

**CITATION:** *Lamba v. Registrar Trust in Real Estate Services Act, 2002 and The Licence Appeal Tribunal, 2025 ONSC 6338*

**DIVISIONAL COURT FILE NO.:** DC-25-00000400-00JR

**DATE:** 20251119

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** Amarjot Lamba, Appellant (self-represented)

**AND:**

Registrar, *Trust in Real Estate Services Act, 2022* and The Licence Appeal Tribunal, Respondents

**BEFORE:** ACJ McWatt, Sachs, McKelvey JJ.

**COUNSEL:** *Shane Smith*, for the Respondent Registrar, *Trust in Real Estate Services Act, 2002*

*Sandeep Johal*, for the Respondent The Licence Appeal Tribunal

**HEARD:** October 23, 2025

**ENDORSEMENT**

**McWatt ACJ**

[1] On March 3, 2022, the Registrar, *Trust in Real Estate Services Act, 2022*, (*TRESA*) revoked Mr. Lamba’s license to be a registered real estate broker because he had improperly removed funds from his trust account. Mr. Lamba reapplied for registration under s. 17 of *TRESA*.

[2] The Registrar opposed his application. Mr. Lamba appealed this to the Licence Appeal Tribunal (“Tribunal\LAT”). Throughout the LAT hearing process, there were a series of procedural orders, including ones allowing Mr. Lamba to retain a court reporter (but not ordering the Registrar to pay for one) and refusing to issue a summons to the Registrar himself. At the hearing of the merits, Mr. Lamba requested an adjournment of the matter without notice to the Tribunal. The adjournment was denied, and Mr. Lamba left the hearing. The Tribunal held the hearing in Mr. Lamba’s absence and denied his application.

[3] Mr. Lamba now appeals and seeks judicial review here, arguing that each of the LAT’s decisions against him breached his procedural fairness rights. He asks that the matter be remitted for a new hearing on an urgent basis with his requested summons or, alternatively, that this Court direct the Registrar to register him to practice real estate. The Registrar opposes this and requests

the matter be dismissed. The LAT made submissions before us only on its process and the standard of review.

[4] This is an appeal and application for judicial review of a decision of the Tribunal directing the Respondent Registrar to carry out a proposal to refuse the application for registration.

[5] Mr. Lamba has appealed the following decisions of the Tribunal:

- a. the interlocutory decision permitting him to retain a court-reporter to record the appeal hearing;
- b. the interlocutory decision denying his request for a summons to be issued to Joseph Richer, the then Registrar of the Real Estate Council of Ontario (the “Summons Decision”);
- c. the decision denying his request for an adjournment made prior to the commencement of the hearing on January 27, 2025 (the “Adjournment Decision”); and
- d. the decision dismissing his appeal and directing the Respondent to carry out its Notice of Proposal (the “Merits Decision”).

## THE FACTS

[6] The Real Estate Council of Ontario (“RECO”) is the regulator of real estate salespersons, brokers, and brokerages in Ontario. RECO operates pursuant to the *Trust in Real Estate Services Act*.

[7] The Registrar appointed under *TRESA* has several duties, including dealing with applications for registration and with registration-related issues. Under *TRESA*, an individual who has had their registration revoked is not eligible to apply to become registered again unless:

- a. twelve months have passed since the revocation; and
- b. new or other evidence is available, or it is clear that material circumstances have changed.

[8] The Appellant applied to RECO to become registered as a salesperson on August 10, 2023.

[9] On November 21, 2023, the Registrar issued a Notice of Proposal (the “NOP”) to refuse the registration.

[10] In the NOP, the Registrar asserted that the Appellant was not entitled to registration on the following grounds:

1. under section 17(b) of the *Act*, because he had not provided or made available any new or other evidence, and it was not clear that material circumstances had changed;
2. under section 10(1)(a)(i) of the *Act* because having regard to the Appellant's financial position, he could not reasonably be expected to be financially responsible in the conduct of business;
3. under section 10(1)(a)(ii) of the *Act* because Lamba's past conduct afforded reasonable grounds for belief that he would not carry on business in accordance with law and with integrity and honesty; and
4. under section 10(1)(a)(iii) of the *Act* because he had made a false statement in his application for registration.

[11] Mr. Lamba filed a Notice of Appeal with the Tribunal on December 7, 2023 in respect of the NOP.

