



RECO

Real Estate Council of Ontario

Discipline Committee Rules of Practice (TRESA 2002)

Pursuant to Section 25.1 of the *Statutory Powers Procedure Act* (“SPPA”) the Discipline Committee has made these Rules of Practice which govern the practices and procedures of matters before the Committee. The Committee approved the Rules of Practice on May 30, 2006, with subsequent amendments on March 2, 2015, and May 12, 2025.

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Rule 1 - Interpretation and application

1.01 Definitions

1.01 In these rules, unless the context requires otherwise,

“Act” means the *Trust in Real Estate Brokers Act, 2002* (“TRESA”) and any successor legislation;

“Administrative Authority” means the Real Estate Council of Ontario (“RECO”), i.e. the administrative authority as designated under section 3 of the *Safety and Consumer Statutes Administration Act, 2006* or any successor legislation;

“Affidavit” means a written and signed statement of evidence, typically used on a Motion, that is either sworn under oath or solemnly affirmed to be true;

“Agent” means the Broker of Record or Manager acting on behalf of the Registrant;

“Allegation Statement” means a written statement of allegations that has been issued by the Registrar and referred by the Registrar to the Discipline Committee under the Act;

“Book of Authorities” means a collection of relevant case law, legislation, and legal texts to which a Party in the Proceeding intends to refer;

“Chair” means the chair or vice-chair of the Discipline Committee or their designate;

“Decision” means the same as an “Order”;

“Deliver” means to serve on every other Party and to file with the Hearings Manager with proof of service, and “Delivery” and “Delivering” have corresponding meanings;

“Deponent” means a person who makes an Affidavit;

“Direction” means an Order of a procedural nature which may be given by the Chair, the Discipline Committee and, in a pre-hearing conference, by the Presiding Officer;

“Discipline Committee” means the discipline committee of RECO, and includes a Panel of the discipline committee or, where appropriate, the Chair or the Presiding Officer;

“Document” includes a paper, book, record, account, sound recording, videotape, film, photograph, chart, graph, map, plan, survey and information recorded or stored by computer or by means of any other device;

“Electronically” with respect to a Proceeding means a Proceeding held by video or telephone conference or some other form of technology allowing persons to hear one another;

"Factum" means a brief written statement of fact and law similar to that used in the courts and its format is outlined in Form 18B;

"Final Order " means an order made by the Discipline Committee and includes a decision, an order as to penalty, and an order as to costs;

"Hearing" means a Proceeding before a Panel of the Discipline Committee that deals with the merits of an Allegation Statement rather than an interim or procedural step in the Proceeding;

"Hearings Manager" means the employee of RECO who is assigned to provide administrative support to the Discipline Committee, including any staff delegated to assist;

"Holiday" means,

- a) any Saturday or Sunday,
- b) New Year's Day,
- c) Good Friday,
- d) Victoria Day,
- e) Canada Day,
- f) Civic Holiday,
- g) Labour Day,
- h) Thanksgiving Day,
- i) Christmas Day,
- j) Boxing Day,
- k) Family Day,
- l) any special holiday proclaimed by the Governor General or the Lieutenant Governor, and
- m) any other day designated by RECO as a holiday,
- n) and where New Year's Day, Canada Day, Christmas Day or Boxing Day falls on a Saturday or Sunday, the day designated by RECO as a holiday;

"Independent Legal Counsel" means the Lawyer(s) retained to assist the Discipline Committee to provide advice to them;

"Motion" is a request made to the Discipline Committee to make an Order in a Proceeding;

"Motion Participant" is a Party and any other person permitted to participate in a Motion;

"Motion Record" means a compilation of all of the materials a Motion Participant is relying on for a Motion other than a Factum and Book of Authorities;

"Moving Party" means a person who makes a motion;

"Non-Party Participant" means a person who has been permitted to participate to some extent in a Proceeding but who does not have the same role as a Party;

"Notice of Hearing" means a notice issued and served by the Hearings Manager notifying the Parties of a Hearing before the Discipline Committee;

"Order" means any decision, apart from a Final Order, by the Discipline Committee and may include a Direction;

"Panel" means a panel of the Discipline Committee assigned in accordance with the Regulations or the *Statutory Powers Procedure Act*;

"Party" means a Party as defined in Ontario Regulation 367/22 and may include a Motion Participant or a Non-Party Participant;

"Presiding Officer", in respect of a pre-hearing conference, means a member of the Discipline Committee or another person designated by the Chair under these rules to preside over the pre-hearing conference;

"Proceeding" means any step in the discipline process and includes a request for a Direction, a Motion, a pre-hearing conference and a Hearing;

"RECO" means the Real Estate Council of Ontario, a delegated Administrative Authority under the *Safety and Consumer Statutes Administration Act, 1996* or any successor legislation;

"Registrant" means a "registrant" of RECO as defined in the Act who is the subject of a Hearing before the Discipline Committee and includes a former "registrant", and "Respondent" has corresponding meanings;

"Registrar" means the registrar under the Act; and

"Regulations" mean the regulations made under the Act.

1.02 Interpretation of rules

1.02(1) These rules shall be liberally construed to secure a just and expeditious determination of the allegations against a Registrant.

1.02(2) Where matters are not provided for in these rules, the practice shall be determined by analogy to them. The Discipline Committee may decide the procedure for anything not covered by these rules.

1.02(3) Where a Registrant is not represented by Defence Counsel, anything these rules require or permit a Defence Counsel to do shall be done by the Registrant either personally or through the individual's agent.

1.03 Application of rules

1.03(1) These rules apply to all Proceedings before the Discipline Committee of RECO.

1.04 Computation, extension or abridgment of time

1.04(1) In the computation of time under these rules or under an Order, except where the contrary intention appears,

- a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens, even where the words "at least" are used;
- b) where a period of seven days or less is required, Holidays shall not be counted;
- c) where the time for doing an act under these rules expires on a Holiday, the act may be done on the next day that is not a Holiday; and
- d) service of a document made after 4:00 p.m. or at any time on a Holiday shall be deemed to have been made on the next day that is not a Holiday.

1.04(2) Where a time of day is mentioned in these rules, in an Order, or in any document in a Proceeding, the time referred to shall be taken as the time observed at RECO's head office.

1.04(3) The Discipline Committee may extend or abridge any time required by these rules or an Order on such terms or conditions as the Discipline Committee considers just either before or after the expiration of the time.

Rule 2 - General rules

2.01 General rules

2.01(1) The Discipline Committee may exercise any of its powers under these rules or the Act or Regulations on its own initiative or at the request of a Party.

2.01(2) No Proceeding is invalid by reason only of a defect or other irregularity of form or a failure to comply with these rules.

2.01(3) If a Party seeks a remedy or Order that the Discipline Committee cannot grant without providing other Parties an opportunity to make submissions, the Party seeking the remedy or Order should first seek, where practical, the consent of the other Parties and advise the Discipline Committee whether consent was obtained.

