

IN THE MATTER OF
The Registrar, *Real Estate and Business Brokers Act, 2002*, S.O. 2002, c.30,
Schedule C and Regulations thereto, as amended (“Act”)

- and -

The registration of **Amarjot Lamba, also known as AJ Lamba**, as a salesperson under the Act

NOTICE OF PROPOSAL TO REFUSE REGISTRATION

WHEREAS Amarjot Lamba (“**Lamba**”), who is also known by the name AJ Lamba, was formerly registered under the Act to trade in real estate as a broker;

AND WHEREAS the registration of Lamba was revoked on March 3, 2022 by order of the Licence Appeal Tribunal (“Tribunal”) directing the Registrar to carry out his proposal to revoke the registration;

AND WHEREAS Lamba has reapplied for registration as a salesperson under the Act;

AND WHEREAS section 17(b) of the Act provides that a person whose registration is revoked may reapply for registration only if new or other evidence is available or it is clear that material circumstances have changed;

AND WHEREAS Lamba is not entitled to reapply for registration under section 17(b) of the Act because there is no new or other evidence, and it is not clear that material circumstances have changed;

AND WHEREAS, in the alternative, if Lamba is entitled to reapply for registration, section 13 of the Act provides that the Registrar may refuse registration if in the Registrar’s opinion an applicant 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 refuse the registration, the Registrar shall serve notice of the proposal on the applicant;

AND WHEREAS in the Registrar’s opinion Lamba is not entitled to registration under section 10 of the Act and the Registrar proposes to **REFUSE** the said registration for the reasons that follow.

A. REASONS

1. Lamba is not entitled to apply for registration pursuant to section 17(b) of the Act because Lamba’s registration was previously revoked and:
 - a) Lamba has not provided or made available any new or other evidence; and
 - b) It is not clear that material circumstances have changed.
2. In the alternative, if Lamba is entitled to reapply for registration as a salesperson, Lamba is not entitled to registration under section 10 of the Act on the following grounds.
3. Lamba is not entitled to registration pursuant to section 10(1)(a)(i) of the Act because in the Registrar’s opinion, having regard to Lamba’s financial position and that of an interested person in respect of Lamba, Lamba cannot reasonably be expected to be financially responsible in the conduct of business.
4. Lamba is not entitled to registration pursuant to section 10(1)(a)(ii) of the Act because in the Registrar’s opinion Lamba’s past conduct affords reasonable grounds for belief that Lamba will not carry on business in accordance with law and with integrity and honesty.
5. Lamba is not entitled to registration pursuant to section 10(1)(a)(iii) of the Act because in the Registrar’s opinion Lamba has made a false statement in his application for registration.

B. PARTICULARS

IT IS ALLEGED AS FOLLOWS:

Registration Background

6. Lamba was first registered to trade in real estate in 2006.
7. Lamba was last registered under the Act as a broker.
8. Lamba was also the broker of record, a director and 25% shareholder of the real estate brokerage Whitehill Realty International Inc. (“Whitehill”).

9. On April 20, 2021, the Registrar issued a Notice of Proposal to revoke the registrations of Lamba as a broker and Whitehill as a brokerage.
10. Lamba and Whitehill appealed the Notice of Proposal to the Tribunal.
11. The Tribunal held a hearing over 12 days in January and February of 2022.

