

THE REAL ESTATE COUNCIL OF ALBERTA

File No 013895.001  
Process Appeal Hearing section 83.1 of the *Real Estate Act*  
Name Jayden Issa  
License Not Licensed  
Industry Council Not Licensed  
Conduct Brokerage Not Licensed  
Current Brokerage Not Licensed  
Document HEARING DECISION  
Hearing Date November 18, 2025

Hearing Panel Members: [G.F], Chairperson  
[G.A]  
[D.R]

Counsel for the Registrar: Leanne Monsma, Barrister & Solicitor

Counsel for the Licensee: Self-Represented

On November 18, 2025, the Hearing Panel convened to hear an appeal of an administrative penalty in the sum of \$25,000 issued by the Registrar on January 24, 2024. The Registrar determined that Jayden Issa ("Issa") breached the *Real Estate Act*, s.17(b), by dealing as a mortgage broker without an appropriate license.

Counsel for the Registrar appeared before the Hearing Panel. Issa did not appear in person, or by agent, before the Hearing Panel.

**Issues:**

1. Was Issa served with the Amended Notice of the Hearing? **Yes.**
2. Does the Amended Notice of Hearing meet the notice requirements of the Act? **Yes.**
3. Pursuant to the Act, s.41.1 should the hearing:
  - a) proceed in the absence of Issa; or
  - b) because Issa initiated the appeal, should the Hearing Panel dismiss or reschedule the hearing, because Issa did not attend the hearing?

**Issa's appeal of the \$25,000 administrative penalty issued by the Registrar on January 24, 2024, is dismissed.**

Counsel for the Registrar submitted, and the Hearing Panel admitted, the following Exhibits:

- Exhibit 1 January 22, 2024, Administrative Penalty in the sum of \$25,000 issued by the Registrar to Issa
- Exhibit 2 February 20, 2024, letter from Issa to RECA accompanying Notice of Intent to Appeal Administrative Penalty, with attached Schedule "A" submitted by Issa and dated February 20, 2024, plus Statement of Claim filed January 23, 2024, Action 2401-00998 Court of King's Bench of Alberta
- Exhibit 3 Amended Notice of Hearing, November 18, 19 & 20, 2025 issued by the Registrar on October 27, 2025
- Exhibit 4 Affidavit of Service by Email of Issa, serving the Amended Notice of Hearing on October 27, 2025, and sworn by the hearing administrator on November 6, 2025, with Exhibits "A" to and including Exhibit "C" attached.
- Exhibit 5 October 24, 2025, to and including November 3, 2025, emails exchanged between Counsel for the Registrar to Issa
- Exhibit 6 November 10, 2025, emails exchanged between Counsel for the Registrar and Issa
- Exhibit 7 November 10, 2025, re Court of King's Bench action 2501-03016
- Exhibit 8 November 12, 2025, emails regarding Issa access to hearing
- Exhibit 9 November 12, 2025, emails regarding Issa access to hearing 2
- Exhibit 10 November 12, 2025, email re hearing November 18, 2025
- Exhibit 11 November 12, 2025, communications to the witness, including text messages stamped 4:00 p.m. and 4:02 p.m. from Issa and addressed to the witness by first name

## Issue 1: Service

On June 26, 2025, this Hearing Panel directed at page 2 of its decision, that service shall be deemed good and sufficient, if the Registrar provides a sworn Affidavit with exhibits attached demonstrating that documents were sent to the email address stated on Issa's filed Originating Notice in Court of Kings Bench of Alberta action 2501 03016, regardless if Issa acknowledges receipt of the documents served by email. This Hearing Panel also directed that it would accept proof of email service of Issa, in lieu of personal service.

Issa's address for service, as stated on the Originating Application in action 2501-03016 is [EMAIL]. The Affidavit of Service (Exhibit "4"), sworn by the hearing administrator states at paragraph 2 that on October 27, 2025, the Amended Notice of Hearing was emailed to Issa at [EMAIL].

On October 27, 2025, service was effected upon Issa, in accordance with this Hearing Panel's June 26, 2025 direction. On October 27, 2025, at 5:34 p.m. Issa emailed the hearing administrator, acknowledging receipt of the Hearing Panel's correspondence dated October 24, 2025 (Exhibit "4", Affidavit of Service, Exhibit "C").

Issa was properly served with the Amended Notice of Hearing, and based on his emails, Issa was aware that this appeal hearing would proceed as stated in the Amended Notice of Hearing.

## Issue 2: Amended Notice of Hearing

On October 24, 2025, this Hearing Panel directed the Registrar to, no later than 15 days prior to the commencement date of the hearing, serve Issa with an Amended Notice of Hearing, that includes both of the required statements under *s.41(4)(b)* of the Act, to ensure that Issa is fully aware of the potential consequences if he fails to attend the hearing.

The Act, *s.41(4)(b)* states that:

A notice of hearing shall indicate ...