2.01(4) All communications with the Chair or the Discipline Committee in the absence of other Parties shall be made through the Hearings Manager.

2.01(5) Where a Party is represented by a representative, the Hearings Manager may communicate with the Party through the Party's representative.

2.01(6) Where a Party is to attend before the Discipline Committee and fails to do so and the Discipline Committee under these Rules decides to proceed without that Party's participation, the Discipline Committee may recess the Proceeding for fifteen minutes before proceeding in the absence of that Party.

2.01(7) The Discipline Committee may at any time correct a typographical error, error of calculation, or other similar error made in its decision without prior notice to the Parties.

2.01(8) The Discipline Committee may make such Orders in Proceedings before it as it considers proper, to prevent abuse of its processes.

2.02 Procedure for requesting a direction from the Chair

2.02(1) The Chair can give a Direction on behalf of the Discipline Committee unless the Direction must in law be given by the Panel or the Presiding Officer. A Direction can be given without notice on the initiative of the Chair or the Discipline Committee, or at the request of a Party.

2.02(2) Where the Chair can make a Direction, a Party may make submissions in writing to the Chair, care of the Hearings Manager, requesting or opposing a Direction.

2.02(3) A Party may make submissions to the Chair by filing a letter with the Chair, care of the Hearings Manager, and Delivering a copy of the letter.

2.02(4) The other Parties may respond to the submissions described in this rule by filing a letter with the Chair, care of the Hearings Manager, and Delivering a copy of the letter.

2.02(5) The Chair shall not give a Direction where the submissions have been Delivered under this rule until at least 3 days have passed since the first submission was Delivered, unless it is urgent that the Chair do so.

2.02(6) Where the Chair has given a Direction before receiving one or more submissions under this rule, the Chair may reconsider the Direction and may confirm, vary, suspend or cancel the Direction.

2.02(7) The Chair may designate the chair of the Panel assigned to the Proceeding or another appropriate person to consider one or more requests for Direction in a Proceeding.

Rule 3 - Documents

3.01 Form of documents

3.01(1) Every document shall, to the extent practical and with appropriate modifications, comply with the standards and requirements for documents set out under rule 4.01 and subrule 4.02(2) under the Rules of Civil Procedure.¹

3.01(2) The front and back page of documents delivered in hard copy shall be coloured as follows:

- a) white if prepared by RECO;
- b) blue if prepared by Registrant; and
- c) green if prepared by any other person.

¹ Those rules read as follows:

Standards - Documents in Writing

4.01 (1) A document in writing in a proceeding shall meet the following standards:

- 1. The text shall be printed, typewritten, written or reproduced legibly, with double spaces between the lines and a margin of approximately 40 millimetres on the left-hand side.
- 2. The characters used shall be of at least 12 point or 10 pitch size.
- 3. Good quality white paper or good quality near white recycled paper 216 millimetres by 279 millimetres shall be used. O. Reg. 427/01, s. 4 (1).

One Side or Both

- (2) The text may appear on one side or on both sides of the paper. O. Reg. 396/91, s. 2.

Standards - Electronic Documents

- (3) A document mentioned in rule 4.05.1 is sufficient, despite subrule (1), if it meets the standards of the software authorized by the Ministry of the Attorney General. O. Reg. 14/04, s. 2.

Body of Document

4.02 (2) Every document in a proceeding shall contain,

- a) the title of the document;
- b) its date;
- c) where the document is filed by a party and not issued by a registrar or is an originating process, the name, address and telephone number of the solicitor filing the document or, where a party acts in person, his or her name, address for service and telephone number; and
- d) where the document is issued by a registrar, the address of the court office in which the proceeding was commenced or, in the case of an application to the Divisional Court, the address of the court office in the place where the application is to be heard. R.R.O. 1990, Reg. 194, r. 4.02 (2).

3.02 Notice to be in Writing

3.02(1) Where these rules require notice to be given, it shall be given in writing.

3.03 Service of documents

3.03(1) Service of a document is deemed to be effective:

- a) by regular, registered or certified mail or by courier including priority post on the third day after the day of mailing or the date on which the document was given to the courier;
- b) by electronic mail on the day following the transmission;
- c) by personal service effective the day of receipt;
- d) by such other methods as directed by the Discipline Committee;

at the last address for service for the Party shown in the records of RECO at the time the document is Delivered.

3.04 Representation and change in the status of representation

3.04 (1) A Party or a Non-Party participant who has a representative of record may change the representative of record by notifying the representative and every other party and non-party participant and filing with the Hearings Manager a Notice of Representation or Change of Representation Form (Form 3A) giving the name, address, telephone number, and e-mail address of the new representative.

3.04(2) A Party or a Non-Party participant who has a representative of record may elect to be self-represented by notifying the representative and every other party and non-party participant and filing with the Hearings Manager a notice of intention to act in person that sets out the person's address for service, telephone number, and e-mail address.

3.04(3) The notice may be sent by electronic mail

3.04 Filing of documents

3.04(1) All documents to be filed in a Proceeding shall be filed with the Hearings Manager, except where they are filed in the course of a Hearing.

3.04(2) All documents may be filed with the Hearings Manager by electronic mail at hearings@reco.on.ca.

Rule 4 - Waivers

4.01 Methods of waiving a rule

4.01(1) Any provision of these rules may be waived by an Order of the Discipline Committee.

4.01(2) A Party requesting that a provision of these rules be waived shall, unless it is impractical to do so, request a Direction or bring a Motion to the Discipline Committee permitting the waiver.

4.01(3) A request or Motion under this rule may be made after a failure to comply with these rules has occurred.

4.01(4) The Discipline Committee may refuse to grant a request or Motion for a waiver from a provision of these rules where a Party does not act on a timely basis.

4.01(5) The Discipline Committee may waive a provision of these rules on its own initiative and may, if it deems appropriate, first give notice to the Parties and provide an opportunity for submissions to be made.

4.02 Disposition without a hearing (waiver of hearing requirements)

4.02(1) Where the Parties consent to the disposition of all or part of a matter without a Hearing, the Parties shall Deliver the proposed disposition in writing and a written waiver of the requirement for a Hearing with any written submissions to the Chair, care of the Hearings Manager.

4.02(2) Where the proposed disposition appears to be in the public interest and is appropriate with regard to the particular circumstances, the Chair may accept and sign the proposed disposition and provide an Order.

4.02(3) Where the Chair has concerns as to whether the proposed disposition is in the public interest and is appropriate with regard to the particular circumstances, the Chair shall assign a Panel to consider it along with any written submissions of the Parties.

4.02(4) The Chair or a Panel shall not alter or amend a disposition without a Hearing unless the Parties consent.

4.02(5) Nothing in this rule prevents a Panel from accepting a joint submission from the Parties at a Hearing.

4.02(6) A Panel may also dismiss a Proceeding if the Panel concludes that: ²

- a) the Proceeding is frivolous, vexatious or is commenced in bad faith; or
- b) the Proceeding relates to matters that are outside the jurisdiction of the Discipline Committee.

