

COURT OF APPEAL FOR ONTARIO

CITATION: *Lamba v. Ontario (Trust in Real Estate Services Act 2002, Registrar)*,
2026 ONCA 31
DATE: 20260116
DOCKET: COA-25-OM-0490

Paciocco J.A. (Motion Judge)

BETWEEN

Amarjot Lamba

Appellant/Moving Party

and

Registrar, *Trust in Real Estate Services Act, 2002* and The Licence Appeal
Tribunal

Respondents/Responding Parties

Amarjot Lamba, attending in person

Shane Smith, for the responding party, Registrar, *Trust in Real Estate Services Act, 2002*

Sandeep Johal, for the responding party, the Licence Appeal Tribunal

Heard: January 8, 2026

REASONS FOR DECISION

[1] Amarjot Lamba's registered real estate broker licence was revoked on March 3, 2022. He applied to have the licence reinstated, which required him to show, pursuant to s. 17 of the *Trust in Real Estate Services Act*, S.O. 2002, c. 30,

Sched. C (the “Act”), that either: a) new or other evidence was available, or b) a material change of circumstances had occurred. The regulator, the Real Estate Council of Ontario (“RECO”) was not satisfied that the requirements in s. 17 of the Act were met and issued a Notice of Proposal (“NOP”) to deny reinstatement. Mr. Lamba appealed the denial to the Licence Appeal Tribunal (“LAT”). Mr. Lamba walked out of the LAT hearing after his adjournment request was denied. The tribunal decided to proceed in his absence. As a result, he presented no evidence that he could meet this reinstatement requirements and his appeal was dismissed.

[2] Mr. Lamba then appealed the LAT decision to the Divisional Court and sought judicial review based on procedural unfairness arguments. In its decision of November 19, 2025, the Divisional Court exercised its discretion not to conduct a judicial review given that the issues could adequately be resolved through the appeal process, and that his grounds of appeal were without merit.

[3] Mr. Lamba now seeks leave to appeal the Divisional Court decision to this Court. However, he failed to meet the 15-day application window by approximately one month. In this motion, he seeks an extension of time to file his application for leave to appeal.

[4] An extension may be ordered where an applicant shows it to be in the justice of the case to do so, based on relevant considerations including: (i) whether the moving party had an intention to appeal within the relevant period; (ii) the length

of, and explanation for, the delay in appealing; (iii) prejudice to the responding party, and (iv) the merits of the proposed appeal. This is not a checklist of factors, but considerations that inform the overriding question of what the justice of the case requires: *Enbridge Gas Distribution Inc. v. Froese*, 2013 ONCA 131, 114 O.R. (3d) 636, at para. 15; *Javid Estate v. Watson*, 2023 ONCA 665, at para. 3.

[5] RECO opposes the extension solely because of the lack of merits of the proposed appeal. A lack of merit alone can warrant denying the motion; this settled proposition was recognized in a decision denying Mr. Lamba an extension to appeal a previous Divisional Court decision: *Lamba v. Mitchell*, 2022 ONCA 164, at para. 25; see also *Enbridge*, at para. 16.

[6] I am dismissing Mr. Lamba's motion for extension of time to file the leave application. It is evident that the proposed appeal is entirely without merit and that nothing would be gained by allowing an ill-fated application for leave to proceed. This is one of those rare cases where it is in the interests of justice to deny an extension for leave to appeal after only a short delay.

[7] To be clear, I have turned my mind to all the usual considerations, including the length of the delay, the explanation for delay, and the prejudicial impact. Although those factors do not materially move the needle in the circumstances of this case, I will say that I do not accept Mr. Lamba's explanation for the delay.

[8] In his written materials he seeks to explain the delay based on his claim that he had difficulty understanding the procedural requirements, and an unspecified family emergency involving his mother who was unwell.

[9] The first explanation is not credible. Mr. Lamba has applied for leave to appeal Divisional Court decisions to this Court at least twice before: once in *Lamba and Whitehill Realty International Inc. v Registrar, Real Estate and Business Brokers Act, 2002*, 2002 CanLII 16925 (Ont. LAT), aff'd 2023 ONSC 434 (Div. Ct.), leave to appeal to Ont. C.A. refused CAO-23-OM-0056 (June 29, 2023), leave to appeal to S.C.C. refused, [2023] S.C.C.A. No. 469, and again in *Lamba v. Mitchell*, 2002 ONCA 164. In the latter case, his leave application was late, and he brought an application for an extension of time to file, which was denied.

[10] His claim, made for the first time in oral argument, that this Court's website was contradictory and confused him about the filing deadline, is also problematic. If he thought the website was ambiguous, he could have contacted the Court to confirm the limitation that applied. I simply do not credit his claim that he had difficulty understanding the procedural requirements.