The Tribunal Decision Directing a Revocation of Registrations

12. The Tribunal released its Decision and Order on March 3, 2022.
13. The Tribunal directed the Registrar to carry out the proposal to revoke the registrations of Lamba and Whitehill.
14. Under section 10(1)(a)(ii), there were reasonable grounds for belief that Lamba would not carry on business in accordance with law and with integrity and honesty, and under section 10(1)(a)(iii) Lamba made a false statement in an application.
15. Under section 10(1)(d)(iii), the past conduct of Lamba afforded reasonable grounds for belief that Whitehill's business would not be carried on in accordance with the law and with integrity and honesty.
16. In rendering its decision, the Tribunal made the following findings.
 - i. \$5,000.00 in trust monies were improperly transferred without authorization from the brokerage's real estate trust account to its general account in March 2020, when the general account had insufficient funds.
 - a. Lamba either transferred the money or authorized the transfer. This was evidence that he would not act in accordance with law, integrity and honesty.
 - b. Lamba accused a brokerage bookkeeper of conducting the transfer when he knew that accusation to be false. This was evidence that Lamba would not act with integrity and honesty.
 - c. During the hearing, Lamba submitted an affidavit of his estranged spouse, in which she claimed that she made the transfer without Lamba's knowledge or authorization, claims which Lamba knew to be false. This was evidence that Lamba would not act in accordance with law, integrity and honesty.

- d. Lamba altered, or caused to have altered, the bank statements that he submitted to RECO in order to hide the improper use of trust monies. The attestation of authenticity that Lamba signed when he submitted the reconciliations and bank statements was, to his knowledge, false. When the improper withdrawal was discovered by RECO, Lamba represented to RECO that his brokerage's bookkeeper had altered the bank statements when he knew that was not true.
 - e. Overall, the Tribunal concluded that these findings were sufficiently serious on their own to warrant an order that the Registrar should carry out its proposal to revoke.
- ii. Lamba and Whitehill improperly withheld from their client ("Consumer A") the proceeds of the sale of Consumer A's property in the amount of \$48,585.00. Lamba did so in efforts to force Consumer A to agree to pay a higher commission than the listing agreement provided for. He also did so to secure his own ability to recover the commissions that he alleged were owing above those provided in the listing agreement. Lamba's actions in continuing to withhold the proceeds of his client's sale provided ample grounds for the belief that he would not carry on business in accordance with law, integrity and honesty.
 - iii. Lamba engaged in behaviour and communications with numerous clients, a prospective buyer, a real estate solicitor and RECO staff which was variously characterized by the Tribunal as abusive, dishonest, unethical, unprofessional and lacking in integrity. These communications and actions afforded reasonable grounds for belief that Lamba and Whitehill would not act in accordance with law, integrity and honesty.
 - a. Lamba threatened to disparage Consumer A to Consumer A's business contacts, and made this threat for the purpose of forcing Consumer A to pay more commission than was required under the listing agreement. This was unprofessional and lacking in integrity.
 - b. Lamba communicated in a manner lacking professionalism and integrity to Consumer A's real estate solicitor who was retained to close the sale. The solicitor requested from Lamba the commission statement and the payment of the remaining trust monies to Consumer A. Lamba labelled the solicitor's request as harassment and threatened to report the solicitor to the Law Society. This lacked integrity. Further, Lamba told the solicitor that Consumer A was a fraud and

suggested he may not pay his legal fees, which was dishonest and lacked integrity.

- c. In respect of his clients Consumer B, Lamba refused to cancel their listing as had been agreed, suspended the listing without Consumer B's consent, and used Consumer B's need for a cancellation in order to extract money and apologies from Consumer B. This was unethical, abusive, dishonest, and lacking in integrity. Lamba's communications with Consumer B were abusive, unprofessional, and lacking integrity, including threatening to contact Consumer B's employer.
- d. In respect of his client Consumer C, Lamba threatened to report Consumer C to child services and threatened to report to Consumer C's employer that he was an alcoholic in order to force Consumer C to pay money that was in dispute. Both threats were dishonest and without integrity. Lamba used abusive language in communications to Consumer C which was unprofessional and lacked integrity. Lamba went so far as to contact Consumer C's ex-wife regarding the safety of their son, which the Tribunal found impossible to justify. The Tribunal rejected that Lamba was sincerely concerned about Consumer C's son. Further, Lamba telling the client's ex-spouse that the client is an alcoholic and has financial problems was declared to be extremely unprofessional and lacking in integrity.
- e. In respect of his clients Consumer D, Lamba communicated with them in a manner that lacked integrity. Further, despite Lamba making it clear to Consumer D that he no longer intended to represent them, he then demanded to be paid \$9,285.00 toward expenses he allegedly incurred with no documentation in support of the demand. Lamba's cancellation of the listing agreement and demand to be paid expenses was dishonest and lacked integrity.
- f. In respect of Consumer E, a prospective buyer for commercial property, Lamba became irate when he found out that they intended to have their own real estate agent become involved in the negotiations for a property Lamba was listing. Lamba called them a liar and a bitch. He told them that if they dared make an offer, he would not send the offer to the vendor because they had cheated him. This was abusive, unprofessional, and lacking in integrity. Lamba's threat