4.02(7) A Panel shall not dismiss a Proceeding under subrule (6) unless notice has been given to the Parties in accordance with s. 4.6(2) of the *Statutory Powers Procedure Act* and the Parties given notice are provided with at least fifteen days to make submissions in writing.

Rule 5 - Panel composition

5.01 Initial selection

5.01(1) The Chair shall, with the administrative assistance of the Hearings Manager, select the Panel for any Proceeding in accordance with the Regulations and the *Statutory Powers Procedure Act*.

5.01(2) The Hearings Manager shall notify the Parties of the identity of the Panel members.

5.02 Objections to composition of panel

5.02(1) Every Party shall review the composition of the Panel as soon as advised of it and make any necessary inquiries. If a Party has an objection to any or all of the Panel members, it shall Deliver the objection in writing with reasons for the objection to the Hearings Manager within seven days of being notified of the Panel composition.

5.02(2) If a Party fails to object to the composition of the Panel in accordance with these rules, it is deemed to accept the composition of the Panel. Despite this rule, the Panel may permit an objection after the period for objection has passed if a failure of justice may result.

5.02(3) Nothing in this rule requires the Discipline Committee to accept the objection.

² The Discipline Committee can dismiss a Proceeding without a hearing on these grounds under s. 4.6 of the *Statutory Powers Procedure Act* only if a rule is made.

Rule 6 - Notice of hearing

6.01 Preparation and service of notice of hearing

6.01(1) The Registrar shall deliver an Allegation Statement to the Hearings Manager as soon as possible after a matter has been referred to discipline.

6.01(2) The Hearings Manager shall issue³ and serve a Notice of Hearing that contains the following:

- a) the information required by the *Statutory Powers Procedure Act* to be included in the Notice of Hearing including any information required for holding all or part of the Proceedings Electronically or in writing;
- b) the composition of the Panel and notice of the procedure for objecting to any or all of the Panel members, if possible;
- c) notice of the procedure for objecting to the Hearing date, if required;
- d) notice of the duty of the Parties to make disclosure;
- e) notice that the documents Delivered by the Parties to the Hearings Manager will be provided to the Panel at least ten days before the Hearing unless a Party objects;
- f) notice of the right of the Parties to be represented; and
- g) a copy of the Allegation Statement.

6.01(3) Subject to section 6 of the *Statutory Powers Procedure Act*, the discipline committee shall give the parties to a proceeding at least 45 days notice of a Hearing by the Discipline Committee.

6.02 Objecting to a hearing date

6.02(1) Every Party shall review the Hearing date, time, place⁴ and the method of hearing as soon as advised of it and make any necessary inquiries including of any witness it might call. If a Party has an objection to the date, time or place it shall Deliver the objection in writing with reasons to the Hearings Manager within seven days of being notified.

6.02(2) If a Party fails to object to the Hearing, date, time, place or method of hearing in accordance with these rules, the Party is deemed to accept them. Despite this rule, the Panel may permit an objection after the period for objection has passed if a failure of justice may result.

6.02(3) Nothing in this rule requires the Discipline Committee to accept the objection.

³ Section 9 of Ontario Regulation 367/22 requires 45 days' notice be given for Hearings.

⁴ Hearings are held via videoconference unless objection is filed under Rule 6 and the objection is accepted by a Panel or Chair

6.03 Objection to documents being delivered to the panel in advance

6.03(1) Every Party shall review the documents provided by another Party as soon as the Party receives them and make any necessary inquiries. If a Party has an objection to the Panel's receiving any or all of the documents in advance of the Hearing, it shall Deliver the particulars of its objection and the reasons for the objection in writing to the Hearings Manager within seven days of receiving the documents.

6.03(2) If a Party fails to object to the Panel's being provided with the documents in advance of the Hearing in accordance with these rules, the Hearings Manager may provide them to the Panel. Despite this rule, the Panel may permit an objection after the period for objection has passed if a failure of justice may result and if the Panel has not yet received and reviewed the documents.

6.03(3) If an objection is made to the Panel's being provided with the documents in advance of the Hearing, another Party can bring a motion for an Order permitting the Panel to be provided with the documents.

6.04 Public notice

6.04(1) The Hearings Manager will give notice of Proceedings that are open to the public including, where practical, by posting a notice on the website of RECO.

6.04(2) The public notice shall contain the name of the Registrant, a brief summary of the provision of the Act or the regulations alleged to have been contravened by the Registrant, the nature of the Proceeding (e.g., a Motion, a Hearing) and the date, time and place, and the method of hearing of the Proceeding.

6.04(3) Despite subrule (1), the Hearings Manager shall not give public notice of a pre-hearing conference or other Proceedings that are closed to the public unless directed to do so by the Chair.

Rule 7 - Motions

7.01 Initiating motions

7.01(1) A Motion shall be made by a Notice of Motion in accordance with Form 7A unless the nature of the Motion or the circumstances makes a Notice of Motion impractical or inappropriate.

7.01(2) All procedural or interlocutory issues such as a Motion for disclosure brought to the Discipline Committee shall be raised in a Motion as soon as possible and shall be heard on a day that is at least

thirty days before the day upon which the hearing is scheduled to commence, unless the nature of the Motion requires that it be heard during the hearing itself.

7.01(3) A person bringing a Motion shall Deliver the Notice of Motion and materials in support of the Motion to the Hearings Manager and to the other Parties at least 10 days before the Motion is to be heard.

7.01(4) The other Motion Participants shall Deliver their materials at least 3 days before the Motion is to be heard.

7.02 Scheduling a motion

7.02(1) A person bringing a Motion to be heard other than at a scheduled pre-hearing conference or at a Hearing shall obtain available dates and times for the hearing of the Motion from the Hearings Manager and shall attempt to obtain agreement from the other Motion Participants as to a date and time for the hearing of the Motion.

7.02(2) A person bringing a Motion shall inform the Hearings Manager of the estimated length of time it will take to argue the Motion and the nature of the motion when first seeking available dates and times.

7.02(3) If the person bringing the Motion cannot, after reasonable efforts, obtain agreement for a date and time under subrule (1), the person shall seek a Direction from the Chair or, where there is insufficient time to do so, shall obtain an available date and time from the Hearings Manager under subrule (1).

7.03 Evidence on motions

7.03(1) Evidence on a Motion shall be given by Affidavit unless the Discipline Committee directs that it be given in some other form or unless otherwise provided by law.

7.03(2) All Affidavits used on a Motion shall,

- a) be confined to the statement of facts within the personal knowledge of the Deponent, except that the Affidavit may contain statements of the Deponent's information and belief if the source of the information and the fact of the belief are specified in the Affidavit; and
- b) be signed by the Deponent and sworn or affirmed before a person authorized to administer oaths or affirmations, which person shall also mark all exhibits as such to the Affidavit.

7.03(3) A Motion Participant may not cross-examine the Deponent of an Affidavit filed by another Motion Participant without the consent of the Motion Participants or a Direction.

