

**LICENCE APPEAL
TRIBUNAL**

**TRIBUNAL D'APPEL EN MATIÈRE
DE PERMIS**



**Safety, Licensing Appeals and
Standards Tribunals Ontario**

**Tribunaux de la sécurité, des appels en
matière de permis et des normes Ontario**

Citation: Peter Racco v. Registrar, Real Estate and Business Brokers Act, 2002, 2017
ONLAT – REBBA 10734

Date: 2017-12-18
File Number: 10734 REBBA

Appeal from the Notice of Proposal of the Registrar under *the Real Estate and Business Brokers Act, 2002, Motor Vehicle Dealers Act, 2002, S.O. 2002, c. 30, Sch. C* - to Refuse Registration

Between:

Peter Racco

Appellant

-and-

Registrar, *Real Estate and Business Brokers Act, 2002*

Respondent

CONSENT ORDER

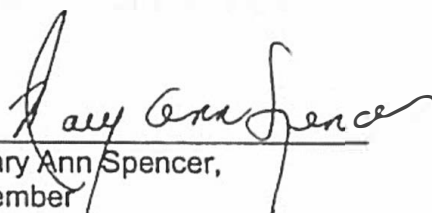
Adjudicator: Mary Ann Spencer, Member

Date of Order: December 18, 2017

CONSENT ORDER

- [1] The appellant, Peter Racco, and the Registrar under the *Real Estate and Business Brokers Act, 2002* (the "Registrar") apply under section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 for an order of the Tribunal to dispose of this matter without a hearing.
- [2] I have reviewed the written "Conditions to the Registration of Peter Racco as a Broker under the *Real Estate and Business Brokers Act, 2002*, S.O. 2002, Chapter 30, Schedule C" which was prepared by the parties, agreed to by them and which is attached to this Consent Order as "Schedule A".
- [3] Accordingly and on consent of the parties, I order that the proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out in the attached Schedule A, which are incorporated into and made part of this Consent Order.

LICENCE APPEAL TRIBUNAL


Mary Ann Spencer,
Member

Released, December 18, 2017

Conditions to the registration of Peter Racco as a broker under the *Real Estate and Business Brokers Act, 2002, S.O. 2002, Chapter 30, Schedule C.*

Pursuant to subsection 10(2) of the Act, I, Peter Racco, hereby consent and undertake to abide by the following conditions to my registration as a broker under the Act;

For a period of three years from the date of signing these conditions:

1. I shall:

- i. not apply to be a broker of record of any brokerage registered under the Act;
- ii. not be a sole proprietor, partner, officer, director or branch manager of any real estate brokerage registered under the Act;
- iii. not have a direct or indirect ownership interest in any real estate brokerage registered under the Act;
- iv. not be designated as an alternate broker to exercise, or perform the powers and duties of any broker of record, in the absence of a broker of record of any brokerage registered under the Act;
- v. work closely with, and be supervised by, the broker of record employed by the brokerage by which I am also employed. I agree that in doing so the broker of record employed by the brokerage by which I am also employed will monitor my activities of trading in real estate under the Act. Where any such broker of record does not agree to closely work with or supervise me, or stops doing so for any reason, I agree to transfer my registration to another brokerage registered under the Act where the broker of record employed by said brokerage agrees to closely work with and supervise me;
- vi. not hold a supervisory role at my employing brokerage, or be the direct supervisor of any employee at the brokerage, whether or not they are registered under the Act, including but not limited to holding positions such as office manager and team leader.

2. I shall:

- i. provide a copy of these conditions to any broker of record, including new brokers of record, employed by the brokerage by which I am, or may become, employed;
- ii. prior to engaging in the trade of real estate, obtain a written acknowledgement from the broker of record employed by the brokerage by which I am, or become, employed that I have provided him / her with a copy of these conditions; and
- iii. prior to engaging in the trade of real estate, provide the Registrar under the Act with a copy of said broker of record's acknowledgement of having received a copy of these conditions.

