

Process Checklist – Self-Represented

Real Estate Act s. 40 Complainant Appeal

File name and number: _____

Counsel for the Registrar: _____

Your name: _____

PANEL'S OPENING REMARKS	
1. The Chair will state that the purpose of the proceedings is to hold a s. 40 <i>Real Estate Act</i> Complainant Appeal in regards to your complaint to the Registrar about <i>[name of person]</i> .	
2. The Chair will state that the hearing panel will determine whether the complaint is frivolous or vexatious or there is insufficient evidence of conduct deserving of sanction or there is sufficient evidence of conduct deserving of sanction to warrant a hearing by a different hearing panel. The Chair will state that the hearing panel does not have the authority to determine whether <i>[name of person's]</i> conduct is deserving of sanction. This appeal is a review of the registrar's decision to dismiss your complaint based on information collected during the complaint investigation. You or the counsel for the registrar will not be providing any new witnesses and any new evidence. This is a review on the record of the investigation.	
3. The Chair will introduce themselves.	
4. The Chair will ask the other panel members to introduce themselves.	
5. The Chair will ask the counsel for the registrar to introduce themselves.	
6. The Chair will ask you to introduce yourself.	
7. The Chair will ask the independent legal counsel to the panel to introduce themselves.	
8. The Chair will explain the role of the independent legal counsel to the appeal panel: to provide legal advice to the panel only throughout the proceedings.	
9. The Chair will ask the hearings administrator to introduce herself.	
10. The Chair will confirm whether there is anyone else in the room other than the appeal panel members, independent legal counsel, you/your lawyer and counsel for the registrar. If so, the Chair will ask in what capacity they are present. For example, are they observers?	

<p>11. If there are observers, the Chair will confirm that all observers have provided their names to the hearings administrator in advance of the hearing. If not, the Chair will have them give their name to the hearings administrator. A short pause in the hearing may be required.</p>	
<p>12. The Chair will instruct everyone present in the hearing room to turn off all electronic devices.</p>	
<p>13. The Chair will state that, in accordance with RECA's electronics policy, the panel only permits the hearings administrator to record the hearing. RECA strictly prohibits any other types of recordings.</p>	
<p>14. The Chair will confirm that the hearings administrator is digitally recording the proceedings.</p>	
<p>15. The Chair will ask you and the counsel for the registrar if either of you has any objections to the panel members.</p> <ul style="list-style-type: none"> a. If there is an objection, the Chair will hear submissions (statements) from you and the counsel for the registrar, (whomever objected first, goes first, next is the response from the other party, and the objecting party has an opportunity to rebut (dispute) the response.) The Chair will make a decision on the issue. b. If there are no objections, the Chair will state, "There are no objections." 	
<p>16. The Chair will advise everyone if they have any questions, during the proceeding, kindly address them to the Chair.</p>	
<p>17. The Chair will ask you if legal counsel is representing you.</p> <ul style="list-style-type: none"> a. If legal counsel is not representing you, the Chair will confirm that you are aware of your right to legal counsel. b. The Chair will confirm that you wish to proceed self-represented (representing yourself). 	
<p>18. The Chair will state that the panel has received and reviewed the Notice of Complainant Appeal. The hearing panel understands that both you and the counsel for the registrar have supplied written submissions.</p>	
<p>19. Overview of the process for the appeal:</p> <ul style="list-style-type: none"> a. The panel will consider any preliminary (opening) matters. b. You may present your submissions (your case). c. The panel may ask you clarifying questions. d. The counsel for the registrar may present their submissions (their case). e. The panel may ask clarifying questions. f. The panel may ask the counsel for the registrar to give a rebuttal (may respond to your presentation), if they choose. 	

g. The appeal will end and the appeal panel will prepare a written decision.	
THE APPEAL HEARING	
20. The Chair will ask you and the counsel for the registrar if either of you has any preliminary (opening) issues, questions, or concerns before proceeding.	
21. The Chair will ask the counsel for the registrar to enter your Notice of Appeal as an exhibit in the hearing, if the counsel for the registrar has not already done so.	
22. The Chair will confirm that the counsel for the registrar's written submissions (their case) be an exhibit in the hearing, if the counsel for the registrar has not done so.	
23. The Chair will ask you and the counsel for the registrar if either of you has any questions or concerns before proceeding.	
COUNSEL FOR THE REGISTRAR'S PRESENTATION	
24. The Chair will ask the counsel for the registrar to present their submissions (their case).	
25. The Chair will invite the hearing panel to ask clarifying questions.	
YOUR PRESENTATION	
26. The Chair will ask you to present your submissions (your case).	
27. The Chair will invite the hearing panel to ask you clarifying questions.	
COUNSEL FOR THE REGISTRAR'S REBUTTAL	
28. The Chair will invite the counsel for the registrar to give a rebuttal (may respond to your presentation), if they choose.	
PARTIES' CLOSING SUBMISSIONS	
29. The Chair will invite the counsel for the registrar to make their closing submissions (statements).	
30. The Chair will invite you to make your closing submissions (statements).	
31. The Chair will invite the counsel for the registrar to respond to your closing submissions (statements).	
PANEL'S CLOSING REMARKS	
32. The Chair will give the hearing panel's closing remarks. <ul style="list-style-type: none"> a. Thank all parties for their attendance. b. They will advise you and the counsel for the registrar the panel will make a decision regarding to the Complainant Appeal and will advise you and the counsel for the registrar in writing as soon as possible. 	