- c. The second Discipline Committee decision was released November 21, 2013. Lamba failed to present an offer received from another agent to his client, the seller, and later presented a lower offer from a buyer that Lamba also represented, thus entitling Lamba to both a seller and buyer commission. Lamba was ordered to pay a penalty of \$10,000. For the Tribunal, these disciplinary matters were evidence that supported the belief that Lamba would not act in accordance with law, integrity and honesty.
- vi. Regarding the way Lamba behaved in respect of witnesses called at the hearing, there were two issues of concern for the Tribunal.
 - a. First, the day before Consumer B was scheduled to testify, Lamba sent a threatening text message to Consumer B. To threaten a witness the day before that witness is set to give adverse testimony is illegal, dishonest, and lacks integrity.
 - b. Second, in respect of the nine witnesses Lamba called to give character evidence, Lamba had lied to all of them regarding the nature of the hearing. To all but one he said that he was being considered for a seat on the Board of Directors at RECO and the witnesses were being asked to testify to Lamba's character including his professionalism, honesty, and integrity. This demonstrated a remarkable lack of honesty and integrity, as well as a remarkable lack of insight into his obligations under the Act. As this issue was not a part of the proposal, the Tribunal did not rely on it for the purposes of determining whether the Registrar has satisfied its onus, but it was considered relevant in assessing Lamba's lack of credibility.
- vii. Lamba made a false statement on his February 9, 2021 renewal of registration application, and he knowingly did so intending to mislead the Registrar. The renewal application asked if the applicant had any unpaid judgments or debts against him or against a corporation where he is a majority shareholder, director, or officer. Lamba responded that he did not. That response was not true. At that time, there was an outstanding Employment Standards Act Order under which Lamba was indebted in the amount of \$16,026.98. There was an outstanding judgment in the amount of \$20,135.46 for failure to pay rent. And there was an outstanding judgment in the amount of \$7,424.10 plus costs for a contractual debt with respect to unpaid advertising. Lamba was disentitled to registration as a result of his false statement.

viii. This was not an appropriate case for conditions of registration. The findings against Lamba were serious. His conduct reflected a pattern of disregard for the law, dishonesty, abusive and unprofessional behaviour, as well as failure to take responsibility for his actions.

The Tribunal Decision Denying a Stay Pending Appeal

17. Lamba and Whitehill appealed the Tribunal's Decision and Order to the Divisional Court.
18. In the interim, Lamba and Whitehill applied to the Tribunal for a stay of the Decision pending the appeal.
19. On May 16, 2022, the Tribunal rejected the request for a stay of the decision.
20. The Tribunal decided that the potential harm to the public if a stay were granted clearly outweighed the harm to the appellants if a stay were refused. There were strong findings of misconduct. Granting a stay and restoring Lamba's ability to conduct real estate business pending the appeal would create a harm – a risk to the public – that substantially outweighed the harm Lamba would experience if the stay were refused.
21. The Tribunal rejected Lamba's suggestion that he could work under the supervision of another broker at a different brokerage: the serious concerns involving Lamba's conduct could not be realistically and effectively addressed by him working under another broker.

