

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 Application for Registration of **Henry Nicolas Atangana** as a Salesperson under the Act

NOTICE OF PROPOSAL TO REFUSE REGISTRATION

WHEREAS Henry Nicolas Atangana (“**Atangana**”) is not registered under the Act;

AND WHEREAS Atangana has applied for registration as a Salesperson under the Act;

AND WHEREAS section 13 of the Act provides that the Registrar may refuse to register an applicant if, in the Registrar’s opinion, the 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 to grant a registration, the Registrar shall serve notice of the proposal on the applicant;

AND WHEREAS in the Registrar’s opinion, Atangana is not entitled to registration under section 10 of the Act, and as such the Registrar proposes to refuse to grant the registration for the reasons that follow.

A. REASONS

1. Atangana is not entitled to registration on the following grounds:
 - a) pursuant to section 10(1)(a)(ii) of the Act, because Atangana's past and/or present 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 it would be contrary to the public interest.

B. PARTICULARS

IT IS ALLEGED AS FOLLOWS:

Registration Background

2. Atangana was first registered under the Act as a salesperson on or about November 29, 2021.
3. On or around March 10, 2023, Atangana's employment was terminated by his employing brokerage Royal LePage Royal City Realty ("Royal City").
4. Atangana did not transfer his registration to another brokerage and, on or about May 9, 2023, his registration under the Act lapsed.
5. On or about June 27, 2024, Atangana applied for reinstatement of registration as a salesperson under the Act.

Falsifying and Depositing a Real Estate Commission Cheque

6. On or about May 21, 2022, Royal City issued a cheque to Atangana for a commission earned by Atangana on a real estate transaction.
7. The commission amount was \$642.00.
8. This was Atangana's first commission payment earned for a real estate trade.
9. On or about June 22, 2022, Atangana deposited the commission funds into his bank account.

10. Atangana subsequently altered, or caused to be altered, the commission cheque. Particularly, the amount of \$642.00 on the cheque was altered to state \$12,642.00.
11. On or about February 6, 2023, Atangana deposited this altered cheque in the amount of \$12,642.00 into his bank account.
12. In March of 2023, Royal City identified a shortfall in funds in its commission trust account. The shortfall was traced to Atangana's deposit of the altered cheque.
13. Atangana's employment was terminated from Royal City as a result.
14. Atangana was charged, and on July 17, 2024, pleaded guilty to a provincial offence under section 35 of the Act for furnishing false information relating to a trade in real estate.
15. Atangana was sentenced to pay a fine of \$7,500.00 (exclusive of the 25% victim fine surcharge).
16. In his present reapplication for registration, Atangana continues to dishonestly maintain that he did not alter, or cause to be altered, the commission cheque.
17. Rather, Atangana falsely maintains that he was framed by a former roommate as retribution for a dispute that arose while roommates. Atangana claims the former roommate stole the original commission cheque, altered the cheque, and mailed it to Atangana, whereupon Atangana deposited the cheque due to his own negligence.
18. Atangana's actions respecting the altered real estate commission cheque totalling over \$12,000.00, and his failure to take responsibility for the extent of his culpability, affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty.
19. Further, it is contrary to the public interest that an individual convicted of furnishing false documents in respect of an altered real estate commission cheque for over \$12,000.00, and who continues to supply falsehoods to the regulator about the extent of his culpability, be granted a registration under consumer protection legislation to work in the regulated business of real estate trading.

C. RIGHT TO A HEARING

Take notice that Section 14 of the Act provides that an applicant 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 of Proposal (deemed to be on the third day after mailing by registered mail), the applicant 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 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 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.

If a hearing is held as required by the applicant, the Registrar states that the good character, propriety of conduct or competence of the applicant 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 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.

May 2, 2025

Joseph Richer, Registrar
Trust in Real Estate Services Act, 2002

Date