

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

- and -

The Registration of **Rahim Charania** as a Broker and **2380314 Ontario Inc. O/A The Realty Concierge** as a Brokerage under the Act

NOTICE OF PROPOSAL TO REVOKE AND REFUSE REGISTRATION

WHEREAS Rahim Charania (“Charania”) is registered as a Broker under the Act, and whereas Charania has applied to register The Realty Concierge (“Realty Concierge”) as a Brokerage under the Act;

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

AND WHEREAS Section 13 of the Act provides that the Registrar may refuse a registration 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 revoke the registration of the registrant, the Registrar shall serve notice of the proposal on the registrant;

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, the registrant Charania and the applicant Realty Concierge are not entitled to registration under Section 10 of the Act and the Registrar proposes to **REVOKE THE REGISTRATION OF CHARANIA AND REFUSE THE REGISTRATION OF REALTY CONCIERGE** for the reasons that follow.

A. REASONS

1. The Registrar relies on the following grounds to revoke the registration of Charania:
 - a) pursuant to Section 10(1)(a)(i) of the Act because in the Registrar's opinion, having regard to Charania's financial position, Charania cannot reasonably be expected to be financially responsible in the conduct of business;
 - b) pursuant to Section 10(1)(a)(ii) of the Act because in the Registrar's opinion Charania's past conduct affords reasonable grounds for belief that Charania will not carry on business in accordance with law and with integrity and honesty;
 - c) pursuant to Section 10(1)(a)(iii) of the Act because in the Registrar's opinion Charania has made a false statement in an application for registration; and
 - d) pursuant to Section 10(1)(g) of the Act because in the Registrar's opinion, granting the registration or the renewal, would be contrary to the public interest.

2. The Registrar relies on the following grounds to refuse the registration of Realty Concierge:
 - a) pursuant to Section 10(1)(b)(iii) of the Act as the past conduct of Charania as an officer and director affords reasonable grounds for belief that Realty Concierge's business will not be carried on in accordance with the law and with integrity and honesty;
 - b) pursuant to Section 10(1)(b)(iv) of the Act because in the Registrar's opinion, Charania as the director of the corporation has made false statements in an application for registration;
 - c) pursuant to Section 10(1)(g) of the Act because in the Registrar's opinion, granting the registration or the renewal, as the case may be, would be contrary to the public interest.

B. PARTICULARS

IT IS ALLEGED AS FOLLOWS:

3. Charania was registered as a salesperson on January 17, 2020. On February 16, 2022, Charania became registered as a Broker under the Act. Charania is currently employed as a Broker at Streetcity Realty Inc.
4. Charania submitted applications for renewal of registration as a Salesperson in 2021, New Broker Application in 2022 and Renewal of Broker Application in 2024 to the Real Estate Council of Ontario (RECO).
5. Charania applied to register Realty Concierge as a brokerage under the Act on or about January 2023. Charania was a director and owned 100% of the shares of Realty Concierge.
6. Charania was to be designated as the broker of record of Realty Concierge.

With Respect to Charania

Honesty and Integrity

7. On June 25, 2012, Charania was found guilty of:
 - a) Fraudulently and without colour of right, using a computer system with the intent to commit an offence under s. 430(1.1) of the *Criminal Code of Canada* in relation to data, namely private emails from the Ritz Villa computer system, contrary to s. 342.1(1) of the *Criminal Code of Canada*; and
 - b) Committing mischief by willfully obstructing, interrupting and interfering with the lawful use of data, namely private emails from the Ritz Villa computer system, contrary to s. 430(5)(b) of the *Criminal Code of Canada*.
8. The trial judge determined that Charania committed mischief by wilfully obstructing, interrupting, and interfering with the lawful use of the data.
9. At the time of the offence, Charania was a registered nurse with the College of Nurses of Ontario and was employed as the Director of Care at Ritz Villa, a nursing home. During a

heated meeting with other staff members, Charania used a laptop to remotely access the Ritz Villa computer system. Charania did this by using the Human Resources Coordinator's username and password, and then forwarded several emails from her account to his personal email.