7.03(4) Any cross-examination on Affidavits shall take place before a court reporter or in some other reliable manner to ensure that a transcript can be prepared and Delivered for use at the hearing of the

Motion. The party seeking to rely on transcripts must, at their own expense, deliver an electronic copy of the transcript to the Panel and each Party.

7.04 Materials on motions

7.04(1) The person bringing a Motion shall Deliver the Notice of Motion and other materials in support of the Motion in the form of a Motion Record.

7.04(2) The Motion Record shall contain the Notice of Motion, all Affidavits to be relied upon, and any other material to be relied upon.

7.04(3) If another Motion Participant intends to rely upon materials not contained in the Moving Party's Motion Record, the Motion Participant shall Deliver those materials in the form of a responding Motion Record.

7.04(4) A Motion Record and responding Motion Record shall have consecutively numbered pages and a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number or letter of the alphabet.

7.04(5) Despite subrules (2) and (3), a Motion Participant may Deliver, separately from the Motion Record or responding Motion Record, a Book of Authorities and a Factum relied on by the Motion Participant.

7.04(6) One electronic copy of all materials for a Motion shall be filed with the Hearings Manager.

7.05 Assigning a motion panel

7.05(1) The Chair shall, in accordance with section 4.2 of the *Statutory Powers Procedure Act*, assign a Panel of one or more members of the Discipline Committee to hear each Motion. The quorum of a Panel to hear a Motion is one.

7.05(2) A Motion Participant who believes that the Motion ought to be heard by members of the Discipline Committee who will not sit on the Hearing Panel shall request an Order from the Motion Panel on the matter in the Notice of Motion or a Notice of Cross-Motion.

7.06 Renewing or rearguing a motion

7.06(1) A Motion Participant shall not renew or reargue a matter that has previously been determined on a Motion unless permission has been obtained from the Discipline Committee.

7.06(2) Despite subrule (1), a Motion Participant may renew or reargue a matter that has previously been determined on a Motion if that is provided for in the Order of the Panel hearing the Motion.

Rule 7a – Adjournments

7A.01 If the hearing has not commenced,

- i. The party seeking the adjournment shall make the request by letter to the Chair filed with the Hearings Manager and copied to the responding Party, setting out the file number, the request, the reasons for the request, available dates for the hearing to be rescheduled as confirmed with the Hearings Manager, and the position of the responding Party; and
- ii. The Chair or panel member designated by the Chair may dispose of a request in writing that is on consent or unopposed, or may hear and dispose of a request for adjournment that is opposed after hearing the Parties' positions by electronic means, or may direct a hearing of the request by motion before the hearing panel;

7A.02 If the hearing has commenced, and the adjournment is on consent or unopposed, the Party seeking the adjournment may make the request by letter to the Chair of the panel (if the panel is not sitting), filed with the Hearings Manager and copied to the responding Party, setting out the file number, the request, the reasons for the request, available dates for the hearing to be rescheduled as confirmed with the Hearings Manager, and the position of the responding Party.

Rule 8 - summonses

8.01 Obtaining a Summons

8.01(1) A Party wishing to obtain a summons shall provide the name of the witness to the Hearings Manager who may provide a summons in accordance with Form 8A, pre-signed by the Chair, to the Party requesting it.

Rule 9 - Pre-hearing conferences and alternative dispute resolution

9.01 Initiating pre-hearing conferences

9.01(1) Any Party to a Hearing may request a pre-hearing conference within ten days of notice of the referral to discipline. The pre-hearing conference may be held within 45 days of the request subject to the availability of the Parties.

9.01(2) The Hearings Manager shall, after consultation with the Parties and the Presiding Officer, if possible, schedule a date for the pre-hearing conference to be held and shall notify the Parties of the date.

9.01(3) Once a pre-hearing conference has been requested, full participation is mandatory for all Parties unless the Discipline Committee Directs otherwise.⁵

9.01(4) The Chair shall designate a person who is not a member of the Hearing Panel to act as the Presiding Officer.⁶

9.01(5) The representatives of the Parties attending a pre-hearing conference shall either have authority to make decisions on the matters to be discussed or shall be readily able to obtain instructions from the person with authority.

9.02 Procedure at pre-hearing conference

9.02(1) At the pre-hearing conference, the Presiding Officer shall first discuss the following with the Parties on a without prejudice basis:

- a) whether any or all of the issues can be settled;
- b) whether the issues can be simplified;
- c) whether there are any agreed facts; and
- d) the advisability of attempting other forms of resolution of the matter.

9.02(2) After the discussion referred to in subrule (1), the Presiding Officer shall discuss with the Parties and then may make Orders⁷ about the following:

- a) the scheduling of any Motions that can be heard before the Hearing;
- b) the content and timing of Delivery of any additional disclosure;
- c) the Delivery and form of any additional documents to be used at the Hearing and whether the documents can appropriately be reviewed by the Discipline Committee or before the commencement of the Hearing;
- d) the scheduling of the Hearing;
- e) the scheduling of any Motions, as well as the Delivery of Factums and Books of Authorities and whether these can appropriately be reviewed by the Discipline Committee before the commencement of the Hearing;
- f) when the witnesses to be called at the Hearing must be available to testify; and
- g) any other matter that may assist in the just and most expeditious disposition of the Proceeding.

⁵ Under s. 5.3 of the *Statutory Powers Procedure Act*, rules are required to make pre-hearing conferences mandatory.

⁶ Under the *Statutory Powers Procedure Act*, a Presiding Officer cannot participate in a hearing afterwards unless all Parties consent. As a matter of practice, the Chair never assigns a Presiding Officer to a hearing Panel in the same matter regardless of whether there is consent.

⁷ A Presiding Officer can only make Orders if he or she is a member of the Discipline Committee. See Rule 9.04.

9.02(3) The Presiding Officer shall prepare a report after the pre-hearing conference in accordance with Form 9A listing every agreement reached under subrule (1), every Order made under subrule (2) and every undertaking given by the Parties and shall send a copy of the report to the Parties.

9.02(4) If a Party becomes aware of additional circumstances that would materially affect the conduct of the Hearing before the commencement of the Hearing, the Party shall immediately Deliver a written notice of the circumstances, and the Presiding Officer may schedule a supplementary pre-hearing conference.

9.02(5) The provisions of this rule apply to further or supplementary pre-hearing conferences with necessary modifications.

9.03 Resolutions at a pre-hearing conference

9.03(1) Any resolution as to agreed facts or a determination as to whether a Registrant contravened a provision of the Act or the regulations does not become final until it is accepted and an Order is issued under the Disposition Without a Hearing rules.

9.04 Case management orders

9.04(1) The Presiding Officer of the Pre-Hearing Conference may give Orders as to the timing and nature of procedural steps that must be taken by the Parties to ensure that the Hearing is fair and expeditious.

9.05 Motions at the pre-hearing conference

9.05(1) A Party may bring a Motion to be heard at the pre-hearing conference in accordance with these rules if the Presiding Officer is a member of the Discipline Committee.

