



Citation: Jhamtani and Simsons Management Inc. v. Condominium Management
Regulatory Authority of Ontario, **2022 ONLAT CMSA 13072**

RECONSIDERATION DECISION

Before: Raymond C. Ramdayal, Member

Date of Order: June 3, 2022

Tribunal File Number: 13072/CMSA

Case Name: Anil Jhamtani and Simsons Management Inc. v.
Condominium Management Regulatory Authority of
Ontario

Written Submissions by:

For the Appellant: Lisa Freeman, Counsel

For the Respondent: Erica Richler, Counsel

OVERVIEW

- [1] The appellants, Anil Jhamtani and Simsons Management Inc. request reconsideration of a decision dated May 26, 2022 (the “decision”). In the decision, the Licence Appeal Tribunal (the “Tribunal”) found the respondent had reasonable grounds for revoking both the individual licence of Anil Jhamtani and the corporate licence of Simsons Management Inc. Accordingly, the Tribunal upheld the respondent’s proposal to revoke of the licences.

RESULT

- [2] For the reasons set out below, I am varying the decision and order issued on May 26, 2022. The decision revoking Mr. Jhamtani’s individual licence remains unchanged. With respect to the corporate licence of Simsons Management Inc., I vary the Tribunal’s order to reinstate the corporate licence subject to the conditions proposed by the parties in the joint submission.

ANALYSIS

- [3] The grounds for a request for reconsideration are contained in Rule 18.2 of the *Licence Appeal Tribunal, Animal Care Review Board, and Fire Safety Commission Common Rules of Practice and Procedure, Version I (October 2, 2017)*, as amended (the “*Common Rules*”). A request for reconsideration will not be granted unless one of the following criteria are met:
- i. The Tribunal acted outside its jurisdiction or violated the rules of procedural fairness;
 - ii. The Tribunal made an error of law or fact such that the Tribunal would likely have reached a different result had the error not been made;
 - iii. The Tribunal heard false evidence from a party or witness, which was discovered only after the hearing and likely affected the result; or
 - iv. There is evidence that was not before the Tribunal when rendering its decision, could not have been obtained previously by the party now seeking to introduce it, and would likely have affected the result.
- [4] The appellants’ request is based on 18.2 (i) and (ii), namely that the Tribunal violated the rules of procedural fairness and made an error in law.

- [5] The appellants confine their reconsideration request to the revocation of Simsons' Management Inc.'s corporate licence. They do not seek reconsideration of the revocation of Mr. Jhamtani's individual licence.
- [6] The parties' submissions confirm that they have reached an agreement with respect to the licence of the corporate appellant, Simsons Management Inc. This document entitled "Joint Submission Re: Licence of Simsons Management Inc.", dated March 4, 2022, was marked as Exhibit #5 at the hearing.
- [7] The joint submission states that should the Tribunal make a finding that confirms the Notice of Proposal to revoke the general licence of Anil Jhamtani, then the parties agree that following conditions will be imposed on the corporate appellant's licence:
- a) Anil Jhamtani shall not be a director or officer of Simsons Management Inc.
 - b) Anil Jhamtani shall not provide condominium management services or perform any of the functions of a condominium manager on behalf of Simsons Management Inc. and/or for any clients of Simsons Management Inc.
 - c) Within one year of the date that this condition takes effect, Simsons Management Inc. is required to comply with an inspection with an inspector appointed by the Registrar. In particular, the inspector shall inspect:
 - i. Simsons Management Inc.'s compliance with the conditions of its licence and with the *Condominium Management Services Act, 2015*;
 - and
 - ii. Simsons Management Inc.'s written procedures for handling the transfer of client documents upon termination.
- [8] The joint submission regarding the licence of Simsons Management Inc. provides me reassurance that Mr. Jhamtani will not act as a director or officer for Simsons and will not perform any functions of a condominium manager on its behalf. Moreover, this agreement protects the public against Mr. Jhamtani's past poor conduct and the circumstances which has led to the revocation of his licence.

- [9] Therefore, the Tribunal's finding that there are reasonable grounds to revoke Mr. Jhamtani's licence stands.
- [10] The Tribunal erred by failing to address the joint submission in its reasons. This error is of such a nature that the Tribunal would likely have reached a different result had the error not been made. Moreover, the Tribunal also failed to accord the parties procedural fairness in relation to the joint submission. In the circumstances, the Tribunal was required to either accede to the submission or, if it did not consider doing so to be appropriate, to notify the parties of such and provide them with an opportunity to make submissions. This was not done.
- [11] I am satisfied that the conditions proposed in the joint submission are appropriate in light of the purposes of the Act. Furthermore, I take adjudicative notice that the Act is consumer protection legislation and I find that the joint submission is consistent with protection of the public.

CONCLUSION AND ORDER

- [12] For the reasons set out above, the request for reconsideration is granted.
- [13] The Tribunal's decision to confirm the revocation of Mr. Jhamtani's licence remains unchanged.
- [14] The Tribunal's decision to revoke the licence of Simsons Management Inc. is varied. Simsons Management Inc. shall retain its corporate licence with the following conditions as set out in the parties' joint submission:
- a) Anil Jhamtani shall not be a director or officer of Simsons Management Inc.
 - b) Anil Jhamtani shall not provide condominium management services or perform any of the functions of a condominium manager on behalf of Simsons Management Inc. and/or for any clients of Simsons Management Inc.
 - c) Within one year of the date that this condition takes effect, Simsons Management Inc. is required to comply with an inspection with an inspector appointed by the Registrar. In particular, the inspector shall inspect:
 - i. Simsons Management Inc.'s compliance with the conditions of its licence and with the *Condominium Management Services Act, 2015*;

and

- ii. Simsons Management Inc.'s written procedures for handling the transfer of client documents upon termination.

LICENCE APPEAL TRIBUNAL



Raymond C. Ramdayal
Member
Tribunals Ontario

Released: June 3, 2022