10. Charania claimed that the Human Resources Coordinator had given him permission and provided their login credentials for this purpose. However, the Human Resources Coordinator denied providing their username, password, or permission to access their email account.
11. With respect to the finding of guilt under s. 430(5)(b), the Court ordered a conditional discharge with nine months probation. The other count attracted a conditional stay.
12. On May 5, 2014, the Discipline Committee of the College of Nurses of Ontario found Charania guilty of professional misconduct under the Health Professions Procedural Code of the Nursing Act, 1991. Key findings include:
 - a) Charania was found guilty of two Criminal Code offences: using a computer system fraudulently to commit an offence under s.430(1.1), contrary to s. 342.1(1) of the Criminal Code and committing mischief by obstructing the lawful use of data, contrary to s. 430(5)(b) of the Criminal Code.
 - b) Charania provided false employment dates and references on multiple job applications and resumes in 2011 and 2012, by signing documents in a professional capacity, knowing they contained false or misleading statements.
 - c) Charania's conduct was judged disgraceful, dishonourable and unprofessional. The panel determined that Charania's actions demonstrated a serious disregard for professional obligations, dishonest behaviour in pursuing employment, and brought shame to the profession, casting doubt on his ethical fitness and ability to meet the public's expectations of professional conduct.
 - d) The regulatory decision on Charania's matter included a 4-month suspension on his certificate of registration, along with the following conditions:

- i. Charania must attend two meetings with a nursing expert, providing the expert with completed reflective questionnaires and online participation forms.
 - ii. During these meetings, Charania expected to discuss the acts of the professional misconduct committed, the potential consequences, strategies for prevention, and work on developing a learning plan with the nursing expert.
 - iii. 24 months following the suspension, Charania was required to:
 1. Notify and provide his employer of the decision.
 2. Ensure that, within 14 days of starting new employment, employer to notify the college and acknowledge receipt of the documents from Charania.
 3. Employer must agree to notify the college if Charania breached the standards of practice in the profession.
13. In February 2022, a complaint was made to the Real Estate Council of Ontario (RECO) regarding Charania's conduct in the sale of Street A, Town A, Ontario.
14. Charania cancelled an exclusive listing agreement with a client and led the client to believe that cancellation was valid.
15. Charania later claimed the cancelled listing agreement was still in place and demanded to be paid a commission.
16. This misrepresentation and misleading of the client, along with the failure to properly cancel the agreement as initially claimed, led to Charania being found guilty of conduct unbecoming by the London St. Thomas Association of Realtors ("LSTAR").
17. As a result of the finding, Charania was fined \$500.00 by LSTAR and required to take an ethics course.

18. In March 2022, Charania committed several unethical actions regarding the property at Street B, City B by knowingly signing an exclusive agreement with a client who was already under contract with another realtor.
19. Charania backdated the exclusive listing agreement to January 1, 2022.
20. Charania was found guilty of conduct unbecoming by the LSTAR, resulting in a \$5,000.00 fine and mandatory training courses.
21. A complaint was made to RECO regarding Charania's conduct during the sale of Street C, City C, Ontario, in April 2022. The complaint stated that Charania was unresponsive and aggressive.
22. The client requested to cancel the listing agreement on April 26, 2022. Charania sent cancellation papers but did not sign them.
23. Charania ignored and blocked the client. The cancellation was only processed by the broker of record after the client complained to the brokerage.
24. In October 2022, Charania altered a cheque intended for EXP Realty and deposited it into a personal account belonging to Charania. Charania initially claimed the funds were given to a builder but later claimed that the depositing of the funds into the personal account was a mistake.
25. Additionally, Charania engaged in similar misconduct with a second assignment fee by issuing a forged EXP Realty receipt to a client and directing the client to transfer funds intended for EXP Realty to a bank account belonging to Charania.
26. RECO's investigation revealed that after depositing the funds, Charania used the funds for personal expenses.
27. Charania's bank statements from August and October 2022 confirmed that payments were made toward personal bills following the deposits.
28. Charania was terminated from the brokerage of EXP Realty as a result of the above.

Financial Responsibility

29. On November 24, 2021, A Notice of Garnishment was issued against Charania for \$8,317.98 in the London Small Claims Court. Charania sold a car to an individual and refused to return a \$3,000 security deposit that was promised once the bank draft cleared. Charania also promised winter tires and rims worth \$5,000 but refused to return the deposit or provide the tires once the draft cleared.
30. As of September 12, 2024, Charania has not made any payments towards the money owed.

