

**PART 8—DISCIPLINE**  
**Effective July 1, 2025**

**Complaints**

**801**

For the purpose of this by-law, a complaint includes any written allegation that a licensee has engaged in conduct, which, in the opinion of the Registrar, may constitute unprofessional conduct as defined in the Act and the By-law.

**802**

- (a) Any complaint or allegation made to the Commission that a licensee has engaged in unprofessional conduct must be made in writing, setting out the facts as known to the complainant.
- (b) By filing a complaint, the complainant is deemed to authorize the Registrar or their delegates to:
  - (i) disclose the complaint to the respondent and their broker;
  - (ii) make such other disclosures as may be necessary for the investigation of the complaint for proceedings under the Act and the By-law; and
  - (iii) authorize them to obtain the complainant's relevant file materials from any licensee.

**803**

Where the Registrar has reason to believe that a licensee has engaged in unprofessional conduct the Registrar may initiate a complaint without having received a formal complaint pursuant to by-law 802.

**804**

The Registrar may dismiss a complaint at any time, with or without appointing an Investigator, if satisfied that:

- (a) the conduct complained of does not constitute professional misconduct;
- (b) the complaint is trivial, frivolous, of a vexatious nature, or filed for improper purposes;
- (c) the complainant fails or refuses to cooperate with an Investigator;
- (d) the complainant asks not to proceed with the complaint; or
- (e) an investigation of the complaint would not be in the public interest.

**805**

If the Registrar decides to dismiss a complaint without appointing an Investigator, they must:

- (a) deliver notification, in writing, to the complainant, the respondent, and the Complaints Review Committee outlining the reasons why the complaint is being dismissed; and
- (b) advise the complainant, in writing, of their right to apply for a review of the Registrar's decision by the Complaints Appeal Committee.

**806**

At any time following receipt of the complaint, the Registrar may attempt to informally resolve the complaint.

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**Investigations**

**807**

Pursuant to Section 17(3) of the Act, the Registrar may authorize a person or persons to conduct an investigation into whether a licensee has engaged in unprofessional conduct.

**808**

The Registrar will notify a respondent, in writing, of the commencement of an investigation into their conduct and provide a copy of the complaint and the name of the Investigator who has been appointed to investigate the complaint.

**809**

An Investigator appointed by the Registrar will investigate the facts and circumstances of the complaint against any licensee and has the authority set out in section 17 of the Act.

**810**

The Investigator may require, from a respondent or any other licensee, a response to the complaint or any part of the complaint and may set a time within which a response is to be provided.

**811**

A licensee's response to a complaint must:

- (a) be in writing, unless the Investigator instructs otherwise;
- (b) respond substantively to the allegation or allegations and any inquiries by the Investigator; and
- (c) be delivered to the Investigator as soon as practicable and, in any event, no later than the date set by the Investigator.

**812**

- (a) A respondent must co-operate fully with the investigation and must not:
  - (i) withhold, destroy, conceal or refuse to provide any information or thing reasonably required for the purpose of an investigation;
  - (ii) make or permit to be made any false or misleading statement when providing information to the Investigator or the Commission;
  - (iii) attempt to have the complainant withdraw a complaint; or
  - (iv) interfere with or obstruct an investigation.
- (b) A breach of this section may result in disciplinary charges or a suspension pursuant to section 21(1) of the Act.

**813**

The Investigator may investigate any other matter that arises during the course of an investigation and appears to be a breach of the Act, the Regulations or the By-law.

**814**

Upon the completion of their investigation, the Investigator will give to the Registrar a written report that summarizes the investigation and outlines whether the evidence collected during the investigation

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supports a finding that the respondent has engaged in professional misconduct or a breach of the Act, the Regulations or the By-law.

**Registrar's Report**

**815**

Upon receipt of the Investigator's report, the Registrar will prepare a report setting out a summary of the investigation findings, and if there is a finding of professional misconduct, include a proposed penalty. The Registrar may consult with the Complaints Review Committee regarding the Registrar's findings, proposed penalty or with respect to the approval of a proposed Settlement Agreement.

**Decision by Registrar**

**816**

If, following review of the investigation report and any consultation with the Complaints Review Committee, the Registrar decides to dismiss the complaint, the Registrar must:

- (a) deliver notification, in writing, to the complainant, the respondent, and the Complaints Review Committee outlining the reasons why the complaint does not support a finding of professional misconduct; and
- (b) advise the complainant, in writing, of their right to apply for a review by the Complaints Appeal Committee.

**817**

- (a) If, following review of the investigation report and any consultation with the Complaints Review Committee, the Registrar has reason to believe that the respondent has engaged in unprofessional conduct, the Registrar must provide the respondent with a copy of the formal allegations and either:
  - (i) provide the respondent with a proposed Settlement Agreement pursuant to section 20 of the Act; or
  - (ii) refer the matter to the Discipline Committee to be set down for hearing.
- (b) If a respondent who is offered a Settlement Agreement pursuant to section 20 of the Act fails to agree within the time set by the Registrar, the Registrar will then refer the matter to the Discipline Committee to be set down for hearing.