The Divisional Court Dismisses the Appeal of the Tribunal Decision

22. On January 18, 2023, the Divisional Court dismissed Lamba and Whitehill's appeal of the Tribunal decision revoking their registrations.
23. In particular, the Divisional Court rejected the argument that the Tribunal's disposition ought to have fallen short of revocation of the registrations. In referencing the reasons of the Tribunal, the Divisional Court reiterated that Lamba saw nothing wrong with his actions and behaviour, including threatening a witness a day before that witness was to give evidence at the hearing, threatening clients and withholding monies from them to obtain higher commissions, and refusing to cancel a listing agreement despite a written agreement requiring him to do so, suspending the clients' listing without consent, and using the clients' need to cancel the listing to extract money. To impose conditions on Lamba's licence where he did not accept that he had done anything wrong would not have provided any protection to the public.

24. Costs were ordered in the amount of \$4,500.00 payable by the appellants within 30 days. The costs order remains unsatisfied.

The Court of Appeal Denies Leave to Appeal

25. Lamba and Whitehill sought leave to appeal the decision of the Divisional Court to the Ontario Court of Appeal.
26. On June 29, 2023, the Court of Appeal dismissed the motion for leave to appeal.
27. Costs were ordered payable to the Registrar in the amount of \$5,000.00. This costs order also remains unsatisfied.

Lamba Is Seeking Leave for SCC Appeal

28. On October 29, 2023, having previously received the Registrar's consent for a late filing of an application seeking leave to appeal to the Supreme Court of Canada, Lamba advised the Registrar of his intention to proceed with the application.
29. On or about October 31, 2023, Lamba and Whitehill served on the Registrar a motion seeking to extend the time for the appellants to serve and file their application, along with an application for leave to appeal the judgment of the Court of Appeal to the Supreme Court of Canada.

Lamba and Whitehill are Convicted of Provincial Offences

30. Paralleling the Tribunal matter, Lamba and Whitehill were charged under the Act with provincial offences for the failure to disburse trust funds to Consumer B in accordance with the terms of the trust.
31. Approximately 10 months after their registrations had been revoked by the Tribunal, on January 17, 2023, midway through trial in the Ontario Court of Justice, Lamba and Whitehill pleaded guilty to the following offences.
32. Whitehill pleaded guilty to the provincial offence of failing to disburse trust monies in accordance with the terms of the trust.¹

¹ If a brokerage receives a request for a disbursement from the trust account maintained under section 27 of the Act and the disbursement is required by the terms of the applicable trust, the brokerage shall disburse the money as soon as practicable, subject to the terms of the applicable trust. O. Reg. 567/05, s. 18.

33. Lamba pleaded guilty to the provincial offence of being a broker of record and failing to ensure the brokerage complied with the Act and regulations.²
34. The court accepted the joint submission on sentence for a fine of \$5,000.00 against Whitehill and a suspended sentence against Lamba.
35. Including the victim fine surcharge and court costs, the total amount required to be paid was \$6,315.00.
36. Whitehill has failed to satisfy the fine. The court has sent the matter to collections.
37. Whitehill remains an Ontario corporation with Lamba being a director and shareholder of the corporation.

Lamba Trades in Real Estate Without Registration

38. After the registrations of Lamba and Whitehill were revoked, Lamba continued to trade in real estate contrary to the Orders of the Tribunal and in violation of the Act.

i. Lamba Holds Himself Out as a Registrant to a RECO Investigator

39. RECO received a complaint that, despite the revocation of his registration, Lamba was continuing to trade in real estate.
40. A RECO Investigator was assigned to contact Lamba as a 'secret shopper'.
41. On or about May 18, 2023, the Investigator placed a call to Lamba, leaving a voicemail to the effect that she was a person interested in purchasing a rental property.
42. The Investigator's call was returned by Representative A ("Representative A"). At all relevant times, Representative A was a registered salesperson employed at Brokerage A ("Brokerage A").
43. Representative A advised that Lamba was busy with clients, and asked several questions about what the Investigator was looking to purchase. Representative A advised that she would be in touch.
44. Later that evening, on or about May 18, 2023, Representative A and Lamba called the Investigator.