9.05(2) A Presiding Officer may decline to hear a Motion if the Presiding Officer believes it may be inappropriate for them to hear it.

Rule 10 - Electronic and written proceedings

10.01 Procedure on electronic proceedings

10.01(1) Proceedings shall be heard electronically unless the Discipline Committee Directs otherwise based on the following factors. In deciding whether to order that a hearing be held in person, a panel may consider.⁸

- a) the suitability of an in-person hearing to the subject matter of the hearing;
- b) the cost, efficiency and timeliness of the proceeding in which the hearing is being held;
- c) the avoidance of delay or unnecessary length;
- d) the fairness of the process;
- e) the fulfilment of the RECO's statutory mandate;
- f) whether proceeding electronically is likely to cause a Party significant prejudice; and
- g) any other matter relevant in order to secure the just and expeditious determination of the subject matter of the hearing or of the proceeding in which the hearing is being held.

10.01(2) This rule applies to any Proceeding held Electronically, including Motions and pre-hearing conferences, under these rules or at the Direction of the Discipline Committee.

10.01(3) At least 48 hours before a Proceeding is scheduled to commence, every person participating in the Proceeding shall give notice to the Hearings Manager of the Email address and telephone number where they can be contacted for the Proceeding.

10.01(4) Unless otherwise provided in the rules, every person participating in the Proceeding shall Deliver every document, in consecutively numbered pages, they intend to rely upon at least 3 days before the Proceeding.

10.01(5) Every person participating in the Proceeding shall ensure that they, as arranged by the Hearings Manager, sign into the meeting link provided by the Hearings Manager or can be reached at the telephone number provided to the Hearings Manager beginning five minutes before the Proceeding is scheduled to commence.

10.02 Procedure on written proceedings

10.02(1) The Discipline Committee may Direct that all or part of any Proceeding take place in writing unless there is a good reason for not doing so.⁹

10.02(2) In a written hearing each Party shall Deliver to the other Parties its evidence and Factum and Book of Authorities, if any, at least ten days before the scheduled review of the documents by the Panel unless another rule or Direction provides otherwise.

⁸ See s. 5.2 of the *Statutory Powers Procedure Act*.

⁹ See s. 5.1 of the *Statutory Powers Procedure Act*.

10.02(3) The Discipline Committee may provide additional Directions for the conduct of a written Proceeding.

Rule 11 – Disclosure And production

11.01 Disclosure of evidence

11.01(1) The Parties shall make disclosure in accordance with the requirements set out in section 11 of the Ontario Regulation 367/22, incorporated below in section 11.01(1)(a) to section 11.01(1)(c) of these Rules of Procedure.

11.01(1)(a) A party who intends to tender evidence at a hearing before the Discipline Committee shall, not later than the date specified by Rule 11.01(1)(c), disclose the following to every other party:

- a) In the case of written or documentary evidence, a copy of the evidence.
- b) In the case of oral evidence of a witness, the identity of the witness and a written statement containing the substance of the witness' anticipated oral evidence.
- c) In the case of oral evidence of an expert, the identity of the expert and a copy of a written report signed by the expert containing the substance of the expert's anticipated oral evidence.
- d) In the case of evidence that is not oral, written or documentary evidence, a written description of the evidence.

11.01(1)(b) A party who intends to tender written or documentary evidence, or other evidence that is not oral evidence, at a hearing before the discipline committee shall give every other party a reasonable opportunity to examine the original evidence before the hearing.

11.01(1)(c) The date referred to in subsection 11.01(1)(a) is,

- a) in the case of evidence tendered by the administrative authority, the date that is 30 days before the date the hearing begins; and
- b) in the case of evidence tendered by any other party, the date that is 15 days before the date the hearing begins.

11.01(1)(d) If a hearing before the discipline committee is closed to the public, the committee may order that evidence given and submissions made at the hearing not be disclosed to any member of the public.

11.02 Motions for disclosure

11.02(1) All Motions for disclosure shall be brought in accordance with these rules unless special circumstances require that the Motion be brought later.

11.02(2) The Discipline Committee may, to protect the privacy of any person, impose terms or conditions upon the extent and method of disclosure or the use of the information disclosed.

11.02(3) Any person who receives disclosure relating to a Proceeding before the Discipline Committee, whether under these rules or otherwise, shall only use the information for the purposes of the Proceeding, and shall not use it for any other purpose. The person shall also ensure that any other person to whom they give the information undertakes to similarly restrict the use of the information.

11.02(4) Subrule 11.02(3) does not prevent RECO from using disclosed information for other regulatory purposes under the Act.

11.03 Production of documents from a third party

11.03(1) A summons for the production of documents from a third party that are not in the possession of a Party shall not require the production of any documents before the commencement of the Hearing.

11.03(2) A Motion relating to the production of documents from a third party that may require the examination of the documents by a Panel shall not be heard until the commencement of the Hearing.

11.03(3) Notice of a Motion relating to the production of documents from a third party shall be served on the person or entity possessing the documents and on any other person with a significant interest, including a privacy interest, in the documents.

11.04 Expert witnesses

11.04(1) A Party who intends to call an expert witness at a Hearing shall serve on every other Party a report, signed by the expert, containing the information listed in subrule (2).

11.04(2) A report provided for the purposes of subrule (1) shall contain the following information:

1. The expert's name, address and area of expertise.
2. The expert's qualifications and employment and educational experiences in their area of expertise.
3. The instructions provided to the expert in relation to the Proceeding.
4. The nature of the opinion being sought and each issue in the Proceeding to which the opinion relates.
5. The expert's opinion respecting each issue and, where there is a range of opinions given, a summary of the range and the reasons for the expert's own opinion within that range.
6. The expert's reasons for their opinion, including,
 - i. a description of the factual assumptions on which the opinion is based,
 - ii. a description of any research conducted by the expert that led them to form the opinion, and
 - iii. a list of every document, if any, relied on by the expert in forming the opinion.
7. An Acknowledgement of Expert's Duty (Form 11A) signed by the expert.

Rule 12 - Taking evidence before the hearing

12.01 Initiating the taking of evidence before the hearing

12.01(1) A Party who intends to introduce the evidence of a person at the Hearing and who has made all required disclosure in respect of the evidence of that witness may, with the consent of the Parties or by Order of the Discipline Committee, examine the witness on oath or affirmation before the Hearing for the purpose of having the witness's testimony available to be tendered as evidence at the Hearing.

12.01(2) The Discipline Committee may make an Order under subrule (1) if it is satisfied that the Order would not cause significant prejudice to a Party and would not prevent the Discipline Committee from fully and fairly understanding the evidence.

12.01(3) The Party who intends to introduce the evidence of a witness under this rule shall ensure that the examination is recorded, at the Party's cost, by a court reporter or some other reliable manner as agreed between the Parties, and shall Deliver to all other Parties and to the Hearings Manager on behalf of the Discipline Committee an electronic copy of the transcript of the evidence at least three days before the Hearing is scheduled to commence.

