, 2025, the Registrar under the *Act* (the “respondent”) issued a Notice of Proposal to Revoke Registration (“NOP”) under section 13 of the *Act* and an Immediate Temporary Suspension Order (“ITSO”) under section 15 of the *Act*. Both the NOP and the ITSO were issued to Sayanthan Karalasingam (the “appellant”) with respect to his registration as a real estate salesperson
- [2] On September 11, 2025, the appellant filed his appeal of the NOP with the Licence Appeal Tribunal (“Tribunal”) pursuant to section 14 of the *Act*.
- [3] A Notice of Videoconference Hearing (“Notice”) was issued on September 15, 2025, and established the hearing date as September 22, 2025. The hearing commenced at 9:30 a.m. as scheduled.

PRELIMINARY ISSUE

I ordered that the ITSO be extended to the hearing’s conclusion.

- [4] The parties consented to extend the ITSO until the conclusion of the hearing.
- [5] Under section 15(3) of the *Act*, an ITSO expires 15 days after the Tribunal receives a written request for a hearing under section 14 of the *Act* unless the Tribunal extends the time of expiration until the hearing is concluded. Section 15(3) stipulates that the Tribunal may extend the expiration time of an ITSO if a hearing on the associated NOP has commenced within the 15-day period. Only then would the Tribunal have the authority to order an extension of the ITSO until the hearing is concluded.
- [6] In this case, the appellant filed a written request for a hearing via a Notice of Appeal (“NOA”) on September 11, 2025. Therefore, the ITSO would expire on September 26, 2025, unless the respondent met its burden to establish that it is in the public interest that the ITSO be extended pending the outcome of the hearing of the appeal of the NOP. Given both parties consented to extending the ITSO and agreed it was in the public interest to do so, I saw no reason to disagree with this position.
- [7] I therefore ordered that the ITSO be extended to the conclusion of the hearing. I clarified that receipt by both parties of the Tribunal’s written reasons for its decision constitutes the conclusion of the hearing, and not the videoconference proceedings themselves.

ADJOURNMENT

I ordered that the hearing be adjourned to a later date.

- [8] At the start of the hearing, the appellant sought to adjourn the proceeding for two weeks. He explained that he had started receiving disclosures from the respondent on September 19, 2025 (i.e., one business day prior to the hearing) and had not had time to review this material, which appeared to encompass hundreds of pages. The appellant further indicated he was actively engaged in settlement discussions with the respondent, and that this matter was likely to resolve without need of a hearing.
- [9] The respondent agreed that settlement was likely and consented to the appellant's adjournment request. The respondent added it had, in fact, made its disclosures to the appellant within five days of receiving his NOA on September 11, 2025, but that it understood the proceeding was only to address the ITSO and not the merits of the NOP. As such, the respondent reasoned that more disclosures would need to be made—as well as witness arrangements—before proceeding to argue the NOP on the merits before the Tribunal.
- [10] *Rule 16.2 of the 2023 Licence Appeal Tribunal Rules (the "Rules")* addresses oral adjournment requests. This *Rule* provides that while a request for an adjournment may be made orally before the Tribunal at the adjudicative event, such requests will only be allowed in compelling circumstances where the party did not and could not have known of the circumstances giving rise to the adjournment request prior to the event.
- [11] I found that compelling circumstances existed in this case. While I accepted the respondent made timely disclosures to the appellant, neither the appellant, nor the Tribunal for the matter, were aware until the start of the hearing that the disclosures made by the respondent were incomplete because it intended to address only the ITSO. Further, the respondent had not contemplated its witness list and indicated it was presently unable to account for the number of witnesses it wanted to call.
- [12] The Notice issued to the parties by the Tribunal on September 15, 2025, specifies that the Tribunal will hold a videoconference hearing to consider an appeal of a Proposal dated August 12, 2025. The Notice also says that the hearing will follow the procedures set out in the *Rules*, and that the parties shall disclose their evidence before the hearing as required by *Rule 9*. *Rule 9.5.2* in particular, sets out that no later than 10 days before the hearing, each party shall exchange every document and thing the party intends to rely on at the hearing;

provide a list of witnesses with a brief description of the anticipated testimony of each witness; and file with the Tribunal and serve on the other parties, a PDF copy of the evidence and authority brief containing only the evidence and authorities the party will rely on at the hearing.

- [13] While I acknowledged that the ITSO places accelerated time constraints on the parties to comply with *Rule* 9, it remains that the parties are expected to comply. This means that the parties should plan accordingly and be fully prepared to proceed with the hearing on the merits as scheduled. The parties were advised as such.
- [14] In any event, upon considering the factors set out in *Rule* 16.3, I agreed it would be impractical to proceed under the circumstances and ordered an adjournment. There are no previous adjournments on file for this matter and the request is on consent of the parties. The parties were not given the opportunity to canvass their availability and the length of the requested adjournment will not unduly delay the proceedings. Further, an adjournment does not conflict with the public interest in this case because the ITSO is extended.
- [15] Given the parties' state-of-readiness to proceed, I order that they participate in a case conference at a later date to consider the factors set out at *Rule* 14.2, including identifying the issues in dispute, addressing requests for production orders, setting a timeline for steps the parties must take leading up to the hearing—such as witness lists—and any other procedural matters that remain outstanding.
- [16] I canvassed the availability of the parties for the case conference and determined the following dates and times were agreeable:
1. October 22, 2025, to start at either 11 a.m., 1 p.m., or 3 p.m.; and
 2. October 24, 2025, to start at either 11 a.m., 1 p.m., or 3 p.m.
- [17] The Tribunal shall schedule a two-hour case conference for one of these dates and times and provide written notice to the parties.

OTHER PROCEDURAL MATTERS

- [18] If the parties resolve the issues in dispute prior to the hearing, the appellant shall immediately notify the Tribunal in writing. If the appellant does not wish to continue with the appeal, he must file a Notice of Withdrawal and serve a copy of that Notice on the Registrar and file a copy with the Tribunal.

- [19] The *Rules*, available on the Tribunal's website, apply to this appeal, except where varied by Order of the Tribunal.
- [20] Nothing in this Order affects any requirement under the *Act*.
- [21] I am not seized of this matter.

Released: September 23, 2025

A handwritten signature in black ink, appearing to read 'Michael Beauchesne', is enclosed within a thin black rectangular border.

Michael Beauchesne
Adjudicator