



Real Estate Council of Ontario

PRIVATE AND CONFIDENTIAL
VIA REGISTERED MAIL

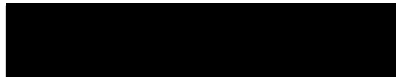
IN THE MATTER OF

The Registrar, *Real Estate and Business Brokers Act, 2002*,
S.O. 2002, Chapter 30, Schedule C, and Regulations thereto,
as amended (the "Act")

- and -

The Application for Registration of
YURI GAVRIS as a Broker under the Act

TO: Yuri Gavriss



FINAL NOTICE

WHEREAS on the 24th day of May 2017 the Registrar gave notice that he was proposing to refuse the registration of Yuri Gavriss (the "Applicant") as a broker under the Act;

AND WHEREAS the Applicant requested a hearing before the Licence Appeal Tribunal in accordance with section 14(2) of the Act;

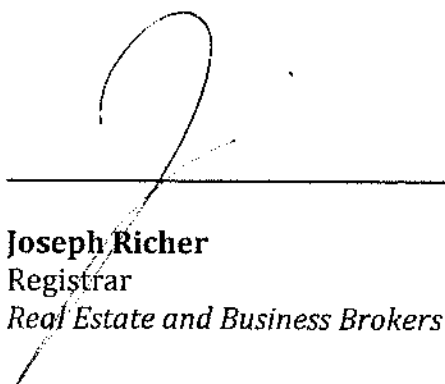
AND WHEREAS on June 8, 2018, the Licence Appeal Tribunal ordered that the Applicant had abandoned his appeal and that the Applicant's appeal was dismissed;

AND WHEREAS the Proposal has become final and the Registrar may carry out the Proposal stated in the said notice;

THEREFORE, TAKE NOTICE THAT PURSUANT TO SECTION 14(4) OF THE ACT, THE REGISTRAR IS CARRYING OUT THE PROPOSAL TO REFUSE THE REGISTRATION OF YURI GAVRIS UNDER THE ACT AND SUCH REGISTRATION IS HEREBY REFUSED.

AND TAKE NOTICE THAT section 4 of the Act provides that no person shall trade in real estate unless he or she or it is registered under the Act, and any person operating without such registration is guilty of an offence and on conviction is liable to a fine and/or imprisonment.

DATED at Toronto this 18th day of June, 2018

A handwritten signature in black ink, appearing to read 'Joseph Richer', is written over a horizontal line. The signature is stylized and loops back under the line.

Joseph Richer
Registrar
Real Estate and Business Brokers Act, 2002

IN THE MATTER OF the *Real Estate and Business Brokers Act, 2002* S.O. 2002, c.30 Schedule C and Regulations therefore as amended (the "Act");

- and -

IN THE MATTER OF the Registration of YURI GAVRIS as a Broker under the Act

FINAL NOTICE

Joseph Richer
Registrar
Real Estate and Business Brokers Act, 2002

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: Yuri Gavis v. Registrar, *Real Estate and Business Brokers Act, 2002*, 2018
ONLAT-REBBA 10840

Date: 2018-06-08
File Number: 10840/REBBA

Appeal from a Notice of Proposal by the Registrar, *Real Estate and Business Brokers
Act, 2002*, S.O. 2002, c 30, Sch C – to Refuse Registration

Between:

Yuri Gavis

Appellant

-and-

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

Respondent

Order

ADJUDICATOR: Laurie Sanford, Vice-Chair

Date of Order: June 08, 2018

- [1] This Order dismisses an appeal by Mr. Yuri Gavris from a Notice of Proposal issued by the Registrar, *Real Estate and Business Brokers Act, 2002* (the "Registrar") to refuse to register Mr. Gavris as a real estate broker. The Notice of Proposal was issued May 24, 2017.
- [2] The Licence Appeal Tribunal (LAT) Rules of Practice and Procedure, Version 1 (April 1, 2016), (the "Rules of Practice") apply to this proceeding. Under Rule 3.4 of those Rules of Practice, the Tribunal may dismiss an appeal without a hearing, if the party filing the appeal has abandoned the proceeding.
- [3] Rules 3.5 and 3.6 of the Rules of Practice set out the procedure for dismissing an appeal without a hearing. The Tribunal must give notice of its intent to dismiss, with reasons for that notice. The Tribunal must inform the parties of their right to make written submissions concerning the intended dismissal of the appeal without a hearing. The parties will have a minimum of 10 days to make submissions as to whether the hearing should be dismissed without a hearing or not. The Tribunal will then review the submissions, if any, and may request more information, accept the appeal or dismiss the appeal. The Tribunal will notify the parties in writing of its decision and will provide reasons.
- [4] On April 16, 2018, the Tribunal issued a Notice of Intent to dismiss on the grounds that Mr. Gavris appeared to have abandoned his appeal. The parties were given 10 days to make written submissions as to whether the hearing should be dismissed without a hearing or not. The Registrar made submissions in support of the dismissal. Mr. Gavris did not reply.
- [5] By way of background, the first case conference in this matter was conducted in August, 2017. Disclosure dates were set and the hearing of this matter was scheduled for October, 2017. Mr. Gavris requested an adjournment of the hearing, citing medical issues and requesting more time to meet the disclosure dates. Mr. Gavris' request was granted and the hearing was re-scheduled for January 10-12, 2018. New disclosure dates were also set.
- [6] On January 8, 2018, Mr. Gavris requested a second adjournment of the hearing. He advised that due to health problems he was unable to attend the hearing. He provided a note from a doctor to that effect. Mr. Gavris also advised that due to the death of two family members in Ukraine, he would need to travel there once his health improved.
- [7] The Registrar consented to the second request for adjournment but noted that Mr. Gavris had not provided any disclosure, as had been required. The Registrar requested that as a term of the adjournment, that disclosure be made after which a second case conference would be scheduled to set hearing dates.

- [8] By Order dated January 15, 2018, the Tribunal adjourned the hearing on the following terms:
1. The parties will attend, by teleconference, on a further case conference on **April 3, 2018 at 9:30 a.m.**
 2. By no later than **March 27, 2018**, the appellant shall provide to the respondent a draft list of anticipated witnesses and a list of documents he anticipates that he will be relying on at the hearing.
 3. At the case conference, that draft list will be reviewed and further disclosure dates will be set with the objective being that disclosure of documents will be completed by **May 31, 2018**.
 4. At the case conference, hearing dates will be scheduled, with the objective being that the hearing shall take place by no later than **June 30, 2018**. The Tribunal member conducting the case conference may make an order that the hearing be peremptory on the appellant.
 5. If the appellant does not attend the **April 3, 2018** case conference, the Tribunal may issue a Notice of Intent to dismiss this appeal.
 6. If the appellant wishes to withdraw his appeal, he shall file a Notice of Withdrawal, available at www.lat.gov.on.ca and serve a copy of that notice to the respondent and file a copy with the Tribunal.
- [9] Notice of the second case conference, scheduled for April 3, 2018, was sent to the parties on March 12th, 2018 with instructions about how to access the teleconference. At the April 3rd case conference, Mr. Miller, counsel, attended for the Registrar but Mr. Gavris did not attend. An administrator with the Tribunal telephoned Mr. Gavris twice on the morning of April 3, 2018 to remind him of the case conference but was unable to reach him or to leave a voice message. The Tribunal waited from 9:30 a.m. until 9:55 a.m. to give Mr. Gavris time to telephone into the case conference in accordance with the instructions that had been sent to him.
- [10] Mr. Miller advised that he had not heard from Mr. Gavris since the adjournment motion in January, 2018. Mr. Gavris had not made the disclosure that was to have occurred by March 27, 2018 as a term of the second adjournment.
- [11] Mr. Gavris had specific notice in the Order of the Tribunal dated January 15, 2018, that if he failed to attend at the April 3, 2018 case conference, the Tribunal might issue a notice of intent to dismiss this appeal.
- [12] As noted above, the Notice of Intent to Dismiss was issued on April 16, 2018. Mr. Gavris has not made a submission in support of continuing the appeal process. Based on this history, I am issuing the Order to dismiss the appeal without a hearing on the grounds that Mr. Gavris has abandoned his appeal. Mr. Gavris has been given ample opportunity since the first case conference in August, 2017 to make his disclosure and has failed to do so. In the Tribunal's Order of January 15, 2018, Mr. Gavris was given additional time to make a start to his disclosure, with

further disclosure dates to be set at the April 3rd case conference. Mr. Gavis was given very specific notice that failure to attend at the April 3, 2018 case conference could result in a Notice of Intent to dismiss his appeal. He did not appear, nor has he complied with the disclosure provisions of the January 15th Tribunal Order. Finally, Mr. Gavis did not respond to the Notice of Intent to Dismiss.

Order

[13] In accordance with Rule 3 of the Rules of Practice, the Tribunal orders this appeal to be dismissed.

LICENCE APPEAL TRIBUNAL

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Laurie Sanford, Vice-Chair

Released: June 08, 2018