*s.41(4) ... (b)* that the Hearing Panel

- (i) may proceed with the hearing in the absence of the licensee who is the subject of the hearing, or
- (ii) if the licensee initiated the appeal, may dismiss or reschedule a hearing if the licensee does not attend the hearing.

On October 24, 2025, this Hearing Panel issued its decision in respect of the Registrar's application to either dismiss Issa's appeal, or direct that the hearing will proceed as scheduled regardless whether Issa attends. At page 8 of that decision, this Hearing Panel determined that any reference to "Licensee" in s.41 applies to any person who initiates an appeal under s.83.1. Issa initiated his appeal under s.83.1, therefore, Issa is entitled to the same notices as a Licensee in respect of that appeal.

The Amended Notice of Hearing, Exhibit 3, includes at page 1, in red print, the word AMENDED, in bold font, and at page 3 in bold font and red print, an additional paragraph that states:

#### What Will Happen If You Don't Attend

Pursuant to section 41(4) of the Real Estate Act, if you don't attend the Hearing, the Panel may: (i) proceed with the hearing in your absence; or (ii) dismiss or reschedule the hearing.

The Amended Notice of Hearing meets the notice requirements of the Act, s.41.1.

#### **Issue 3: Pursuant to the Act, s.41.1 should the appeal proceed, be dismissed or rescheduled?**

Counsel for the Registrar submitted that, in the circumstances, this Hearing Panel should dismiss Issa's appeal due to his failure to attend the hearing. In the alternative, the Registrar submitted that the hearing should not be rescheduled, and it should proceed in Issa's absence. The Registrar's submissions focused on the following four areas:

1. The legislative scheme permits the Registrar to determine if a contravention occurred and if so, impose a penalty. The individual may appeal, and upon doing so, the individual has the right to a full hearing. The Hearing Panel may confirm the administrative penalty, quash the penalty or vary it. If this matter proceeds as a full hearing in Issa's absence, there will be no new evidence for the Hearing Panel to consider. The evidence will be the same as the evidence that was before the Registrar. If this panel conducts a hearing without the Appellant Issa, it is not fulfilling the purpose of the legislative scheme, because the Hearing Panel's function is not to repeat work already performed by the Registrar.
2. It is in the public interest to proceed in the most efficient manner possible. It would be a waste of resources, including the time and effort of the witness, to proceed with a hearing, in the absence of the Appellant Issa. Dismissal is the more efficient option because dismissal conserves resources.

3. Declining to conduct a hearing, when an Appellant fails to attend, sends a message to Appellants whose intent is to cause mischief, rather than to seek justice. Appellants must be deterred from using the appeal hearing process to cause administrative delay and expense. Dismissing the appeal, rather than conducting a hearing of the appeal, can have the desired deterrent effect.
4. The Registrar intends to call one witness, if the hearing proceeds. Based on the text messages sent by Issa to the witness (Exhibit 11), the witness's personal safety, and the sanctity of the witness's home, was threatened by Issa, as recently as November 17, 2025. Counsel for the Registrar informed the Hearing Panel that between 5 p.m. and 8:30 p.m., on November 17, 2025, the night before this appeal commenced, Issa sent emails and 10 text messages to the witness. The text messages included foul and abusive language plus threats that Issa would attend at the witness's home. Threatening a witness is an extreme circumstance that this Hearing Panel can take into consideration, in exercising its discretion to either dismiss, reschedule or proceed with a hearing despite Issa's absence. Issa's misconduct in threatening the witness, and his decision to not attend the hearing, despite being given proper notice of it, warrant dismissing his appeal without conducting a hearing.

The Hearing Panel caucused after the Registrar's counsel completed her submissions. During caucus, the Hearing Panel was referred to *Yee v Chartered Professional Accountants of Alberta 2020 ABCA 98*, an appeal that considered whether disciplinary proceedings should have been stayed, pending the outcome of collateral litigation. The Hearing Panel recessed from caucus, to provide Counsel for the Registrar an opportunity to make oral submissions to the Panel on Yee.

An issue in Yee was whether the disciplinary appeal was launched for an improper collateral purpose i.e. to intimidate the Appellant into settling collateral litigation. The Court of Appeal found that the appeal tribunal's refusal to consider staying the disciplinary proceedings until the collateral litigation was concluded was unreasonable; and there should have been a relevant finding of fact to decide if the matter should proceed.<sup>1</sup> The Court of Appeal found that the Appeal Tribunal and the CIC Chair were empowered to, and should have considered these issues, before deciding whether it was appropriate to proceed with the disciplinary hearing.<sup>2</sup>

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<sup>1</sup> At paragraph 57

<sup>2</sup> At paragraph 57

Yee states:

The statute specifically gives the CIC Chair the power to divert a complaint.<sup>3</sup> ...the CIC chair can decide that the matter is too minor to warrant further proceedings.