² The broker of record shall ensure that the brokerage complies with this Act and the regulations. The Act, s. 12 (2).

45. In this call, Lamba made representations having the effect of indirectly holding himself out to be a registrant, and/or conducted himself in a manner constituting trading in real estate, and/or indicated that he had been actively trading in real estate, including as follows:
- a) Represented that he specialized in real estate investors and would be glad to help;
 - b) Represented that he presently worked with over 200-250 investors including a professor from the University of Waterloo, and that he had recently completed two or three such deals in the last couple of months;
 - c) Represented that he had recently worked for a CPA living in Dubai to purchase her fourth or fifth investment property in City A, Ontario;
 - d) Advised that he had a secret checklist for assessing properties;
 - e) Provided advice on mortgages and pre-approvals;
 - f) Advised that he had lawyers and paralegals on standby to prevent people from taking advantage of his clients;
 - g) Advised that he did not sign “working with a realtor” contracts so that she would not be “tied” to him if she was not comfortable working with him and Representative A; and
 - h) Requested the budget for the purchase.
46. On or around May 26, 2023, the Investigator advised Lamba and Representative A that she had been pre-approved for a \$725,000 mortgage and wished to proceed with the next steps. An in-person meeting was arranged.
47. On or around May 30, 2023, the Investigator met Lamba and Representative A at a Starbucks located at 1100 Wilson Street West, Ancaster, Ontario.
48. In this meeting, Lamba continued to indirectly hold himself out as being a registrant, and/or conducted himself in a manner constituting trading in real estate, including as follows:
- a) Advised that he wanted to ensure she was compatible to work with him and his team;
 - b) Provided information and advice regarding mortgage financing;

- c) Referred to himself as “Agent Lamba”, advised that she was working with a “top agent”, and that he had been a real estate agent for 27 years, and implied he was actively trading in real estate;
- d) Discussed his process for viewing potential properties to purchase, how the offer process would proceed, and that there would always be two agents available, being himself and Representative A;
- e) Advised that he would perform the Multiple Listing Service property search but the results would be provided through Representative A;
- f) Concluded by agreeing that next step would be to view properties.

ii. Lamba Orchestrates Trades in Real Estate via registrant Representative A

- 49. After the Investigator’s meeting with Lamba and Representative A, another RECO Investigator, also posing as a consumer, requested a property showing from Representative A in order to meet her without Lamba and to discuss her involvement with Lamba.
- 50. On or about June 5, 2023, having requested a showing from Representative A, the two Investigators met Representative A at Street B, City B advising Representative A that they were both RECO Investigators.
- 51. Lamba had devised a system to unlawfully continue trading in real estate without registration. Representative A, as a registered salesperson, would conduct trades in her name and through her brokerage, but acting under Lamba’s direction and/or management, and servicing clients that Lamba provided. When Representative A would collect a commission from her brokerage, she would transfer the majority of the commission to a “real estate coaching” business operated by Lamba.
- 52. In December of 2022, Representative A responded to a job posting made by Lamba on *Indeed.com* seeking “an ambitious & hard working Licenced Realtor to join our Team on a unique Pay Package.”
- 53. After meeting Lamba, Representative A agreed to work with Lamba under the auspices of being a trainee receiving “real estate coaching” from Lamba through the AJ Lamba Academy (the “Academy”).