12.01(4) The Party who intends to introduce the evidence of a witness under this rule shall also ensure that the examination is video recorded, at the Party's cost, unless the Parties consent or the Discipline Committee orders otherwise, and shall Deliver to all other Parties and to the Hearings Manager on behalf of the Discipline Committee an electronic copy of the video recording at least three days before the Hearing is scheduled to commence.

12.01(5) The examination shall take place at the date, time and place, including virtually, consented to or ordered by the Discipline Committee.

12.01(6) The Discipline Committee may impose terms or conditions in the Order for an examination including a term or condition that the Party intending to introduce the evidence of the witness pay for the reasonable travel expenses of the other Parties and their representative(s), where applicable.

12.02 Procedure at the examination

12.02(1) A witness examined under this rule may, after being affirmed by a person authorized to do so, be examined, cross-examined and re-examined in the same manner as a witness at a Hearing.

12.02(2) Where a question is objected to, the objector shall state briefly the reason for the objection, and the question and the brief statement of the reason for the objection shall be recorded.

12.02(3) The Party objecting to a question may, after the objection, permit the question to be answered subject to a ruling's being obtained from the Discipline Committee before the evidence is used at a Hearing.

12.02(4) A ruling on the propriety of a question that is objected to and not answered may be obtained on Motion to the Discipline Committee.

12.02(5) Where the question is not answered under subrule (3) and the objection is found not to be valid, the person who objected shall ensure that the witness is produced at the expense of the person who objected for another examination prior to the Hearing or at the Hearing to answer the question.

12.02(6) Any document used during the examination that is intended to be filed as an exhibit at the Hearing shall be marked at the examination by the person introducing it so it can be identified later and the person introducing it shall Deliver a copy electronically to the Hearings Manager if it has not already been filed with the Discipline Committee.

12.03 Use of examination at the hearing

12.03(1) At the Hearing, any Party may use the transcript and video recording of an examination made under this rule as the evidence of the witness unless the Discipline Committee orders otherwise.

12.03(2) A witness who has been examined under this rule shall not be called to give evidence at the Hearing except on the Order of the Discipline Committee.

12.03(3) Where a witness is ordered to give evidence at the Hearing under subrule (2), the Party who tendered the evidence under subrule (1) shall arrange for the witness to attend at the Party's expense.

12.03(4) The transcript and any video recording need not be read or played during the Hearing with the Parties present unless a Party or the Discipline Committee requires it.

12.03(5) Where the reading of a transcript or the playing of a video recording is required under subrule (4), the Party introducing the evidence under this rule shall conduct the reading or playing during the presentation of that Party's case unless the Discipline Committee orders otherwise.

Rule 13 - Non-party participation

13.01 General non-party participation

13.01(1) A person who is not a Party who wishes to participate in a Hearing shall bring a Motion in accordance with these rules at the earliest possible opportunity. The Chair shall assign the Panel that will be conducting the Hearing to hear the Motion.

13.01(2) The Notice of Motion shall set out the extent of participation the person proposes to have in the Hearing and shall be accompanied by the evidence upon which the person intends to rely in support of the Motion and a Factum in support of the Motion.

13.01(3) If the Panel allows the person to participate in the Hearing, the person shall comply with the rules as much as is practical unless to do so would be inconsistent with the Panel's determination of the extent of the person's participation in the Hearing.

13.01(4) If the Panel allows the person to participate in the Hearing, the other Parties shall apply the rules to the person as much as is practical unless to do so would be inconsistent with the Panel's Order as to the extent of the person's participation in the Hearing.

13.02 Severance of proceedings

13.02(1) On the motion of a party, or on a panel's own motion, the panel may make an order that a proceeding be divided into two or more proceedings. In considering such a motion, the panel shall consider:

- a) if ordering a separate hearing will dispose of some or all of the issues, shorten or simplify the proceedings or result in a substantial costs savings;
- b) whether the issues are clearly severable and can be heard separately without unduly repeating evidence or risking inconsistent findings of fact;
- c) whether ordering separate hearings would unduly prejudice or advantage a party;
- d) any other relevant matter.

13.02(2) Where an order is made under subrule (1), the panel shall determine the effects of making the order, including how the merits of the separate proceedings shall be heard, and may give such directions as it deems just with respect to the division of the proceeding.

13.03 Notice of constitutional questions¹⁰

13.03(1) Where a Party intends to raise a question about the constitutional validity or applicability of legislation, a regulation or by-law made under legislation, or a rule of common law, or where a Party claims a remedy under subsection 24(1) of the *Canadian Charter of Rights and Freedoms*, notice of a constitutional question shall be Delivered and shall also be served on the Attorneys General of Canada and Ontario as soon as the circumstances requiring notice become known and, in any event, at least 15 days before the question is to be argued.

¹⁰ Based on s. 109 of the *Courts of Justice Act*.

13.03(2) Where the Attorneys General of Canada and Ontario are entitled to notice, they are entitled to adduce evidence and to make submissions to the Discipline Committee or regarding the constitutional question.

Rule 14 – Expedited hearings

14.01 Requesting expedited hearings

14.01(1) A Party can request, by Motion, that the Discipline Committee expedite a Hearing where circumstances warrant it.

Rule 15 - Procedure during hearings

15.01 Electronic devices and publication of proceedings

15.01(1) No person shall:

- a) take or attempt to take a photograph, motion picture, audio or video recording or other record capable of producing visual or audio representations by any means at a Proceeding, or
- b) publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio or video recording or other record taken in contravention of clause (a).

15.01(2) Subrule (1) does not apply to:

- a) Any recording of a proceeding taken by the Discipline Committee, including a recording of oral evidence given at a hearing, for the purposes of creating a record of the Proceeding;
- b) a person unobtrusively making handwritten or typewritten notes or sketches at a Proceeding;
- c) a Party or their representative's unobtrusively and in a manner authorized by the Panel, making an audio recording at a Proceeding that is used only as a substitute for handwritten or typewritten notes for the purposes of the Proceeding;
- d) a person taking a photograph, motion picture, audio or video recording or other record with the authorization of the Panel for any purpose of the Proceeding;
- e) a person taking a photograph, motion picture, audio or video recording or other record with the authorization of the Panel and the consent of the Parties and of the witnesses to be recorded, for such educational or instructional purposes as the Panel approves; or
- f) a disabled person using a device to compensate for a disability.

15.02 Vulnerable witnesses

15.02(1) The Discipline Committee may order that a support person be permitted to be present and to sit near a vulnerable witness while testifying and may issue Directions regarding the conduct of the support person during the testimony of the witness.

15.02(2) The Discipline Committee may order that a vulnerable witness testify outside the Hearing room or behind a screen or other device that would allow the vulnerable witness not to see the Registrant if the Discipline Committee is of the opinion that the exclusion is necessary to obtain a full and candid account of the matter.