False Statements

31. On December 13, 2019, Charania submitted a New Salesperson Application to RECO. Charania answered "No" to all of the required disclosure questions.
32. After inquiries from RECO, Charania, through a lawyer, submitted an amended application on January 6, 2020. In the amended application, Charania acknowledged the criminal charges and finding of guilt.
33. Although Charania was found guilty of the criminal charges, Charania claimed that the charges were not disclosed because there was no conviction.
34. Charania also admitted to being a nurse, but did not disclose the suspension.
35. Charania further omitted to disclose their role as the director of a numbered company, 2380314 Ontario Inc.
36. On December 29, 2021, Charania submitted a Salesperson Renewal Application to RECO.
37. In the application, Charania omitted to disclose their role as a director or officer of other businesses. At the time, Charania had been the director and president of 2663595 Ontario Inc. since December 18, 2020, was also the director of 2380314 Ontario Inc.
38. In the application, Charania omitted to disclose outstanding judgments or debts, including an \$8,317.98 judgment from the London Small Claims Court.
39. On February 11, 2022, (the "February 11, 2022 Application") Charania submitted a New Broker Application to RECO.

40. In the February 11, 2022 Application, Charania did not disclose that they were licensed in another profession and employed in other businesses. At the time, Charania was licensed as a nurse and was working at a business called LTC Solutions since 2013.
41. In the February 11, 2022 Application, Charania did not disclose any unpaid judgments or debts, Charania had an outstanding judgment of \$8,317.98 issued by the London Small Claims Court.
42. Charania also did not disclose being the president of 2663595 Ontario Inc and a director of 2380314 Ontario Inc.
43. On January 24, 2024, Charania submitted a Renewal Broker Application to RECO, along with a "Notice of Change - Disclosure Amendment Form". In these documents, Charania reported a change of brokerage but did not disclose the following:
 - a) that they were licensed in another profession;
 - b) That they had unpaid judgments or debts;
 - c) That they were found guilty of criminal charges; and
 - d) That Charania was found in violation of professional standards and fined by the LSTAR for two separate offences.

Public Interest

44. Permitting Charania to maintain their registration would be contrary to the public interest due to the extensive history of misconduct and dishonesty. Charania's actions, including altering cheques, misappropriating funds, forging receipts, falsifying contract dates, and providing misleading information, demonstrate Charania's unfitness for registration.

With Respect to The Realty Concierge

Honesty and Integrity based on Association with Charania

45. The financial mismanagement and unethical conduct associated with Charania suggest that The Realty Concierge, as a corporate entity, cannot reasonably be expected to carry on business in accordance with the law and with integrity and honesty.

46. As described above, Charania, as the Broker of Record of the applicant, has a history of misconduct including falsifying documents, altering cheques, providing false statements regarding disposition of funds, forging receipts for assignment fees, altering contract dates to misrepresent the timeline of transactions, a criminal history related to fraudulent activities, including altering or forging information for financial gain, facing regulatory actions for the alteration or forgery of information to benefit financially.

False Statements

47. On January 23, 2023, Realty Concierge applied to be registered as a new brokerage with RECO. As part of the application process, officer and director disclosure questions were required to be completed by Charania, the director of the corporation. Charania provided false information in the responses.
48. Charania stated not being a director or shareholder of any other business, having no unpaid judgments or outstanding debts, and never been found guilty of an offence under the law.
49. Charania is a director and/or shareholder of at least two corporations, has an unpaid judgment ordered by the London Small Claims Court, and has been found guilty of criminal offences, for which a conditional discharge was received. Additionally, Charania was charged on two separate occasions for conduct unbecoming and fined by the LSTAR.

Public Interest

50. Realty Concierge is applying for the first time as a brokerage. Charania, who is applying to be the broker of record, has a history of unethical practices. Given the association with Charania's unethical practices and financial misconduct, granting Realty Concierge's registration would also be contrary to the public interest.
51. Charania's repeated financial misconduct, lack of integrity, and violations of professional standards demonstrates that Charania poses a genuine risk to consumers.
52. From the time of Charania's criminal charges to now, Charania has failed to take responsibility for their actions.
53. Given Charania's history of dishonesty and hiding activities from the employing brokerage, no conditions can ensure compliance. Charania's conduct involving altered cheques and

receipts with EXP Realty, where the brokerage was unaware of these actions, further demonstrates an ungovernable nature.

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 (deemed to be on the third day after mailing by registered mail) that the Registrar proposes to revoke 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/Registrant** 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 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 **REFUSAL/REVOCATION** of registration.

November 5, 2024

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

Date