

Process Checklist – Self-Represented

Real Estate Act s. 48

Appeal of a Hearing Panel Decision to an Appeal Panel

File name and number: _____

Case presenter: _____

Your name: _____

PANEL'S OPENING REMARKS	
1. The Chair will state that the purpose of this proceeding is to hold an appeal of a hearing panel decision with respect to you as outlined in the Notice of Appeal.	
2. The Chair will introduce themselves.	
3. The Chair will ask the other panel members to introduce themselves.	
4. The Chair will ask the case presenter to introduce themselves.	
5. The Chair will ask you (the appellant) to introduce yourself.	
6. The Chair will ask the independent legal counsel to introduce themselves.	
7. The Chair will explain the role of the independent legal counsel to the panel: to provide legal advice to the 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 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?	
10. If there are observers, the Chair will confirm 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 appeal 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 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.	
14. The Chair will ask you and the case presenter if either of you has any objections to the appeal panel members.	

<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 proceeding, 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 appellant), the Chair will confirm that you (the appellant) are aware of your right to legal counsel (it is set out in the Notice of Hearing). b. The Chair will confirm that you (the appellant) wish to proceed self-represented (representing yourself). 	
<p>17. The Chair will advise you and the case presenter that the panel has had an opportunity to review the Notice of Appeal, Record of the Hearing and the written submissions that both of you have provided.</p>	
<p>18. 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 (the appellant) may present your submissions (your case). c. The panel may ask you clarifying questions. d. The case presenter may present their submissions (their case). e. The panel may ask clarifying questions. f. You (the appellant) may make rebuttal submissions (your response to the case presenter's presentation). g. The appeal will end and the appeal panel will prepare a written decision about the Appeal. 	
THE APPEAL HEARING	
<p>19. The Chair will ask the parties if they have any preliminary (opening) issues, questions, or concerns before proceeding.</p>	
<p>20. The Chair will ask to enter the Notice of Appeal as an exhibit, if the case presenter has not already done so.</p>	
<p>21. The Chair will advise you and the case presenter that the appeal panel has received and reviewed the Notice of Appeal, Record of the Hearing and the written submissions that both of you have provided. The Chair will ask the case presenter to enter the record of the hearing and written submissions as exhibits. The appeal panel will not hear any new evidence during the appeal.</p>	

APPELLANT SUBMISSIONS	
22. The Chair will ask you (the appellant) to present your submissions (your statements).	
23. The Chair will invite the appeal panel to ask you any clarifying questions.	
CASE PRESENTER'S SUBMISSIONS	
24. The Chair will ask the case presenter to present their submissions (their statements).	
25. The Chair will invite the appeal panel to ask the case presenter any clarifying questions.	
APPELLANT'S REBUTTAL	
26. The Chair will ask you (the appellant) if you would like to make a rebuttal (your response to the case presenter's presentation).	
PANEL'S CLOSING REMARKS	
27. The Chair will give the appeal 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 a Contested Hearing and will advise you and the case presenter in writing as soon as possible. 	