It is true that there is no specific provision allowing the CIC chair to dismiss a complaint because it has been commenced for an improper purpose, or because it represents an abuse of the discipline process. That power, however, should be inferred, although it should be exercised with caution. **Allowing abuses of the disciplinary process can only serve to undermine the credibility and integrity of that process.** If a complaint is filed out of spite, for revenge as a result of some personal grievance, in order to improperly pressure ... or for another collateral purpose, the CIC chair could consider dismissing the complaint. ...<sup>4</sup>

Counsel for the Registrar submitted that Yee was decided in a different context, because the governing legislation considered by the Court of Appeal did not expressly give the CIC chair the power to divert a complaint, while under the *Real Estate Act*, this panel has express authority to dismiss an appeal, if the appellant fails to attend a hearing after being served with a Notice of Hearing that complies with the legislation. The Registrar also submitted that this Hearing Panel can control its process, and it is in interest of justice and the profession to do so by dismissing the appeal.

The Hearing Panel finds that, in these circumstances, it is appropriate to dismiss Issa's appeal.

With respect to the four main arguments raised by the Registrar:

1. The Hearing Panel disagrees that proceeding with a hearing in Issa's absence would improperly replicate work already done by the Registrar. The *Act* expressly contemplates that the Hearing Panel may proceed with a hearing in the absence of the Appellant. The evidence tendered at the hearing would be the same, or similar, evidence that was considered by the Registrar. Even though the Hearing Panel would hear the same, or similar evidence, as the Registrar, it would not be replicating the function of the Registrar, because the Hearing Panel would be discharging a function expressly assigned to it under the *Act*, s. 41.1. In the course of discharging its statutorily mandated function, the Hearing Panel's decision may differ from the Registrar's decision.
2. The Hearing Panel placed little weight on the argument that the cost of proceeding with a hearing in the appellant's absence should weigh in favour of

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<sup>3</sup> At paragraph 51

<sup>4</sup> At paragraph 53 [emphasis added].

dismissing the hearing of Issa's appeal. *The Act* expressly gives non-licensees the right to appeal administrative penalties issued by the Registrar, and this Hearing Panel is of the view that the costs of proceeding with a hearing are necessary for RECA to discharge its obligations as a self-regulating profession. While there are some efficiencies that might be gained in dismissing an appeal, rather than proceeding with a hearing, the Hearing Panel does not find this outcome to be a sufficiently compelling reason to dismiss an appeal.

3. The Hearing Panel disagrees that proceeding with a hearing would potentially signal to other persons subject to administrative penalties that they can impose some hardship and inconvenience on RECA by filing appeals that they then fail to attend. This Hearing Panel does not consider Issa's appeal to be frivolous or vexatious, and as noted above, he had a right under the *Act* to bring this appeal. The Hearing Panel placed no weight on this argument.
4. The Hearing Panel agrees that Issa's communications with the Registrar's main witness were entirely inappropriate, and constitute a form of misconduct, and an abuse of the hearing process. This Hearing Panel finds that multiple threats were communicated on November 17, 2025 by Issa to the witness, that the threats are serious, and they put the witness at risk of physical and psychological harm. Issa's misconduct in threatening a witness, on its own, warrants dismissing Issa's appeal.

This Hearing Panel has an obligation to protect the interests of the public, whose interests include the physical safety and emotional well-being of a witness. Issa knew, or should have known, that his texts, with their threatening language, could be introduced as evidence at this appeal hearing. Based upon Issa's text messages to the witness, there is evidence to support the conclusion that on the balance of probabilities, Issa's threatening conduct toward the witness undermines the integrity of the hearing process.

The integrity of the hearing process, and the interests of the public, cannot be compromised by threats to a witness. Allowing witness threats to occur without consequence would discourage witnesses from participating in good faith in RECA's disciplinary processes. As the Court of Appeal noted at paragraph 54 of *Yee*, "allowing abuses of the disciplinary process can only serve to undermine the credibility and integrity of that process." The Hearing Panel agrees that Issa's conduct undermines the integrity of the hearing process, and that reason alone is sufficient for this panel to exercise its discretion to dismiss Issa's appeal without conducting a hearing.

Further, the Hearing Panel finds that Issa refused to attend the hearing despite being given ample notice that it would be proceeding as scheduled. Where an appellant has no reasonable excuse for failing to attend a hearing, which is the case here, that factor weighs in favour of dismissing the appeal. While non-licensees subject to

administrative penalties have a right to *file* an appeal, that does not mean they have a right to have that appeal heard if they do not co-operate with the hearing process, or (as above) engage in misconduct. Issa's deliberate refusal to attend the hearing weighs in favour of dismissing his appeal.

This Hearing Panel unanimously finds that Issa's appeal of the Registrar's administrative penalty is dismissed.

**"Signature"**

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[G.F]

Hearing Panel Chairperson

December 17, 2025