15.02(3) The Discipline Committee shall not make an Order under subrule (2) unless arrangements are made for the Registrant, the Discipline Committee and the Parties' representatives to watch the testimony of the vulnerable witness by means of closed-circuit television or otherwise and the Registrant is permitted to communicate with their Representative while watching the testimony.

15.02(4) The Discipline Committee may order that a Registrant not personally conduct the cross-examination of a vulnerable witness if the Discipline Committee is of the opinion that the Order is necessary to obtain a full and candid account of the vulnerable witness's testimony.

15.03 Access to hearing record by the public

15.03(1) If a member of the public wishes to have access to all or part of the Discipline Committee's record of a proceeding, they shall bring a Motion to the Panel upon notice to the Parties, and such Motion shall be made, considered and decided in writing by the Panel or, if the Hearing is completed or the Panel is otherwise unable to deal with the issue expeditiously, by the Chair.

15.03(2) In considering a Motion under this rule, the Panel or the Chair shall balance the privacy interests of those identified in the record, the integrity of the hearing process and the interest in openness and public access to the disciplinary process.

15.04 Oral and written argument

15.04(1) The Panel may place reasonable limits on the length of oral submissions.

15.04(2) The Panel may, after obtaining submissions, if practical, order the Parties to submit written arguments on some or all of the issues in the Hearing and may give Directions as to the form, length and timing of such written arguments.

15.05 Procedure on discipline orders

15.05(1) The Panel may Direct that the evidence and submissions on what discipline Order to make under ss. 21(3) of the Act be made in person, electronically, in writing, or by a combination of any of them, as the Panel considers appropriate and in accordance with these rules.

Rule 16 - Giving notice of final decision

16.01 Methods of giving notice of final decision¹¹

16.01(1) In addition to the methods described in section 18 of the *Statutory Powers Procedure Act*, the Discipline Committee may send each Party a copy of its final decision or Order, including the reasons if any have been given,

- a) by registered or certified mail;
- b) by courier;
- c) by electronic mail; or
- d) by another means ordered by the Discipline Committee.

16.01(2) If a copy is sent by electronic mail, it shall be sent to the most recent address for the recipient known to the Hearings Manager or as ordered by the Discipline Committee.

16.01(3) The Final Order shall also be published on RECO's website and in one other manner in accordance with the Regulations¹² and the Hearings Manager shall provide one copy to anyone who requests it if the applicable fee is paid.

16.02 Giving notice of decision to complainant

16.02(1) If a proceeding before the Discipline Committee arises from a complaint by a person who is not a party to the proceeding, the Committee shall send the person a copy of its final decision, including the reasons if any have been given, at the same time that it complies with section 18 of the *Statutory Powers Procedure Act*.

¹¹ Section 12 of Ontario Regulation 367/22 requires that a copy of the decision and reasons be given to any complainant. Section 13 of Ontario Regulation 367/22 requires that a discipline decision and reasons be accompanied by a notice of appeal rights.

¹² See section 15 of Ontario Regulation 367/22.

Rule 17 – Costs

17.01 When costs may be ordered

17.01 The Discipline Committee may Order a Registrant to pay Costs to RECO pursuant to paragraph 8 of subsection 21(3) of the *Act*.¹³

17.02 The Discipline Committee may Order RECO to pay Costs to a Registrant pursuant to s. 17.1(2) of the *Statutory Powers Procedure Act* if the conduct or course of conduct of RECO has been unreasonable, frivolous or vexatious or a party has acted in bad faith.

17.02 Amount of costs

17.02(1) The amount of Costs that may be ordered include the following:

- a) a Party's actual reasonable disbursements or expenses, excluding legal or agent's fees related to the Proceeding to a maximum of \$1,000.00;
- b) an amount representing a Party's legal fees equal to a maximum of \$3,000.00 per Hearing day (inclusive of preparation); and
- c) an amount representing a Party's agent's fees equal to a maximum of \$1,000.00 per Hearing day (inclusive of preparation) by the Party's agent if the Party does not have a Lawyer for that Hearing day.

17.02(2) Where Costs are ordered to be paid by a Registrant, a Panel may Order that RECO receive a proportion of the amount of costs described in this rule.

17.02(3) A Panel may fix costs after providing an opportunity for submissions on the amount.

17.02(4) In this rule, legal fees include deemed fees for in-house Lawyers and agent's fees include deemed fees for in-house agents.

¹³ Paragraph 8 of subsection 21(3) of the *Act* reads as follows:

21(3) If the discipline committee makes a determination under subsection (1) that a registrant has contravened a provision of this Act or the regulations, it may, by order, do any of the following, as the committee considers appropriate:

8. Despite section 17.1 of the *Statutory Powers Procedure Act*, fix and impose costs to be paid by the registrant to the administrative authority or to the Minister of Finance if there is no designated administrative authority.

Subsection 15 A (footnote 15 A) 17.1(2) of the *Statutory Powers Procedure Act* reads as follows:

17.02(5) In this rule, Hearing days include Motions and pre-hearing conferences and similar Proceedings.

17.02(6) Where the request for costs includes disbursements or expenses and they are challenged, they may be proved by an Affidavit attaching a copy of any invoice or receipt.



FORM 3A – NOTICE OF REPRESENTATION OR CHANGE OF REPRESENTATION

File No. _____

DISCIPLINE COMMITTEE OF THE
REAL ESTATE COUNCIL OF ONTARIO

B E T W E E N :

REAL ESTATE COUNCIL OF ONTARIO

- and -

[NAME OF REGISTRANT]

The (name of Participant), formerly represented by (name of former lawyer), has appointed (name of new lawyer) as lawyer of record.

[Date]

*[Name, address, telephone and Email address of
Participant's Lawyer / agent or Participant]*

TO: *[Name, address, telephone and
Email address of responding
Participant's Lawyer / agent or
responding Participant]*

FORM 7A – NOTICE OF MOTION

File No. _____

DISCIPLINE COMMITTEE OF THE REAL ESTATE COUNCIL OF ONTARIO

B E T W E E N :

REAL ESTATE COUNCIL OF ONTARIO

- and -

[NAME OF REGISTRANT]

Respondent(s)

NOTICE OF MOTION

THE *[IDENTIFY MOVING MOTION PARTICIPANT]* WILL make a Motion to the Discipline Committee of RECO on *[day]*, *[date]*, at *[time]*, or as soon after that time as the Motion can be heard. The Motion will be heard Electronically under the Rules of Practice *[unless a Direction or Order has been obtained to hear it in person]*. The details for participating in the Motion are as follows: *[insert details]*. If you do not participate in the Motion in accordance with this notice, the Discipline Committee may proceed without you and you will not be entitled to any further notice in the Proceeding.

THE MOTION IS FOR *[state here the precise relief sought]*.

THE GROUNDS FOR THE MOTION ARE *[specify the grounds to be argued, including a reference to any statutory provision or rule to be relied on]*.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL be used at the hearing of the Motion: *[list the Affidavits or other documentary evidence to be relied on]*.