54. On or about December 8, 2022, Representative A entered into a “Consulting and Coaching Agreement” with AJ Lamba Academy Inc. Lamba signed the agreement on behalf of the Academy. Under this agreement, payment by Representative A for services provided by the Academy was to be based on Representative A’s real estate commissions, such that Representative A would pay an agreed-upon percentage of her commissions earned for trading in real estate to the Academy.
55. Under the agreement, in the case of “past clients or their friends and family of AJ Lamba provided by the Academy to the Trainee”, Representative A would pay 75% of her gross commissions earned by trading in real estate to the Academy.
56. The agreement also provided that, in the case of termination, Representative A was required to “handover all Leads and Clients provided by the Academy back to the Academy and not have further communication with them”, clearly and impermissibly contemplating the concept that the clients were those of Lamba and/or the Academy, not Representative A or her brokerage.
57. Between December of 2022 and April of 2023, six real estate transactions were completed wherein Representative A and Brokerage A represented at least one party to the transaction. In each of these transactions, Lamba would bring in the client who would ultimately sign an agreement to be represented by Representative A and Brokerage A. Lamba would direct Representative A on significant steps in the course of the trade, including, but not limited to, the commission amounts to agree upon with seller clients, the language to use in MLS listings, and key terms of offers.
58. Lamba would communicate directly with his “clients” (which were formally represented by Representative A and Brokerage A), while ensuring Representative A undertook all communication with registrants representing the other party to the transaction.
59. The transactions completed were as follows:
 - a) Street C, City C, Ontario, representing both Buyer A, and the seller Seller A, for an Agreement of Purchase and Sale dated January 6, 2023, in the amount of \$875,000.00.
 - b) Street D, City D, Ontario, representing buyers Buyer A and Buyer B for an Agreement of Purchase and Sale dated February 25, 2023, in the amount of \$629,000.00.

- c) Street E, City E, Ontario, representing Buyer C for an Agreement of Purchase and Sale dated March 13, 2023, in the amount of \$790,000.00.
 - d) Street F, City F, Ontario, representing Seller B for an Agreement of Purchase and Sale dated March 21, 2023, in the amount of \$680,000.00.
 - e) Street G, City G, Ontario, representing Seller C and Seller D, for an Agreement of Purchase and Sale dated April 7, 2023, in the amount of \$680,000.00.
 - f) Street H, City H, Ontario, representing sellers Seller C and Seller D, for an Agreement of Purchase and Sale dated April 10, 2023, in the amount of \$575,000.00.
60. Upon receipt of commission advances from Brokerage A for each of the above referenced agreements, Representative A would transfer Lamba's 'share' of the commission to the Academy.
61. In this manner, using Representative A as a conduit, Lamba and/or the Academy³ improperly collected \$61,732.72 from these six real estate transactions without registration under the Act.
62. Further, although no sale was concluded, Lamba traded in real estate when he was involved in orchestrating the listing by Representative A of a commercial property located at Street I, City I, Ontario. The listing commenced June 3, 2023, in an amount of \$2,950,000.00.

Lamba's RECO Education was Completed by a Junior Employee

63. Registration under the Act must be renewed every two years.
64. Prior to applying for registration renewal or reinstatement, registrants must complete RECO's online Mandatory Continuing Education ("MCE"). The MCE consists of one mandatory course and two elective courses.

³ On of these transactions, Lamba directed Representative A to make payment to his spouse, or former spouse as the case may be, in the amount of \$10,453.00.

65. In or around February of 2021, Lamba's two-year registration expired. Prior to submitting an application for reinstatement of registration, Lamba was required to complete his MCE.
66. In February of 2021, rather than complete the MCE himself, Lamba improperly had a junior employee – Individual A – complete the education on his behalf. Lamba provided Individual A access to his online account so that it would appear as though he had completed the education.
67. On February 9, 2021, Individual A completed the mandatory course *Residential Update*.
68. On February 10, 2021, Individual A completed two elective courses: *Strategic Planning* and *Business Planning*.
69. On February 9, 2021, Lamba signed a declaration on his application for registration falsely attesting that he had completed the required MCE courses.
70. This is new information regarding past conduct and regarding false statements on an application that was not known to the Registrar at the time of the original notice of proposal and Tribunal hearing.

