

GUIDE TO WRITTEN & ORAL SUBMISSIONS IN LICENSING REVIEWS FOR INDUSTRY MEMBERS

RECA conducts licensing reviews according to a process based on the requirements of the *Act* and Rules and the principles of natural justice, which promote fairness throughout the process.

RECA will gather evidence to determine whether or not to suspend or cancel an individual's licence.

LEGAL REPRESENTATION

The industry member has the right to legal counsel of their choosing at any point in the licensing review process.

WHAT TO EXPECT IN WRITTEN OR ORAL SUBMISSION PROCEEDINGS IN A LICENSING REVIEW

EVIDENCE GATHERING

- I. RECA will notify the industry professional when they identify an issue requiring a licence review.
- II. RECA will then gather evidence and information from the industry professional and other relevant parties.

DISCLOSURE AND SUBMISSION SELECTION

RECA will disclose all relevant evidence upon completion of evidence gathering. The industry professional will have the opportunity to make written submissions or give oral submissions and provide additional relevant evidence

WRITTEN SUBMISSIONS

Written submissions process:

1. Case presenter will give a deadline for providing written submissions and any additional relevant evidence
2. The Case Presenter will review the submissions and any additional evidence. The Case Presenter may request the industry member answer specific questions concerning facts.
3. The Case Presenter will share any research or comments they make to the executive director.
4. The executive director will review the case file and all additional submissions and evidence
5. The executive director will make a decision and serve the industry professional

The industry professional may appeal the decision pursuant to *Real Estate Act* Rules section 39.

ORAL SUBMISSIONS

RECA will set a date for a formal proceeding, which will include:

- the industry professional
- the executive director or their delegate
- the licensing review case presenter
- the recording clerk

ROLES OF THE PARTICIPANTS AT THE ORAL SUBMISSIONS PROCEEDING

Industry professional: to make an oral submission and present any and all information or evidence before the decision maker. They may call witnesses as part of the oral submission and may introduce documents for consideration.

Case Presenter: as a neutral party, the case presenter will ensure the decision maker receives adequate information to make an informed decision. The case presenter may supply research to the industry professional and the decision maker. They may ask direct questions of the industry professional and any other witnesses on the evidence in order to clarify information or bring forth any relevant new information or evidence. The questions asked must be relevant either to the issue(s) or to the credibility, sincerity or integrity of the witness. The case presenter will ask questions in a polite and respectful manner.

Executive Director or Executive Director Delegated: review the information or evidence, hear the oral submissions and responses to questions, and consider all evidence before rendering a decision. The decision maker may ask questions of the industry professional and witnesses, as necessary, to ensure there is adequate available information.

Recording Clerk: record the oral submissions proceedings and enter evidence as exhibits. They make the recording to ensure process integrity and for the purpose of any appeal of the licensing review under *Real Estate Act* Rules section 39.

STEP-BY-STEP PROCESS FOR ORAL SUBMISSIONS PROCEEDING

1. RECA will notify the industry professional of the scheduled proceedings date.
2. RECA expects the industry professional to attend the proceeding in person. Legal counsel may also attend. Either the industry professional or their legal counsel may make the oral submission. The industry professional must supply any oral or documentary evidence, and they must swear an oath or take an affirmation.
3. The case presenter will open the proceeding by introducing the matter and describing the issue and the evidence gathered. The case presenter will mark the licensing review file disclosure containing all of the evidence gathered as an exhibit.
4. The industry professional will take an oath or affirmation and proceed to make their oral submissions to the decision maker.
5. The case presenter may ask the industry member questions, for which the industry professional will swear an oath or take an affirmation.
6. The industry professional may call witnesses to provide relevant evidence or may supply additional documentary evidence.
7. The case presenter may ask questions of the witnesses.
8. The executive director or delegate may ask questions of the industry professional or witnesses. In either case, they must swear an oath or take an affirmation if they have not already done so.
9. The matter will conclude and the decision maker will advise the participants that they will render a written decision within an appropriate period of time.
10. RECA will serve the industry professional with the decision

The industry professional may appeal the decision.