

Process Checklist – Self-Represented

Real Estate Act s. 46 Hearing (Expedited Hearing with Admissions and Joint Submissions)

File name and number: _____

Case presenter: _____

Your name: _____

CHAIR'S OPENING REMARKS	
1. The Chair will state the purpose of the proceeding is to hold a hearing into the allegations of conduct deserving of sanction against you, as outlined in the Notice of Hearing.	
2. The Chair will state the panel understands that the hearing is to proceed by way of a Real Estate Act s. 46 Agreed Statement of Facts, Agreed Breaches of Conduct Deserving of Sanction, and a Submission on Sanction and Costs. This could be joint submissions (between both you and the executive director) or you can present your own Submission on Sanction and Costs.	
3. The Chair will introduce themselves.	
4. The Chair will ask the other 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 panel to introduce themselves.	
8. The Chair will explain that the role of independent legal counsel to the panel is 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 (or on the line, if the hearing is by telephone conference), other than the panel members, independent legal counsel, you/your lawyer, and the case presenter. If so, the Chair will ask in what capacity they are present in the hearing. For example, are they observers? Are there witnesses in the room (or on the telephone)?	
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 names to the hearings administrator. A short pause in the hearing may be required.	
12. If there are witnesses, the Chair will ask the witnesses to wait in the waiting room outside of the hearing room and the panel will	

call them when they are ready to receive their testimony (evidence).	
13. The Chair will instruct everyone present in the hearing room (or on the conference call) to turn off all electronic devices.	
14. 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.	
15. The Chair will confirm that the hearings administrator is digitally recording the proceedings.	
16. The Chair will ask you and the case presenter if either of you has any objections to the hearing 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." 	
17. The Chair will advise everyone if they have any questions, during the proceeding, kindly address them to the Chair.	
18. The Chair will ask you if you have legal counsel representing you. <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 (as it is set out in the Notice of Hearing). b. The Chair will confirm that you wish to proceed self-represented (represent yourself). 	
19. Overview of the process for the hearing: <ul style="list-style-type: none"> a. The Chair will ask if there any preliminary matters. b. The case presenter will give their opening statement. c. You will give your opening statement. d. The case presenter will address agreements. For example, the Agreed Statement of Facts, any agreed breaches or agreements on conduct deserving of sanction. e. The case presenter will make any submissions (statements) about the agreements. f. The panel may ask questions. g. You will address (speak about) the agreements. For example, any agreed breaches or agreements on conduct deserving of sanction. h. You will make any submissions (statements) about the agreements. i. The panel may ask questions. 	

<ul style="list-style-type: none"> j. The case presenter will provide submissions (proposal) on sanction and costs, including any agreements. k. The panel may ask questions. l. You will provide submissions (proposal) on sanction and costs, including any agreements. m. The panel may ask questions. n. The case presenter will give any closing submissions (statements). o. You will give any closing submissions (statements). p. The panel may ask questions q. The hearing will end and the panel will prepare a written decision. 	
THE HEARING	
20. The Chair will ask you and the case presenter if you have any preliminary issues, questions, or concerns before the proceeding.	
21. The Chair will state that the allegations of your misconduct are contained in the Notice of Hearing.	
22. The Chair will state that the hearing panel has received and reviewed the Notice of Hearing.	
23. The Chair will ask that the Notice of Hearing be an exhibit in the hearing, if the case presenter has not already done so.	
24. The Chair will ask the case presenter if they will be making an opening statement. If yes, the Chair will ask them to begin.	
25. The Chair or the panel members may ask questions once the case presenter completes their opening statement.	
26. The Chair will ask you if you will be making an opening statement. If yes, the Chair will ask you to begin. This is only an opening statement .	
27. The Chair or the panel members may ask questions once you have completed your opening statement.	
AGREED BREACH AND CONDUCT DESERVING OF SANCTION	
28. The Chair will state the panel understands you have agreed to breaches and your conduct is deserving of sanction.	
29. The Chair will confirm with you and the case presenter, if you would like the Admission of Conduct Deserving of Sanction (s.46 – agreed facts and breach) entered as an exhibit, if the case presenter has not already done so.	
30. The Chair or the panel members may ask questions about the Agreed Admission of Conduct Deserving of Sanction.	
31. The Chair will confirm that the <i>Real Estate Act</i> s. 47 deems the agreed facts as the panel findings of facts.	
32. The Chair will state that this is the conclusion of the Phase 1 portion of a Contested Hearing. The Chair will state that Phase 2	

of the hearing will commence. This is the Sanction and Costs portion of a Contested Hearing.	
SANCTION AND COST SUBMISSIONS	
33. The Chair will confirm that the panel will consider Sanction and Costs submissions (proposals).	
34. The Chair will confirm that the panel is in receipt of written Sanction and Costs submissions and confirm if they would like them entered as an exhibit, if the case presenter has not already done so.	
35. The Chair will ask the case presenter to proceed with oral Sanction and Costs submissions (proposal).	
36. The Chair or the panel members may ask questions once the case presenter has completed their submissions (proposal).	
37. The Chair will ask you to proceed with your oral sanction and cost submissions (proposal).	
38. The Chair or the panel member may ask questions after you have completed your submissions (proposal).	
HEARING CLOSE	
39. The Chair will give the hearing panel's closing remarks: <ul style="list-style-type: none"> a. Thank everyone for their attendance. b. They will advise you and the case presenter the panel will make a decision regarding to s.46 Admission of Conduct and will advise you and the case presenter either orally or in writing as soon as possible. 	