Lamba Applies for Registration Under the Act

71. On or about June 21, 2023, Lamba inquired of RECO about the requirements to reapply for registration.
72. On August 10, 2023, Lamba submitted an application for registration.

i. False Statement on the Application

73. In his present application for registration, Lamba answered "yes" to the question asking whether there were any unpaid judgments and/or unpaid debts outstanding against him. He also answered "yes" to the follow-up question asking whether these matters had been previously disclosed to the Registrar.
74. In conducting its own subsequent search, RECO uncovered a new outstanding judgment against Lamba in the amount of \$10,583.18 owing to the Ministry of Finance.
75. This new judgment had not been previously disclosed to the Registrar.
76. Despite previously having his registration revoked on the ground, amongst others, of making a false statement on an application by failing to disclose outstanding judgments, Lamba has

again made a false statement on the present application by failing to disclose another judgment outstanding against him.

77. After RECO inquired of Lamba about the details of the judgment, Lamba explained that it was a matter in which he had sued an ex-director of one of his corporations as well as the Toronto Dominion bank. There was no explanation of how the judgment was owed by Lamba to the provincial Ministry of Finance.

ii. Evidence of Change in Material Circumstances Submitted in Application

78. In the present application, Lamba provided no new or other evidence relating to the Tribunal Decision.
79. Lamba provided a positive letter from a psychotherapist attesting to counselling and treatment provided to Lamba. The letter described, amongst other things, Lamba having been taught tools to respond to conflictual situations in a more healthy and less confrontational way and having been provided psychological techniques to manage his emotions in frustrating situations.
80. The letter did not address the myriad other issues identified in the Tribunal decision, including multiple instances of dishonesty, and serious illegal and unethical conduct.
81. Further, when RECO staff suggested that Lamba refer to the Tribunal decision in regards any evidence he may wish to provide that material circumstances have changed for RECO's review, other than referencing the psychologist's letter, Lamba failed to demonstrate any meaningful insight, remorse, responsibility, or material change.
82. In responding to RECO staff's inquiries about the new, undisclosed judgment, Lamba noted that the amount was very small, and that "even while running a Brokerage I may have managed over \$10.0 Million Dollars but RECO brought out the smallest blunder made by my wife for \$5000." Lamba continues to maintain the same position he took at the Tribunal hearing – minimizing and failing to take responsibility - which position was roundly rejected by the Tribunal.

Summary of Statutory Grounds for Denial of Application and Refusal of Registration

i) Lamba May Not Reapply for Registration Under s. 17(b) of the Act

83. Under section 17 of the Act, a person who has had a registration revoked may reapply for registration only if:
- a) the time prescribed to reapply has passed since the revocation; and
 - b) new or other evidence is available or it is clear that material circumstances have changed.
84. Under section 17(a), the time prescribed before a person can reapply is 12 months.⁴ Sufficient time has elapsed since Lamba's revocation to meet the requirement of s. 17(a).
85. However, Lamba does not meet either of the two conditions of section 17(b).
86. First, there is no new or other evidence available which would otherwise impact the Tribunal's revocation decision.
87. Second, Lamba has not met the onus of demonstrating that it is clear that material circumstances have changed.
88. While the statutory test permitting a reapplication requires a material change in circumstances, Lamba continues to seek leave to appeal the revocation decision of the Tribunal.
89. The high hurdle of demonstrating that it is clear material circumstances have changed is heightened given the Tribunal's impeaching assessment of Lamba's past conduct. There is insufficient evidence to demonstrate that the constellation of serious misconduct identified by the Tribunal has clearly changed.
90. To the contrary, material circumstances remain much the same as was found by the Tribunal.
- a) Lamba does not demonstrate meaningful insight, remorse or responsibility.

⁴ O. Reg. 567/05, s. 12.

