

Process Checklist – Self-Represented

Real Estate Act Rules s. 39 Registration Refusal Appeal (Industry Member)

File name and number: _____

Case presenter: _____

Your name: _____

APPEAL PANEL'S OPENING REMARKS	
1. The Chair will state that the purpose of the proceedings is to hold a s. 39 <i>Real Estate Act Rules</i> Registration Refusal Appeal with respect to your registration. The executive director has refused your application for registration.	
2. The Chair will state that the appeal panel will determine whether it was appropriate for the executive director to refuse your registration. This appeal is a review of the executive director's decision. You or the case presenter will not be providing any new witnesses and any new evidence. This is a review on the record of the registration file.	
3. The Chair will introduce themselves.	
4. The Chair will ask the other appeal panel members to introduce themselves.	
5. The Chair will ask the case presenter to introduce themselves.	
6. The Chair will ask you to introduce yourself.	
7. The Chair will ask the independent legal counsel to the appeal 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 appeal 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 case presenter. If so, the Chair will ask in what capacity they are present. For example, are they observers?	
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.	
12. The Chair will instruct everyone present in the hearing room to turn off all electronic devices.	

<p>13. The Chair will state that, in accordance with RECA’s electronics policy, the appeal 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 case presenter if either of you has any objections to the appeal 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>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 appeal panel has received and reviewed the Notice of Industry Member Appeal. The appeal panel understands that both you and the case presenter have supplied written submissions.</p>	
<p>19. Overview of the process for the appeal:</p> <ul style="list-style-type: none"> a. The appeal panel will consider any preliminary (opening) matters. b. You may present your submissions (your case). c. The appeal panel may ask you clarifying questions. d. The case presenter may present their submissions (their case). e. The appeal panel may ask clarifying questions. f. The panel may ask the case presenter 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	
<p>20. The Chair will ask you and the case presenter if either of you has any preliminary (opening) issues, questions, or concerns before proceeding.</p>	

21. The Chair will ask that your Notice of Appeal be an exhibit in the hearing, if the case presenter has not already done so.	
22. The Chair will confirm that the case presenter's written submissions (their case) be an exhibit in the hearing, if the case presenter has not done so.	
23. The Chair will ask you and the case presenter if either of you has any questions or concerns before proceeding.	
CASE PRESENTER'S PRESENTATION	
24. The Chair will ask the case presenter to present their submissions (their case).	
25. The Chair will invite the appeal 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 appeal panel to ask you any clarifying questions.	
CASE PRESENTER'S REBUTTAL	
28. The Chair will invite the case presenter to give a rebuttal (may respond to your presentation), if they choose.	
PARTIES' CLOSING SUBMISSIONS	
29. The Chair will invite the case presenter to make their closing submissions (statements).	
30. The Chair will invite you to make your closing submissions (statements).	
31. The Chair will invite the case presenter to respond to your closing submissions (statements).	
APPEAL PANEL'S CLOSING REMARKS	
32. 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 Appeal of Registration Refusal and will advise you and the case presenter in writing as soon as possible. 	