## **ISSUES**

[12] The following issues are raised in this appeal:

1. What is the standard of review?
2. Was there an error and/or a denial of procedural fairness in respect of the Appellant's ability to record the hearing?
3. Was it an error and/or a denial of procedural fairness for the Tribunal to refuse the Appellant's request to issue a summons to the Registrar?
4. Was it an error and/or a denial of procedural fairness for the Tribunal to deny the Appellant's request for an adjournment at the commencement of the hearing?
5. Did the Tribunal err in dismissing the Appellant's appeal?

### **The Appropriate Standards of Review**

[13] Decisions of the Tribunal are subject to a right of appeal to the Divisional Court on questions of fact and/or law without leave under s. 11(1) of the *Licence Appeal Tribunal Act*, 1999, S.O. 1999, c. 12, Sched. G, ss. 11(1)-(3).

[14] Where the legislature has provided for an appeal from an administrative decision to a court, the appellate standards of review apply – namely correctness on questions of law, and palpable and overriding error on questions of fact, or mixed fact and law where there is no extricable error of law (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 [Vavilov] at paras. 36-37).

[15] For claims asserting a lack of procedural fairness, there is no standard of review that is applicable. In such matters, the question is whether procedural fairness was maintained (*Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29, [2022] 2 S.C.R. 220, at paras. 27 – 30).

[16] Judicial review is discretionary, and *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8 [Yatar], at paras. 44-45, 51 and 54 sets out that the court may refuse to hear the application.

[17] In a judicial review, the applicable standard of review is reasonableness. The standard of correctness will only apply in very limited circumstances, none of which are applicable here. (*Vavilov* at paras. 17 and 55).

[18] The Respondent submits that, given that the issues raised by the Appellant can all be fully and adequately addressed through the Appellant’s statutory appeal, the court should exercise its discretion not to hear the Appellant’s application for judicial review.

[19] This matter is not one where I would use my discretion not to hear the judicial review. The matter is straightforward, It is also clear that both the appeal and the judicial review are without merit.

[20] I would dismiss them both for the following reasons.

**1. There Was No error and/or a Denial of Procedural Fairness in Respect of the Appellant’s Ability to Record the Hearing**

[21] The Appellant maintains that he was not permitted to retain a court reporter and, therefore, was unable to create a record for use in an appeal.

[22] In fact, he was explicitly granted such permission by the Tribunal on October 15, 2024 to record and retain a court reporter for the hearing.

[23] The Appellant, however, did not retain a court reporter despite being granted permission to do so.

[24] There was no error or denial of procedural fairness by the Tribunal.

**2. There was No Error and/or a Denial of Procedural Fairness for the Tribunal to Refuse the Appellant’s Request to Issue a Summons to the Registrar**

[25] The Appellant maintains that the Tribunal “failed to properly exercise its discretion” when it denied his request for the issuance of a summons for Joseph Richer (the Registrar at the time).

[26] The *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, s. 12, allows a tribunal to require any person, by summons, to give evidence or to produce evidence at a hearing, relevant to the subject-matter of the proceeding. However, and as noted in the Tribunal Summons Decision, at para 6, “the Tribunal will only issue a summons for witnesses, documents or things that are

relevant to the issues in dispute and admissible at a hearing” (Licence Appeal Tribunal Rules at Rule 8).

[27] The Tribunal provided cogent reasons in the Summons Decision for its denial of the requested summons based on the absence of relevance to either of the grounds raised in the NOP or to the subject of the appeal hearing.

[28] The Tribunal concluded that the Appellant had not established that the evidence sought from Mr. Richer (which purported to be evidence about the existence of a “grudge” held against the Appellant and various statistical evidence) was relevant to the proceedings. The Appellant sought: a) decisions made in respect of other registrants in similar situations; b) statistics of the total number of complaints against him; c) statistics as to the number of complaints received by RECO from 2012 to 2022 and the categories of these complaints. The Tribunal correctly found that none of this evidence was relevant to the questions before it.

[29] Therefore, on the question of whether the Appellant was eligible to reapply for registration under section 17 of the *Act*, the Tribunal found that the Appellant had not shown how the evidence of Mr. Richer would say anything about the Appellant’s current entitlement to registration or about any material change in the Appellant’s circumstances since his registration was revoked.

[30] The Tribunal determined that the Appellant’s financial position and past conduct disentitled him to registration under section 10 of the *Act* when it set out the following:

...the issue relating to these bases are not whether the Registrar bears a “grudge” towards the appellant, or whether the Registrar has spent an inordinate amount of time preparing its response to the appellant’s appeal. Nor is there a relevant evidentiary basis to believe that the Registrar has material evidence in this regard. Likewise, the documents listed on the request for summons do not appear to be relevant to the issues in dispute as set out above” (Order re Summons, Record of Proceeding (Volume 5), Tab 32, page 1756 at para. 13. F1780)

[31] The decision to deny the request for the summons was not a denial of procedural fairness, nor did it involve a palpable and overriding error by the Tribunal.