[11] His claimed inability to attend to the appeal because of his mother's illness also lacks credibility. It is entirely unsupported by any details about when the illness developed or why it preoccupied him, and no evidence has been provided.

[12] Be that as it may, my decision turns on the manifestly unmeritorious grounds of appeal that Mr. Lamba offers. I acknowledge that judges should avoid attempting to resolve the merits of appeals that are not fully briefed and argued before them, but in this case no deep dive is required to see that there is no air of reality to the possibility that the application for leave to appeal could succeed.

[13] Leave to appeal Divisional Court decisions, thereby granting a second appeal, is granted in exceptional cases: *Sault Dock Co. Ltd. v Sault Ste. Marie (City)* (1973), 2 O.R. 479 (C.A.), at para. 6. Those cases tend to raise questions of law or mixed fact and law of importance to those beyond the parties to the proposed appeal such as the interpretation of legislation or clarification of some general rule or principle of law that requires resolution: *Sault Dock Co. Ltd.*, at para. 8; *Iness v. Canada Mortgage and Housing Corp.* (2002), 62 O.R. (3d) 255 (C.A.), at para. 4. Leave may also be granted where special circumstances raise matters of public importance or require attention in the interests of justice: *Sault Dock Co. Ltd.*, at para. 9.

[14] Mr. Lamba has raised no issues of public importance arising from the decisions below. Further, the appeal has not raised questions of such a nature or significance that it ought to be decided by this Court for any other reason: *West Whitby Landowner's Group Inc. v. Exlixon Energy*, 2024 ONCA 910, 174 O.R. (3d) 321, at para. 13.

[15] In explaining this, I will begin, as counsel for RECO did before me, with a crucial background observation. As indicated, Mr. Lamba walked out of the LAT hearing after his adjournment request was denied. It was entirely appropriate for the LAT to continue with the hearing after he did so, since his conduct would have otherwise forced the adjournment that he had just been denied, undermining that decision. Having chosen not to participate in the hearing, Mr. Lamba provided no evidence that could discharge his onus under s. 17 of the Act. As the Divisional Court correctly observed, “[t]he decision not to participate in the appeal hearing was fatal to Mr. Lamba’s appeal of the NOP.” It also impedes his application for an extension.

[16] In support of that application, Mr. Lamba argues that the Divisional Court erred: (1) in the interpretation of “material change in circumstance” in s. 17; (2) in failing to provide a pathway, with specified criteria, for reinstatement; and (3) in upholding a proceeding that was unfair because it was not recorded and was not fairly conducted after his adjournment was denied. He raised additional claims in oral submissions including (4) RECO counsel made at least nine inaccurate representations that misguided the Divisional Court, and (5) the Registrar, who Mr. Lamba asserts has caused the issues under appeal, has allegedly been discredited by a government report and is under investigation.

[17] It is plain that issues (1) and (2) have absolutely no merit as grounds for leave to appeal. Not only were these issues not argued before the Divisional Court,

but the LAT had no reason to interpret s. 17 because there was no evidence before it that had to be assessed for its materiality. For the same reason, there was no need for the LAT to address the pathway for reinstatement, or to identify the criteria that would apply.

[18] The procedural objections raised in what I have described as ground (3) are also manifestly without merit. Mr. Lamba has provided no basis for his claim that the absence of a record on appeal undermines the fairness of an appeal. More importantly, he was granted a motion to arrange for his own transcription in this case but elected not to do so. Moreover, he chose to leave the hearing and cannot realistically complain about the inadequacy of his opportunity to participate. He has provided no basis for questioning the denial of his adjournment request, nor has he pointed to any error made by the Divisional Court in addressing these issues.

[19] It is also obvious that there is no merit in the arguments he advanced orally in support of the extension. With respect to ground of appeal (4), he has provided no specifics of his factual challenges to the representations made by RECO counsel, which, in any event, do not raise issues that go beyond the case or otherwise require intervention by this Court. As for ground (5), he has not shown how the Registrar's current difficulties could have any bearing on the LAT decision or the decision of the Divisional Court to deny his appeal.

[20] Ultimately, there is no injustice being perpetrated against Mr. Lamba by denying this motion. He has had a hearing before the LAT and a full appeal before the Divisional Court. He now seeks the privilege of a second appeal without providing any coherent basis upon which leave to have that second appeal could be granted. It is not in the interests of justice to move this matter to the leave stage, where it will surely fail after further expense to the parties and further use of the resources of this Court.

[21] The motion is denied.

[22] Costs are to be paid by Mr. Lamba to RECO in the amount of \$2,000, inclusive of disbursements and applicable taxes.

“David M. Paciocco J.A.”