- b) The Tribunal previously found Lamba provided a false statement on an application by not disclosing outstanding judgments. On his present application, Lamba has again provided a false statement by failing to disclose a new outstanding judgment.
 - c) The Tribunal previously noted Lamba's contempt towards the regulator afforded reasonable grounds for belief that he will not act in accordance with law. After the revocation of his registration, Lamba continued to trade in real estate contrary to the regulatory regime and the Tribunal's Orders.
 - d) Since the revocation, Lamba and Whitehill have been convicted of provincial offences under the Act. The fine against Whitehill, of which Lamba is an interested person, has gone unpaid. This is further demonstrative of continued compliance with law issues, rather than a clear change in material circumstances.
91. Accordingly, as Lamba does not meet the onus required to reapply under section 17(b), he may not reapply for registration under the Act.

ii. Lamba is Not Entitled to Registration Under s. 10 of the Act

92. In the alternative, if it is determined that Lamba has met the requirements of section 17 of the Act and he is permitted to reapply for registration, then Lamba is not entitled to registration under section 10 of the Act.
93. First, Lamba is disentitled to registration under section 10(1)(a)(i) of the Act. Lamba's financial situation, and that of interested persons in respect of him, is such that he cannot reasonably be expected to be financially responsible in the conduct of business. Lamba's financial concerns particularized above are as follows:
- a) The unpaid costs order from the Divisional Court of \$4,500.00, excluding interest accrued.
 - b) The unpaid costs order from the Ontario Court of Appeal of \$5,000.00, excluding interest accrued.
 - c) The unpaid provincial offences fine against Whitehill, being an interested person in respect of Lamba, totaling \$6,315.00, which the court has sent to collections.
 - d) The unpaid judgment of \$10,583.18 owing to the Ontario Ministry of Finance.

94. Second, Lamba is disentitled to registration under section 10(1)(a)(ii) of the Act. Lamba's past conduct affords reasonable grounds for belief that Lamba will not carry on business in accordance with law and with integrity and honesty. Lamba's past conduct particularized above is as follows:
- a) The serious and extensive past conduct determined by the Tribunal continues to afford reasonable grounds for belief that Lamba will not carry on business in accordance with law and with integrity and honesty.
 - b) After the revocation, Lamba and Whitehill were convicted of provincial offences under the Act. The fine against Whitehill has not been satisfied.
 - c) Despite the revocation of his registration and the refusal of the Tribunal to grant a stay, in direct contravention of those Orders and contrary the Act, Lamba devised a scheme whereby he unlawfully continued to trade in real estate.
 - d) In February of 2021, Lamba improperly had an employee complete the required MCE courses on his behalf. He then falsely attested on his 2021 application that he had completed these courses.
95. Third, Lamba is disentitled to registration under section 10(1)(a)(iii) of the Act. Lamba provided a false statement in his present application for registration. While Lamba indicated "yes" on the application regarding unpaid judgments and/or unpaid debts outstanding against him, he also answered "yes" to indicate that the information had been previously disclosed, which was false. There is an outstanding judgment against him in the amount of \$10,583.18 owing to the Ontario Ministry of Finance which had not been previously disclosed.

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 refuse registration if WITHIN 15 DAYS after service of this notice (deemed to be on the third day after mailing by registered mail) that the Registrar proposes to refuse the registration, the Registrant mails or delivers notice in writing that a hearing is required to the following parties:

The Registrar
Licence Appeal Tribunal
15 Grosvenor Street, Ground Floor
Toronto, Ontario 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 applicant does not require a hearing by the Tribunal, the Registrar may carry out the proposal. 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 an applicant 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 an applicant 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 applicant make these arrangements as soon as possible. The Registrar reserves the right to oppose any request by the applicant for an adjournment of the hearing in order for the applicant 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 applicant 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 applicant.

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.

F. FURTHER PARTICULARS/SUPPLEMENTAL NOTICE

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

November 21, 2023

Joseph Richer, Registrar
Real Estate and Business Brokers Act, 2002

Date