

Process Checklist – Self-Represented

***Real Estate Act* s. 38(4.2) and s. 40.1**

Executive Director

Authorization Suspension Appeal

File name and number: _____

Case presenter: _____

Your name: _____

HEARING PANEL'S OPENING REMARKS	
1. The Chair will state that this matter is an Appeal of an Executive Director Authorization Suspension issued against you for refusing to cooperate with a person conducting an investigation.	
2. The Chair will introduce themselves.	
3. The Chair will ask the other hearing panel members to introduce themselves.	
4. The Chair will ask the case presenter to introduce themselves.	
5. The Chair will ask you to introduce yourself.	
6. The Chair will ask the independent legal counsel to the hearing panel to introduce themselves.	
7. The Chair will explain the role of the independent legal counsel to the hearing panel: to provide legal advice to the hearing panel only throughout the proceedings.	
8. The Chair will ask the hearings administrator to introduce herself.	
9. The Chair will confirm whether there is anyone else in the room other than the hearing panel members, independent legal counsel, you/your lawyer and case presenter. If so, the Chair will ask in what capacity they are present. For example, are they observers? Are there witnesses in the room?	
10. 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.	
11. The Chair will instruct everyone present in the hearing room to turn off all electronic devices.	
12. The Chair will state that, in accordance with RECA's electronics policy, the hearing panel only permits the hearings administrator to record the hearing. RECA strictly prohibits any other types of recordings.	
13. The Chair will confirm that the hearings administrator is digitally recording the proceedings.	

<p>14. The Chair will ask you and the case presenter if either of you has any objections to the hearing 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 case presenter, (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>15. The Chair will advise everyone if they have any questions, during the proceedings, kindly address them to the Chair.</p>	
<p>16. 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>17. The Chair will state that the hearing panel has received and reviewed the Notice of Appeal of Executive Director Authorization Suspension. The hearing panel understands the parties have supplied written submissions.</p>	
<p>18. Outline the process for the hearing:</p> <ul style="list-style-type: none"> a. The panel will consider any preliminary matters. b. The case presenter will give their opening statement. c. The industry member will give their opening statement. d. The case presenter will call their case, including witnesses and other evidence. e. The industry member will have an opportunity to cross-examine the case presenter's witnesses. f. The case presenter may ask their witnesses questions on re-direct. g. The hearing panel may ask the case presenter's witnesses clarifying questions. h. The industry member will call their case, including witnesses and other evidence. i. The case presenter will have an opportunity to cross-examine the industry member's witnesses. j. The industry member may ask their witnesses questions on re-direct. k. The hearing panel may ask the industry member's witnesses clarifying questions. l. The case presenter may give their closing submissions about the breach. 	

<ul style="list-style-type: none"> m. The industry member may give their closing submissions about the breach. n. The panel may ask questions. o. The hearing will end and the panel will prepare a written decision about the breach. 	
THE HEARING	
19. The Chair will ask the parties if they have any preliminary issues, questions or concerns before proceeding.	
20. The Chair will ask that the Notice of Appeal of Executive Director Suspension be an exhibit in the hearing, if the case presenter has not already done so.	
21. The Chair will ask the case presenter if they will be making an opening statement.	
22. The Chair will ask you if you will be making an opening statement.	
23. The Chair will ask the case presenter how many witnesses they expect to call and if the witnesses are present today (in the witness waiting room).	
24. The Chair will ask you how many witnesses you expect to call and if the witnesses are present today (in the witness waiting room).	
25. The Chair will ask the parties if they have any questions or concerns before proceeding.	
PARTIES' OPENING STATEMENTS	
26. If the case presenter indicated they would be making an opening statement, the Chair will ask them to begin.	
27. If you indicated that you are going to be making an opening statement, the Chair will ask you to begin.	
CASE PRESENTER'S PRESENTATION	
28. The Chair will state that the case presenter has the burden of proving the case on a balance of probabilities.	
29. The Chair will ask the case presenter to begin the presentation of their case, including calling their witnesses and presenting their documents.	
30. The Chair will ask the hearings administrator to affirm each of the case presenter's witnesses.	
31. The case presenter will call their first witness.	
32. As the case presenter enters documents through their witness, the Chair will confirm that all parties have received the documents. The case presenter will have the documents entered as exhibits. If not, the Chair will confirm that the documents be entered as exhibits and have the hearings administrator mark them as exhibits.	

33. The Chair will invite you to cross-examine (question) the case presenter's witness.	
34. The Chair will invite the case presenter to ask the witness questions on re-direct examination (after you have questioned the case presenter's witness).	
35. The Chair will invite the hearing panel to ask the witness clarifying questions.	
36. The case presenter will repeat steps # 31 – 35 for each of the case presenter's witnesses.	
APPELLANT'S PRESENTATION	
37. The Chair will ask you to begin the presentation of your case, including calling your witnesses and presenting your documents.	
38. The Chair will ask the hearings administrator to affirm each of your witnesses.	
39. You will call your first witness.	
40. As you enter documents through your witness, confirm that all parties have received your documents. You will ask that the documents become exhibits in the hearing.	
41. The Chair will invite the case presenter to cross-examine (question) your witness.	
42. The Chair will invite you to ask your witness questions on re-direct examination (after the case presenter finishes questioning your witness).	
43. The Chair will invite the hearing panel to ask your witness clarifying questions.	
44. You will repeat steps # 39 – 44 for each of your witnesses.	
CASE PRESENTER'S REBUTTAL	
45. The Chair will invite the case presenter to give a rebuttal (may respond to your presentation), if they choose.	
PARTIES' CLOSING SUBMISSIONS	
46. The Chair will invite the case presenter to make their closing submissions (statements).	
47. The Chair will invite you to make your closing submissions (statements).	
48. The Chair will invite the case presenter to respond to your closing submissions (statements).	
HEARING PANEL'S CLOSING REMARKS	
49. 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 case presenter the panel will make a decision regarding to the Appeal of Executive Director Authorized Suspension and will advise you and the case presenter in writing as soon as possible. 	