



Citation: Tagari v. Registrar, *Condominium Management Services Act, 2015* ONLAT
CMSA 11422

Date: January 19, 2023
File Number: 11422/CMSA

**Appeal from Proposal to Refuse to Grant a General Licence of the Registrar
under the *Condominium Management Services Act, 2015***

Between:

Pervez Tagari

Appellant

and

Registrar, Condominium Management Services Act, 2015

Respondent

CONSENT ORDER

ADJUDICATOR:

D. Gregory Flude, Vice Chair

APPEARANCES:

For the Appellants:

Paul Shenton, Counsel

For the Respondent:

Erica Richler, Counsel

**Heard by Way of Written
Submissions**

OVERVIEW

- [1] Pervez Tagari (“appellant”) appealed the Notice of Proposal to Refuse a Registration issued by the Registrar, *Condominium Management Services Act, 2015*, S. O. 2015, c. 28 Sched 2 (“respondent”).
- [2] The respondent responded to the appeal.

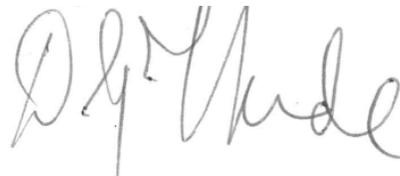
ORDER DISPOSING OF APPEAL WITHOUT A HEARING ON CONSENT

- [3] Both the appellant and the respondent have requested an order from the Tribunal disposing of this appeal in accordance with the terms set out in Consent Order prepared by counsel and attached to this order as Schedule “A.”
- [4] Both parties have requested an order from the Tribunal vacating the dates set for the hearing of this matter on June 16 through 20 and 23, 2023.
- [5] Both parties have indicated they consent to the Tribunal disposing of this appeal without a hearing under s. 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 on the terms agreed between the parties.

ON THE FOREGOING CONSENT OF BOTH PARTIES, I ORDER AS FOLLOWS:

- [6] Pursuant to s. 4.1 of the *Statutory Powers Procedure Act*, and s. 41(8) of the *Condominium Management Services Act, 2015*, and on the consent of the parties, this matter is disposed of without a hearing, on the terms set out in these Minutes of Settlement attached hereto as Schedule “A.”
- [7] The hearing dates set for the hearing of this matter are vacated.
- [8] Nothing in this Order affects any requirement under the *Act*.
- [9] The Tribunal will close its file.

LICENCE APPEAL TRIBUNAL



D. Gregory Flude, Vice Chair

Released: January 19, 2023

Schedule "A"

LAT File No.: 11422/CMSA

LICENCE APPEAL TRIBUNAL

Appeal from Proposal to Refuse to Grant a General Licence of the Registrar of the Condominium Management Regulatory Authority of Ontario under the *Condominium Management Services Act, 2015*

BETWEEN:

Pervez Tagari

Appellant

- And -

Registrar, Condominium Management Regulatory Authority of Ontario

Respondent

MINUTES OF SETTLEMENT

1. Pervez Tagari and the Registrar, Condominium Management Regulatory Authority (CMRAO) jointly request a Consent Order as follows:
 - a. Pursuant to s. 4.1 of the *Statutory Powers Procedure Act*, and s. 41(8) of the *Condominium Management Services Act, 2015*, and on the consent of the parties, this matter is disposed of without a hearing, on the terms set out in these Minutes of Settlement.

Background

2. Pervez Tagari commenced an application to the Registrar, Condominium Management Regulatory Authority (CMRAO) for a General Licence in or around November 2017.
3. On or about June 1, 2018, the Registrar issued a Notice of Proposal to refuse to issue a General Licence to Mr. Tagari. The alleged grounds in the Notice of Proposal, which have not yet been proven at a hearing, are that:
 - a. the past or present conduct of Mr. Tagari, in particular his previous revocation by the Real Estate Council of Ontario and criminal charges, affords reasonable grounds for belief that the applicant will not perform the activities of a licensee in accordance with law and with integrity and honesty;

- b. Mr. Tagari made a false statement or provided a false statement in an application for a licence when he failed to disclose his stayed and pending criminal charges; and
 - c. having regard to Mr. Tagari's financial position, in particular his previous personal bankruptcy, Mr. Tagari cannot reasonably be expected to be financially responsible in engaging in the activities of a licensee.
4. On or about June 15, 2018, Mr. Tagari filed a Notice of Appeal with the Licence Appeal Tribunal to request a hearing in respect of the Registrar's proposal.
5. On or about July 16, 2018, Mr. Tagari entered into a voluntary undertaking whereby Mr. Tagari agreed not to provide condominium management services while the pending criminal charges and the Licence Appeal Tribunal hearing were outstanding. The hearing was then held in abeyance.
6. On or about March 1, 2019, the pending criminal charges against Mr. Tagari were withdrawn.
7. Following the withdrawal of the criminal charges, this matter was scheduled for a hearing before the Licence Appeal Tribunal in November 2019. In October 2019, Mr. Tagari sought an adjournment of the hearing due to his ill health. The CMRAO consented to this adjournment. The Licence Appeal Tribunal hearing was held in abeyance since that time due to Mr. Tagari's health, and with the consent of CMRAO.
8. On or about November 15, 2022, the Licence Appeal Tribunal advised the parties that the abeyance was lifted and the matter would be scheduled for a hearing. On or about November 21, 2022, the Licence Appeal Tribunal scheduled this matter for a hearing on January 16-20 and 23, 2023.

Terms of Settlement

9. The parties agree to resolve this matter without the need for a hearing on the following terms.
10. By executing these Minutes of Settlement, Mr. Tagari withdraws his application for a General Licence commenced November 2017.
11. Mr. Tagari acknowledges that by executing these Minutes of Settlement and by

withdrawing his application for a General Licence, his deemed transitional licence will expire.

12. Mr. Tagari acknowledges that by executing these Minutes of Settlement, he will not hold a licence with CMRAO and that unless and until he is granted a licence in the future he is prohibited from doing the following under section 34 of the *Condominium Management Services Act, 2015*:
 - a. Mr. Tagari shall not provide condominium management services;
 - b. Mr. Tagari shall not directly or indirectly hold himself out as a condominium manager; and
 - c. Mr. Tagari shall not perform any of the functions of a condominium manager.
13. Mr. Tagari acknowledges that if he applies to CMRAO for a licence in the future, he will be subject to the licensing requirements in place at the time. Mr. Tagari understands that if he applies in the future, the Registrar will be required to consider Mr. Tagari's past and present conduct, including the conduct underlying the June 1, 2018 Notice of Proposal; however, the parties agree that the conduct underlying the June 1, 2018 Notice of Proposal will not be an automatic bar to a licence being issued to Mr. Tagari in the future and that the Registrar will consider all of the circumstances at the time of any future application.
14. Mr. Tagari acknowledges that if he applies to CMRAO in the future, he will be required to apply for a limited licence. Mr. Tagari acknowledges that in order to apply for a general licence in the future he will be required to obtain two years' experience as a limited licence holder, subject to any amendments to the requirements under the *Condominium Management Services Act, 2015* and regulations in place at the time of his application.
15. Mr. Tagari acknowledges that these Minutes of Settlement and any Consent Order issued by the Licence Appeal Tribunal will be posted on CMRAO's website in accordance with section 36(2) of Ontario Regulation 123/17 for a period of six months after the Consent Order is issued.
16. Mr. Tagari acknowledges that he is entering into these Minutes of Settlement voluntarily and that he has had the benefit of legal advice.
17. The parties agree that these Minutes of Settlement may be signed in counterpart and may be signed electronically.