

Complaints Committee

Terms of Reference 2016-2017

Purpose of the Committee

The Complaints Committee is a Council Committee established pursuant to section 82(1) of the *Real Estate Services Act*. The Committee shall review investigation files referred to it by Council staff and make decisions on their disposition.

Chairs and Membership

The Committee consists of a Chair and at least four (4) other members, a majority of which must be current members of the Council. Non-Council members of the Committee will be appointed for a period up to one (1) year. Non-Council members of the Committee must be licensed and consent to serve on the Committee.

The Chair of the Complaints Committee are appointed by the Chair and Vice-Chair and approved by the Council. Each Chair serves either a three or four month consecutive term during the Council year.

Other Council members serve on the Complaints Committee on a rotational basis with the exception of the Chair of the Council and the Vice-Chair, who are ex-officio members of the Complaints Committee..

Authority, Duties, and Responsibilities

The Committee:

- a) may determine the number of times it must meet during the Council year;
- b) shall report to the Council at each regular Council meeting on the disposition of all complaint and investigation files;
- c) shall review all investigation files referred to it and make decisions on their disposition;
- d) may postpone a decision on the disposition of a matter, where appropriate, to obtain additional information or documents or anything else the Committee requires in order to complete the investigation and make its decision;
- e) may postpone a hearing or a decision on the disposition of a matter pending the outcome of a related disciplinary, civil or criminal matter;

- f) may recommend no further action be taken and closure of the file where it has no reason to believe there is evidence of contravention of the *Real Estate Services Act* or the Regulations, Rules and Bylaws made under that Act (collectively, the “Legislation”);
- g) may recommend no further action be taken and closure of the file with a letter of advisement to the licensee where:
 - i. it has reason to believe that any evidence relates to minor or technical breaches by the licensee of the Legislation and there has been no harm to consumers: or
 - ii. the Committee has recommendations for how the business practices of the licensee could be improved;
- h) may recommend a hearing where it has reason to believe a licensee may have committed professional misconduct or conduct unbecoming a licensee pursuant to section 35 of the *Real Estate Services Act* or contravened other provisions of the Legislation;
- i) in the alternative to recommending a disciplinary hearing, where appropriate the Committee may recommend:
 - i. a qualification hearing, if the licence of the person under investigation is inoperative, suspended or terminated and the Committee has reason to believe the person may not be suitable for licensing pursuant to section 10 of the *Real Estate Services Act*; or
 - ii. acceptance of the licensee’s permanent resignation in the form of a solemn declaration
- j) may reconsider any file where there was a decision to recommend a hearing and may:
 - i. rescind its decision to recommend a hearing and recommend closure of the file against one or more licensees, with or without a letter of advisement; and
 - ii. recommend a hearing against additional or other licensees;
- k) shall advise complainants of the disposition of all matters reviewed by it where closure of the file was recommended, in accordance with section 36(3)(b) of the *Real Estate Services Act*, and shall provide the reasons for the closure, unless there is a valid basis for not providing the reasons; and
- l) shall research and report on any topics referred by Council to the Committee for its consideration.