



Citation: F&W Property Management (Kitchener) Limited & Brown v. Registrar, *Condominium Management Services Act, 2022*, ONLATCMSA 13528

Date: 2022-04-27
File Number: 13528/CMSA

Appeal from the Notice of Proposal by the Registrar, *Condominium Management Services Act, 2015* to Suspend Transitional General Licence and Condominium Management Provider Licence

Between:

F&W Property Management (Kitchener) Limited & Laurie Brown

Appellants

-and-

Registrar, *Condominium Management Services Act, 2015*

Respondent

CONSENT ORDER

ADJUDICATOR: Jacqueline Castel, Member

APPEARANCES:

For the Appellants: Self-represented

For the Respondent: Erica Richler, Counsel

**Heard by
Teleconference:** April 27, 2022

Background

- [1] The respondent issued a Notice of Proposal (“NOP”), dated July 13, 2021, to suspend the condominium management provider licence of F & W Property Management and the transitional general licence of Laurie Brown. F & W Property Management and Ms Brown appealed the NOP to the Licence Appeal Tribunal (the “Tribunal”).
- [2] At a case conference, which took place on April 27, 2022, the parties advised that they were able to resolve this matter and have entered into Minutes of Settlement. Executed Minutes of Settlement were presented to and reviewed by the Tribunal.
- [3] The parties requested that the terms of the settlement be incorporated into a consent order disposing of this proceeding.

Order

- [4] Pursuant to section 4.1 of the *Statutory Powers Procedure Act*, R. S.O. 1990 Chapter S. 22 and s. 41(8) of the *Condominium Management Regulatory Authority Act*, and on consent of the parties, the terms of the Minutes of Settlement, attached hereto as Schedule “A”, are incorporated into this order and the matter is disposed of without a hearing in accordance with these Minutes of Settlement.

LICENCE APPEAL TRIBUNAL



Jacqueline Castel, Member

Released: April 29, 2022

SCHEDULE “A”

LAT File No.: 13528/CMSA

LICENCE APPEAL TRIBUNAL

Appeal from a Notice of Proposal by the Registrar of the Condominium Management Regulatory Authority of Ontario to Suspend a Transitional General Licence under the *Condominium Management Services Act, 2015*

BETWEEN:

**F & W PROPERTY MANAGEMENT (KITCHENER) LIMITED and
LAURIE BROWN**

Appellants

- and -

**CONDOMINIUM MANAGEMENT REGULATORY AUTHORITY OF ONTARIO
 (“CMRAO”)**

Respondent

MINUTES OF SETTLEMENT

Background

1. F & W Property Management (Kitchener) Limited currently holds a condominium management provider licence with CMRAO.
2. Laurie Brown currently holds a transitional general licence with CMRAO. Ms. Brown’s transitional general licence will expire on June 30, 2022, and it cannot be renewed under Ontario Regulation 123/17 made under the *Condominium Management Services Act, 2015*.
3. Ms. Brown is the Principal Condominium Manager, and the sole director, officer and shareholder of F & W Property Management.
4. On July 13, 2021, the Registrar of CMRAO issued a Notice of Proposal to suspend the condominium management provider licence of F & W Property Management and the transitional general licence of Ms. Brown.
5. F & W Property Management and Ms. Brown requested a hearing before the Licence Appeal Tribunal (LAT File No.: 13528/CMSA).
6. Ms. Brown is experiencing health issues that impact her ability to operate F & W Property Management and to provide condominium management services independently.
7. The parties agree to resolve this matter before the Licence Appeal Tribunal without the need for a hearing, in accordance with section 4.1 of the *Statutory Powers Procedure Act*. The parties consent to an order by the Licence Appeal Tribunal that incorporates the terms of this settlement.

Terms of Settlement

8. Ms. Brown agrees to wind down or otherwise close F & W Property Management by **May 30, 2022**.
9. Ms. Brown and F & W Property Management agree that the condominium management licence of F & W Property will be voluntarily cancelled by the Registrar effective **May 30, 2022**, and that the signing of this document is their written request for such cancellation.
10. Ms. Brown agrees to transition all of her and F & W Property Management's condominium clients to other licensed condominium management providers by **May 30, 2022**.
11. Ms. Brown agrees to notify all licensed condominium management providers to whom she transitions clients about the Notice of Proposal and the terms of this settlement.
12. Ms. Brown agrees to provide proof, acceptable to the Registrar, by **June 10, 2022**, that all clients have been transitioned to other licensed condominium management providers.
13. If Ms. Brown wants to continue providing condominium management services after June 2022, Ms. Brown agrees that she will apply for a **limited licence** with CMRAO by using the online application form on CMRAO's website **before May 30, 2022**. Ms. Brown agrees that she will **not** apply for a general licence with CMRAO before May 30, 2022.
14. Ms. Brown acknowledges and understands that a limited licence is subject to the following prescribed conditions under subsection 8(1) of Ontario Regulation 123/17:
 1. The licensee shall not provide condominium management services except under the supervision of a supervising licensee.
 2. Subject to subsection (2), the licensee shall not enter into, extend, renew or terminate a contract or other agreement on behalf of a client except with the prior approval of the supervising licensee mentioned in paragraph 1.
 3. Subject to subsection (2), the licensee shall not make expenditures of more than \$500 of the client's money, not including the reserve fund, except with the prior approval of the supervising licensee mentioned in paragraph 1.
 4. The licensee shall not, on behalf of a client, give anything to an owner or mortgagee that the client is required to give to an owner or mortgagee under the Condominium Act, 1998 except with the prior approval of the supervising licensee mentioned in paragraph 1.
 5. The licensee shall not sign status certificates under the Condominium Act, 1998 on behalf of a client.
 6. The licensee shall not make expenditures out of, invest or otherwise make dispositions of a client's reserve fund.
 7. The licensee shall be employed by no more than one condominium management provider unless the licensee has obtained the consent, in the form or manner approved by the registrar, of all condominium management providers that employ the licensee.
15. In addition to any prescribed conditions, Ms. Brown agrees to have the following conditions applied to any licence she holds with CMRAO following the date of the order of the Licence Appeal Tribunal:

- a. Ms. Brown shall not make expenditures of any amount, invest, or otherwise make dispositions of a client's money.
 - b. Ms. Brown shall not have signed authority over a client's bank accounts.
16. In exchange for the terms of this settlement, the Registrar consents to apply the conditions set out in paragraph 15 on Ms. Brown's licence instead of suspending the licences as proposed in the Notice of Proposal.
17. Ms. Brown acknowledges and understands that conditions on a licence are posted on the public registry on CMRAO's website. Ms. Brown further acknowledges and understands that the final order of the Licence Appeal Tribunal will be posted on CMRAO's website. These Minutes of Settlement, or a summary of the settlement, may also be posted on CMRAO's website.
18. Ms. Brown and F & W Property Management acknowledge and understand that the voluntary cancellation of F & W Property Management's licence will be posted on the public registry on CMRAO's website.
19. Ms. Brown and F & W Property Management agree that if they fail to comply with the terms of this settlement or if they fail to comply with a condition on their licence, the Registrar may take action on their licence in accordance with the *Condominium Management Services Act, 2015*.
20. Ms. Brown and F & W Property Management acknowledge that they are entering into these Minutes of Settlement voluntarily and that they have had an opportunity to seek legal advice.
21. The parties agree that these Minutes of Settlement may be signed in counterpart and may be signed electronically.