

IN THE MATTER OF

The Registrar, *Trust in Real Estate Services Act, 2002*, S.O. 2002, Chapter 30,
Schedule C, as amended (the “**Act**”)

- and -

The Registration of **AKILAN SIVAPALAN** as a Broker under the Act

NOTICE OF PROPOSAL TO REVOKE REGISTRATION

WHEREAS Akilan Sivapalan (“**Sivapalan**”) is registered as a broker under the Act;

AND WHEREAS Section 13 of the Act provides that the Registrar may revoke a registration if, in the Registrar’s opinion, a registrant is not entitled to registration under Section 10 of the Act;

AND WHEREAS Section 14 of the Act provides that where the Registrar proposes to revoke the registration of a registrant, the Registrar shall serve notice of the proposal on the registrant;

AND WHEREAS in the Registrar’s opinion, Sivapalan is not entitled to registration under Section 10 of the Act, the Registrar proposes to revoke the registration of Sivapalan as a broker for the reasons that follow.

A. REASONS

1. Sivapalan is not entitled to registration on the following grounds:
 - a) pursuant to Section 10(1)(a)(ii) of the Act because, in the Registrar's opinion, Sivapalan's past conduct affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; and
 - b) pursuant to Section 10(1)(g) of the Act because, in the Registrar's opinion, Sivapalan's continuing registration would be contrary to the public interest.

B. PARTICULARS

IT IS ALLEGED AS FOLLOWS:

2. Sivapalan is registered as a broker with the Re/Max Community Realty Inc. He was first registered with the Real Estate Council of Ontario ("**RECO**") in 2006.
3. In 2020, Sivapalan was the listing representative for two properties - a residential property and a neighbouring gas station located in Town A, Ontario (the "**Properties**").
4. Sivapalan also acted for the purchasers of the Properties.
5. The Properties were purchased in separate transactions by two individuals who are cousins (the "**Buyers**"). The stated intent was for the Buyers to be business partners in the operation of the gas station.
6. The closing dates for the two transactions were aligned so that both purchases closed on December 31, 2020.
7. In December, prior to closing, one of the Buyers (Buyer 1) contacted Sivapalan to request assistance in obtaining insurance for the Properties.
8. On or about December 18, Sivapalan provided Buyer 1 with a certificate of insurance for the gas station via WhatsApp.
9. On or about December 23, Sivapalan provided Buyer 1 with a certificate of insurance for the residential property, also via WhatsApp.

10. The insurance certificates provided by Sivapalan were, in fact, forgeries.
11. The fact that the insurance certificates had been forged became known to the Buyers after a fire, which damaged both properties, occurred shortly after the transactions closed.

C. RIGHT TO A HEARING

Take notice that Section 14 of the Act provides that a registrant is entitled to a hearing by the Licence Appeal Tribunal (the “**Tribunal**”) in respect of a proposal by the Registrar to revoke registration if **WITHIN 15 DAYS** after service of this Notice of Proposal (deemed to be on the third day after mailing by registered mail), the registrant mails or delivers notice in writing to the following parties that a hearing is required:

TO: The Registrar
Licence Appeal Tribunal
15 Grosvenor St., Ground Floor
Toronto, ON M7A 2G6

AND TO: The Registrar
Real Estate Council of Ontario
1400-3300 Bloor St. W, West Tower
Toronto, ON M8X 2X2

Section 14(4) of the Act provides that where the registrant does not require a hearing by the Tribunal, the Registrar may carry out the proposal and that any person who, while not registered, trades in real estate is, subject to exceptions enumerated in the Act, in contravention of the Act and is liable to prosecution.

Section 14(5) of the Act provides that where a registrant requires a hearing by the Tribunal, the Tribunal shall appoint a time for and hold the hearing and may by order direct the Registrar to carry out the Registrar’s proposal, or may substitute its opinion for that of the Registrar and the Tribunal may attach conditions to its order or to a registration.

If a registrant requires a hearing regarding this proposal and further wishes to be represented by a lawyer or agent at the hearing, it is strongly advised that the registrant make these arrangements as soon as possible. The Registrar reserves the right to oppose any request by the registrant for an adjournment of the hearing in order for the registrant to make such arrangements.

D. NOTICE OF MOTION FOR COSTS

If a hearing is requested as described in Section C and, at any time during the course of proceedings arising from this request, the Registrar believes the registrant has acted unreasonably, frivolously, vexatiously or in bad faith, the Registrar will make a request for an award of costs from the Tribunal, such costs to be paid by the registrant.

E. APPLICATION OF THE STATUTORY POWERS PROCEDURE ACT

The *Statutory Powers Procedure Act*, R.S.O. 1990, Chapter S.22 as amended (“**SPPA**”) applies to the Tribunal. Section 8 of the SPPA provides as follows:

8. Where the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

If a hearing is held as required by the Registrant, the Registrar states that the good character, propriety of conduct or competence of the registrant shall be an issue in the hearing and the Registrar has provided herein reasonable information of allegations with respect thereto.

F. FURTHER PARTICULARS/SUPPLEMENTAL NOTICE

The registrant may be sent further or other particulars in respect of any matter herein or in respect of any other matter including further grounds for revocation of registration.

Lisa Key, Registrar (interim)
Trust in Real Estate Services Act, 2002

Date: September 22, 2025