

Frequently asked questions

Q. What is a summons and why have I received one?

A summons is a legal document issued requiring a person to attend a hearing. The Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 gives the discipline committee the power to summon witnesses. Summonses are routinely issued, including when a witness requests one for his or her employer.

Q. Do I need a lawyer?

It is not necessary to retain a lawyer, paralegal or agent and in most cases witnesses do not retain one. Retaining legal counsel or advice is your personal choice.

Q. Will I be publicly identified as a witness in the hearing?

No. RECO does not publish witness names in its decisions. Your identity will not be made part of the public record.

Q. Will I be compensated for appearing as a witness?

All witnesses who have received a summons to attend at a hearing are entitled to compensation for time and travel expenses, pursuant to the Ontario Rules of Civil Procedure. You can find further details regarding these Rules at <http://www.canlii.org/en/on>.

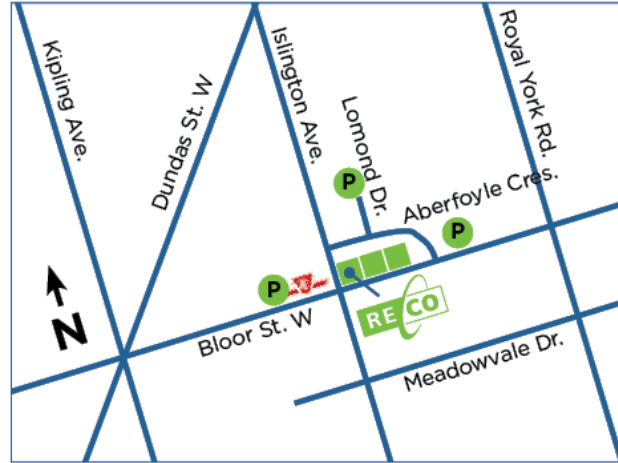
Q. What sort of penalties can the panel impose?

If the discipline panel decides that a registrant has indeed violated a provision of the Code of Ethics, it can order them to take educational courses, pay a fine of up to \$25,000 and fix/impose costs.

Location of RECO's hearing room

RECO's hearing room is located in Bloor Islington Place at:

3300 Bloor Street West
Suite 1400, West Tower
Toronto, Ontario M8X 2X2
T (416) 207-4800 | 1-800-245-6910
F (416) 207-4820
hearings@reco.on.ca | www.reco.on.ca



Parking is available in the building and there are several parking lots within walking distance. Alternately, for those travelling by public transit, RECO is conveniently located at the Islington subway station on the Bloor-Danforth line.

Real Estate Council of Ontario

In Ontario, trade in real estate is regulated by the Real Estate Council of Ontario. RECO is a not-for-profit corporation responsible for administering the *Real Estate and Business Brokers Act, 2002* on behalf of the provincial government.

Legal disclaimer

RECO is unable to provide legal advice or to refer individuals to a lawyer. The Law Society of Upper Canada's Lawyer Referral Service may be of assistance. For more information, please visit www.lsuc.on.ca.



Discipline Hearings: A witness guide

The discipline hearing

A discipline hearing is a formal process, similar to a court of law. Hearings are generally open to the public; but, in some cases the discipline committee overseeing the hearing may order that all or part of a hearing be closed to the public.

RECO schedules its hearings several months in advance. You will be notified in writing of the date for attending as a witness. If for any reason the hearing needs to be rescheduled, you will be informed of the new date.



Real Estate
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What to expect at a discipline hearing

General information

There is a waiting room on the 12th floor. When you arrive, please take a seat and wait for the hearings coordinator.

It is difficult to know when you will be called to testify, so please plan to spend the better part of the day at RECO.

If your testimony is interrupted by a break or you are unable to finish by the end of the day, the chair of the discipline panel will ask that you not discuss your testimony with others.

Recording equipment is not allowed in the hearing room, including cameras, and audio recording devices. Please remember to turn off all cellphones, PDAs and/or pagers before entering the hearing room.

Before you testify

When you are called to testify, the hearings coordinator will escort you into the hearing room and show you where to sit. The diagram above indicates the location of participants at the hearing. You will be asked to speak loudly, clearly and slowly when you answer questions, so your testimony can be recorded accurately.

Swearing in

The hearings coordinator will ask you whether you wish to swear or affirm that your testimony is truthful. This can be done by swearing on a Bible or another holy book/object or by affirmation that you will tell the truth. If you would prefer to swear on a book or object other than a Bible, please bring it with you.

Testifying

You will be asked a series of questions by counsel/representative that will help the discipline panel establish the facts of the

matter. If you are appearing as a witness on behalf of RECO, you will be asked questions by RECO's counsel/representative first. If you are appearing as a witness on behalf of the registrant, you will be asked questions by the registrant or his/her counsel/representative first. This process is referred to as an examination in chief.

Once counsel/representative is finished asking questions, opposing counsel/representative will have an opportunity to ask a series of questions, often referred to as a cross examination.

Counsel/representative may decide to ask further questions arising from issues raised by the opposing counsel/representative.

Members of the discipline panel may also ask you questions. You should feel free to ask for clarification if you do not fully understand the questions being asked.

After your testimony

Once you have finished testifying, you will be dismissed and are free to leave or you may observe the remainder of the hearing. In some circumstances you may not be able to observe the remainder of the hearing.

Occasionally, witnesses are recalled or asked to return to RECO to answer further questions. If you are recalled, you will be contacted with the necessary information.

After the conclusion of the hearing

Once the testimony of all witnesses has been heard, the hearing will conclude and the discipline panel will deliberate in private. The deliberation process can be quite lengthy as the discipline panel must thoroughly review all the evidence.

Once the hearing and deliberation process has been completed, RECO will publish the details of the decision, including any penalties, on its website at www.reco.on.ca.



Participants in a hearing

Discipline panel

A discipline panel is comprised of between three and five members of a larger discipline committee. Each discipline panel includes both public and registrant members of the discipline committee. The members are experienced with hearings process and procedures and have extensive knowledge of real estate best practices and the Code of Ethics. The discipline panel listens to the evidence presented, including witness testimony, to impartially determine if a registrant has failed to comply with the Code of Ethics.

Independent panel counsel

The discipline panel is provided with independent legal counsel. The counsel is there to provide the discipline panel with neutral legal advice in regards to procedural, evidentiary or legal matters and is independent from RECO and the Registrar.

Counsel/representative for RECO

RECO will be represented by a lawyer or paralegal.

Registrant

The registrant is the salesperson, broker or brokerage who is attending the hearing to respond to a complaint filed against him or her.

Counsel/representative for the registrant

A registrant may be represented by a lawyer, paralegal or an agent (in compliance with the requirements of the Law Society Act) in a hearing. A registrant may also choose to represent him/herself.

Hearings coordinator

The hearings coordinator attends the hearings to monitor the recording equipment, record all of the exhibits and provide administrative support to the discipline panel.