

Consent Order Review Committee

Terms of Reference

Purpose

The primary function of the Consent Order Review Committee (the “Committee”) is to review Consent Orders proposals submitted on behalf of licensees and to accept the proposal and issue a Consent Order or reject the proposal. In rejecting a proposal, the Committee will provide reasons and may advise the licensee what penalty terms a consent order proposal would need to include to obtain the Committee’s approval.

Statutory Authority

The Committee is a Discipline Committee established pursuant to sections 82(1), 39 and 41 of the *Real Estate Services Act*.

Committee Composition and Meetings

i. Committee Composition

For each meeting of the Committee, its membership consists of a Chair and at least two other members. The majority of the Committee must be current members of the Council. Non-Council members of the Committee will be appointed from Council approved rosters of lawyers and licensees.

The members of the Committee and its Chair are appointed by the Chair or Vice-Chair of Council or by any member of Council staff with delegated authority.

ii. Staff support

The Committee is supported by the Director, Legal Services. The Council’s Legal Assistant provides administrative support to the Committee, including minute taking.

iii. Meetings

The Committee meets as required.

The Agenda of proposals to be considered at each Committee meeting is prepared by the Director, Legal Services.

Quorum for any meeting of the Committee is a majority of the members appointed to the Committee for that meeting, who may attend in person and/or by electronic means. Council members must be in the majority of Committee members attending the meeting and making the decision on any particular proposal.

Roles and responsibilities

The Committee:

1. Shall review proposed Consent Orders and may accept or reject the proposal;
2. Shall provide written reasons to the licensee(s) if all or part of the licensee's proposed Consent Order is rejected;
3. May advise the licensee of amendments to the licensee's proposed Consent Order that would be acceptable to the Committee;
4. Shall issue a Consent Order for any proposal that is accepted by the Committee; and
5. May recommend an audit of a brokerage or individual licensee's practice, or make such other recommendations as the Committee considers appropriate in response to any particular matter or general concerns raised by one or more matters.

Accountability

At the request of the Council, the Committee may also prepare an annual report to Council outlining the Committee's activities for the year.

Approved by: Council

Last updated: November 2018