[Date]

*[Name, address, telephone and facsimile numbers of
moving Motion Participant's Lawyer / agent or moving
Motion Participant]*

TO: *[Name, address, telephone and
Email address of responding
Motion Participant's Lawyer / agent or
responding Motion Participant]*

FORM 7B – ORDER

File No. _____

DISCIPLINE COMMITTEE OF THE REAL ESTATE COUNCIL OF ONTARIO

[Names of Panel Members])
) [day and date of Order]
)

B E T W E E N :

REAL ESTATE COUNCIL OF ONTARIO

- and -

[NAME OF REGISTRANT]

Respondent(s)

ORDER

THIS MOTION, made by [identify moving Motion Participant] for [state the relief sought in the Notice of Motion, except to the extent that it appears in the operative part of the Order], was heard this day [or heard on (date)], by conference call [or insert address if heard in person].

ON READING the [give particulars of the material filed on the Motion] and on hearing the submissions of counsel for [identify Motion Participants], [where applicable, add "(identify Motion Participant) appearing in person" or "no one appearing for (identify Motion Participant), although properly served as appears from (indicate proof of service)"]],

1. **THE DISCIPLINE COMMITTEE ORDERS** that ...
2. **THE DISCIPLINE COMMITTEE ORDERS** that ...

[signature of Panel Chair]

FORM 8A – SUMMONS

File No. _____

DISCIPLINE COMMITTEE OF THE
REAL ESTATE COUNCIL OF ONTARIO

B E T W E E N :

REAL ESTATE COUNCIL OF ONTARIO

- and -

[NAME OF REGISTRANT]

Respondent(s)

SUMMONS

TO: *[name of person being summoned]*

YOU ARE REQUIRED TO ATTEND TO GIVE EVIDENCE at the hearing of this proceeding on
_____, _____, 20__, at _____ a.m., at
_____, and to remain until your
attendance is no longer required.

YOU ARE REQUIRED TO BRING WITH YOU and produce at the hearing all relevant documents and things
including the following documents and things:

**IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS THIS SUMMONS REQUIRES, THE ONTARIO
SUPERIOR COURT OF JUSTICE MAY ORDER THAT A WARRANT FOR YOUR ARREST BE ISSUED, OR
THAT YOU BE PUNISHED IN THE SAME WAY AS FOR CONTEMPT OF THAT COURT.**

Date: _____

THE DISCIPLINE COMMITTEE OF THE
REAL ESTATE COUNCIL OF ONTARIO

This summons issued upon the request of:

*[insert name and address of
lawyer / agent requesting the summons]*

Chair

NOTE: You are entitled to be paid the same fees or allowances for attending at or otherwise participating in the
hearing as are paid to a person summoned to attend before the Ontario Superior Court of Justice.

FORM 9A – REPORT OF PRESIDING OFFICER

File No. _____

**DISCIPLINE COMMITTEE OF THE
REAL ESTATE COUNCIL OF ONTARIO**

[*Names of Presiding Officer*])
) [day and date of Conference]
)

B E T W E E N :

REAL ESTATE COUNCIL OF ONTARIO

- and -

[NAME OF REGISTRANT]

Respondent(s)

REPORT OF PRESIDING OFFICER

A pre-hearing conference was held in this matter on [date]. In attendance were [list people and their capacity].

Agreements

The Parties agreed that the following facts can be assumed to be correct for the purpose of the Hearing:

[list facts]

The Parties agreed that the following documents can be admitted in the Hearing on consent:

[list documents]

Directions and Orders

The outstanding pre-hearing Motions and the dates that they will be heard are as follows:

Number	Nature of Motion	Date to be Heard
1.		

The following Motions will be argued at the Hearing itself:

Number	Nature of Motion	Estimated Length of Argument
1.		



Other than for information that is discovered after the conference, disclosure is now complete [or will be completed by (date)].

The following documents brief(s) will be Delivered before the Hearing:

Number	Description	Party Preparing	Date to be Delivered
1.			

The following Facts and Book of Authorities will be Delivered before the Hearing:

Number	Description	Party Preparing	Date to be Delivered
1.			

The Hearing is scheduled to begin on [date] for [number] day(s).

The proposed schedule for the Hearing is as follows:

Date	Motions/Arguments/Witnesses	Estimated Length of Time
------	-----------------------------	--------------------------

The witnesses will be immediately available when their evidence is reached on the day scheduled for their testimony and will be available on any following days. There are no other matters anticipated to occur during the Hearing itself.

Other Matters

[Insert any other matters the Parties should be aware of]

The Parties are reminded of the provisions of subrule 9.02(4) regarding notifying the Presiding Officer of any circumstances that would materially affect the conduct of the Hearing.

[Date]

[Signature of Presiding Officer]

To: *[list Parties' Lawyers / agents]*

FORM 11A – ACKNOWLEDGEMENT OF EXPERT’S DUTY

File No. _____

DISCIPLINE COMMITTEE OF THE
REAL ESTATE COUNCIL OF ONTARIO

B E T W E E N :

REAL ESTATE COUNCIL OF ONTARIO

- and -

[NAME OF REGISTRANT]

Respondent(s)

ACKNOWLEDGEMENT OF EXPERT’S DUTY

1. My name is [name]. I live in [city] in the province of [name of province].
2. I have been retained by [name of party] to give evidence in the above noted hearing before the [name of tribunal].
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and neutral;
 - b. to provide opinion evidence that is related only to matters within my area of expertise; and
 - c. to provide such additional assistance as the Committee may reasonably require to determine the matters in issue.
6. I acknowledge that these duties prevail over any obligation which I may owe to the party that retained me or the party’s representative.

Date: _____
[Signature]

NOTE: This form must be attached to any report signed by the expert and provided for the purposes of Rule 11.04(2) of the Rules of Practice.

FORM 18B – FACTUM

File No. _____

**DISCIPLINE COMMITTEE OF THE
REAL ESTATE COUNCIL OF ONTARIO****B E T W E E N :****REAL ESTATE COUNCIL OF ONTARIO****- and -****[NAME OF REGISTRANT]****Respondent(s)****FACTUM OF [identify Party]****Statement of Facts**

1. *[Set out facts followed by references to where in the evidence that fact is found similar to the following example:*

*Transcript, Day 1, p. 108, Lines 4-9
Exhibit 1, Tab 4, p. 2]*

Statement of Law

2. *[Set out statements of law followed by reference to where in the Book of Authorities the statement is supported similar to the following example:*

College of Physicians and Surgeons of Ontario v. Payne (2002), 219 D.L.R. (4th) 350 (Ont. Div. Ct.), [identify Party]'s Authorities, Tab 1, p. 12.]

Order Sought

3. The *[identify Party]* respectfully submits that the Appeals committee make the following Order:
a) *[set out exactly what Order you want the Appeals Committee to make]*

Respectfully submitted:

[Date]

*[Name, address, telephone and Email address of
appealing Party's Lawyer / agent or appealing Party]*

TO: *[Name, address, telephone and
Email address of responding
Party's Lawyer / agent or responding Party]*