3. I shall continue to be enrolled in the relapse prevention program provided by Dr. Monik Kalia, PhD CPsych, or another similar program provided by an equally qualified psychologist as agreed to by the Registrar, and from the date of signing these conditions shall attend sessions as follows:
 - i. At least one group or individual session per week for the first six months;
 - ii. At least one group or individual session per month for the subsequent 18 months; and
 - iii. At least one group or individual session per quarter for the remaining 12 months.
4. I shall provide the Registrar with reports of my progress in the relapse prevention program outlined at section 3 of these conditions on a semi-annual basis.
5. I shall provide the Registrar with a psychological report from Dr. Monik Kalia, or another equally qualified psychologist as agreed to by the Registrar, assessing my suitability to act in a supervisory role within my real estate brokerage. The report must be prepared and provided to the Registrar within the final two months of the relapse prevention program described above in section 3.
6. I agree to perform 40 hours of volunteer work per annum, and at the time of my renewal of registration, to provide confirmation of total volunteer hours performed at each volunteer organization and contact information of a representative at each volunteer organization.
7. I agree and hereby provide my consent for the Registrar to make a direct request to, and be provided with full disclosure from, my accountant Tim Miron of Beckett Lowden Read, LLP at 15-4380 South Service Road, Burlington ON, L7L 5Y6, of my financial status and holdings, including but not limited to tax filings and returns, and of the holdings of any corporate or partnership entity with which I have a direct or indirect interest. I also undertake to advise the Registrar of any change in accountants, the reason for such a change, and to provide my new accountant's name and contact forthwith, and this provision shall apply equally to any such new accountant.
8. I shall notify the Registrar immediately, in writing, of any complaints made against me, including any complaints made by clients, consumers, brokerage employees, registrants, or any real estate boards, and shall provide the Registrar with the details of such complaints, including any documentation that the Registrar may request and/or require.
9. I shall notify the Registrar immediately, in writing, of any new charges under the Criminal Code, Narcotics Control Act, or any other Federal or Provincial statutes including the Highway Traffic Act.
10. I agree to provide the Registrar with an original Canadian police record check or, if applicable, an RCMP fingerprint verification report with any application I submit for registration, renewal or reinstatement under the Act.

11. As per subsection 34(1) of O. Reg. 567/05, I shall notify the Registrar immediately, and in writing, of any change to the information included in any application for registration, and/or the renewal of my registration, made under the Act, and shall set out the nature of the change, in detail.

O. Reg. 567/05

- s. 34(1) *If there is a change to any of the information that was included in the registrant's application under section 3, the registrant shall notify the registrar, in writing, within five days after the change takes place and shall set out the nature of the change.*

12. At no time shall I have any agreements, oral or written, express or implied with any person or corporation which would in any way violate the spirit and intent of these conditions.

13. I hereby acknowledge that if new or additional information comes to the attention of the Registrar related to my honesty, integrity, compliance with the law or financial responsibility, or if I make or provide a false statement on an application for registration or renewal of registration, or if I breach any of these conditions, the Registrar may take further administrative action, including a proposal to revoke my registration, based on the totality of the evidence of my past conduct and/or financial position, including the particulars of the offences that form the basis of these conditions.

14. If any of these conditions are deemed invalid, unenforceable, illegal or a mutual mistake, such conditions shall be severed and the remaining conditions shall remain in full force and effect.

I hereby acknowledge that I have read and understood these conditions and that I have obtained or had the opportunity to obtain independent legal advice with respect to my consent to the conditions set out herein.

Signed in the city of Mississauga, this 6th day of November 2017.

Danielle Bulard
Printed Name of Witness

Peter Racco
Peter Racco, Registration #2530745

[Signature]
Witness Signature

ACKNOWLEDGED AND UNDERSTOOD BY:

[Signature]
Vincenzo Tersigni, Broker of Record
Royal LePage Elite Realty