### **3. There Was No Error and/or a Denial of Procedural Fairness for the Tribunal to Deny the Appellant’s Request for an Adjournment at the Commencement of the Hearing**

[32] There are no grounds to interfere with the Adjournment Decision. The Appellant’s adjournment request was heard and properly considered by the Tribunal.

[33] Mr. Lamba sought an adjournment through an oral motion at the commencement of the hearing on January 27, 2025.

[34] The Appellant asked for an adjournment based on a claim that he was in the process of appealing to the Divisional Court the dismissal of another appeal he had commenced to challenge the refusal of the Tribunal to issue a summons to Joseph Richer.

[35] In fact, and it is not disputed, no such appeal to the Divisional Court had been commenced.

[36] In addition, this Court has previously determined that there is no right of appeal from an interlocutory decision of the Tribunal (*Kahissay v. Intact Insurance*, 2022 ONSC 6357 (CanLII), at paras. 4-7). The Tribunal, then, correctly concluded that “[e]ven if there were evidence...of a pending Divisional Court appeal ...this would not be reason to grant the adjournment the appellant seeks”.

[37] The Tribunal explained that any concerns the Appellant had about interlocutory decisions could properly be dealt with after the Tribunal had reached a final decision on the merits of his appeal.

[38] The Tribunal provided the Appellant with the opportunity to request the adjournment and make submissions, but it was not satisfied that an adjournment was warranted in the circumstances.

[39] It considered other relevant factors before denying the Appellant’s request for an adjournment. Those included the history of two previous adjournments, the lack of consent to the adjournment request, the age of the file, which had commenced over one year prior, the prejudice to the parties, the undisclosed length of the requested adjournment and the broader public interest.

[40] I agree with the Respondent’s submission that, as set out in *Riddell v. Huynh*, 2019 ONSC 2620 (Div Ct) (CanLII), at para 45, and *Re Flamoro Downs Holdings Ltd. and Teamsters Local 879*, 1979 CanLII 1669 (ON SC) that “[a]lthough one may or may not agree with [the adjudicator’s] decision, it certainly falls within a range of possible acceptable outcomes,” and there was no denial of procedural fairness.

#### **4. The Tribunal Did Not Err in Dismissing the Appellant’s Appeal**

[41] The Appellant asserts that he was unable to examine his key witness, submit full oral evidence, or challenge the case against him due to a denial of permission to record the hearing, the denial of a summons, and the denial of the adjournment.

[42] This ground of appeal is a restatement of the previous grounds of appeal submitted by Mr. Lamba, which have no merit.

[43] Having left the hearing, Mr. Lamba did not submit any evidence, despite being asked by the Tribunal to participate and enter his evidence and testimony.

[44] Even though his request for a summons for the Registrar had been denied and the adjournment denied, there was nothing preventing the Appellant from proceeding with the hearing, including cross- examining the Respondent’s witnesses and calling his own evidence. Mr. Lamba

had previously indicated that he would call two witnesses to the hearing – a broker and a therapist. He also anticipated calling five to seven other witnesses.

[45] LAT Rules 3.7.1 and 3.7.2 allow that where a party who has been given notice of the hearing does not attend the hearing, the Tribunal may proceed with the hearing in the absence of that party and make any order it considers appropriate in the circumstances, considering the reasons for the non-attendance.

[46] The Tribunal decided to proceed with the hearing given the Appellant’s “deliberate and informed choice to withdraw” from the proceeding, the Respondent’s willingness to proceed, and the abuse of process that would have resulted whereby the Tribunal would effectively have granted the denied adjournment by not continuing with the hearing.

[47] The decision not to participate in the appeal hearing was fatal to Mr. Lamba’s appeal of the NOP.

[48] The onus was on the Appellant under s. 17 of *TRESA* to establish that there was new or other evidence, or that material circumstances had changed since his revocation in 2022. In the absence of providing any evidence in support of his being entitled to reapply for registration, he was unable to meet the onus upon him.

[49] In the circumstances, the Tribunal correctly decided that the Appellant could not reapply for registration and dismissed the appeal.

**ORDER**

[50] The appeal is dismissed.

[51] The Registrar is awarded its costs of this appeal in the amount of \$2000.00.

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McWatt J.

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Sachs J.

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McKelvey J.

**Released:** November 19, 2025