**818**

Notwithstanding the referral of allegations to the Discipline Committee, at any time prior to a hearing, the respondent may propose the resolution of the allegations against them through a written and signed Settlement Agreement.

**819**

A Settlement Agreement must include:

- (a) an admission that the respondent is guilty of professional misconduct; and
- (b) the respondent's consent to a specified disposition of the complaint.

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**No Contest and Lifetime Withdrawal**

**820**

Notwithstanding by-law 819 where the respondent and Registrar agree that revocation and lifetime withdrawal from the industry is the appropriate sanction, a Settlement Agreement does not require an admission that the licensee is guilty of professional misconduct, but may instead include a statement that the respondent does not contest the charge and does not admit guilt.

**821**

Any Settlement Agreement must be submitted to the Complaints Review Committee for approval, who may, pursuant to section 20 of the Act:

- (a) accept the proposed Settlement Agreement; or
- (b) reject the proposed Settlement Agreement.

**822**

For the purposes of the Act and the By-law, a Settlement Agreement is deemed to be a decision of the Discipline Committee.

**Complaints Review Committee**

**823**

The Commission will appoint a Complaints Review Committee of at least three people, one of whom is not a licensee or a former licensee.

**824**

The role of the Complaints Review Committee is to:

- (a) provide feedback to the Registrar, when requested, with respect to the disposition of complaints; and
- (b) consider Settlement Agreements reached pursuant to section 20 of the Act.

**Complaints Appeal Subcommittee**

**825**

The Complaints Review Committee will appoint a Complaints Appeal Subcommittee, consisting of at least three (3) members of the Committee, one of whom is not a licensee or a former licensee.

**826**

The role of the Complaints Appeal Subcommittee is to consider any request from a complainant for a review of a decision by the Registrar to dismiss a complaint.

**827**

No member of the Complaints Appeal Subcommittee may have previously participated in any discussions or decisions with respect to the matter under review.

**828**

A complainant who is dissatisfied with a decision of the Registrar to dismiss a complaint, may apply, in writing, for a review of that decision to the Complaints Appeal Subcommittee. A request for a review must contain reasons for the Complaints Appeal Subcommittee to consider. The request must be

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received by the Commission within twenty (20) business days of being notified that their complaint was dismissed.

**829**

Upon receipt of a request for review, the Registrar will provide the Complaints Appeal Subcommittee with a copy of the complaint, the respondent's reply, any investigation report, and the Registrar's decision.

**830**

The Complaint Appeal Subcommittee may request further information from the complainant or the Registrar. After their review is completed, they must:

- (a) make a written report to the Registrar; and
- (b) promptly advise the complainant and the licensee, in writing, of the results of its review.

**831**

The Complaints Appeal Subcommittee must either:

- (a) uphold the dismissal; or
- (b) refer the matter back to the Registrar for consideration of new information or further investigation.

**832**

The Complaints Appeal Subcommittee must provide written reasons for their decision to the complainant, the respondent, and the Registrar.

**833**

The decision of the Complaints Appeal Subcommittee is final and binding.

**834**

Following further consideration or investigation of a complaint referred back by the Complaints Appeal Subcommittee, the Registrar will provide a report to the Complaints Review Committee who will make a final and binding determination as to the outcome of the complaint.

**Discipline Committee**

**835**

The Commission will appoint a Discipline Committee consisting of a least five (5) persons, one of whom is not a licensee.

**836**

The Registrar's referral to the Discipline Committee must include a copy of the allegations against the respondent. Upon receipt of the referral, the Chair of the Discipline Committee will appoint a Hearing Panel per Section 16(4) of the Act consisting of not less than three (3) persons, one of whom is not a licensee, and appoint one of those persons as Chair of the Hearing Panel. For the purposes of this by-law and the Act, a Hearing Panel is considered to be a subcommittee of the Discipline Committee.

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**837**

The Chair of the Discipline Committee will advise the Registrar and the respondent of the composition of the Hearing Panel.

**838**

As soon as practical following the appointment of a Hearing Panel, the Chair of the Panel will hold a prehearing conference to ensure the orderly hearing of the complaints and to set a date for hearing.

**839**

- (a) At least 30 days prior to a hearing date, the Registrar will send the respondent a Notice of Hearing containing:
  - (i) the date, time, and place of the hearing;
  - (ii) the statement of allegations against the respondent, including a specific outline of the Sections of the Act, the Regulations or the By-law that are alleged to have been breached; and
  - (iii) notification of the right of the respondent to be represented by counsel at the hearing.
- (b) The Notice of Hearing must be served on the respondent at least thirty (30) days prior to the hearing date.
- (c) The Notice of Hearing must be served on the respondent by registered mail to their last known address, or by such other means identified by the Registrar.

**840**

- (a) Any respondent who is named in a Notice of Hearing and is unable to appear for valid reasons on the specified date may apply to the Hearing Panel Chair for a rescheduling of the dates.
- (b) The Hearing Panel may proceed with a hearing in the absence of the respondent provided proof of notice of service is presented to the Hearing Panel.

**841**

The Hearing Panel has all the powers conferred by the Act, the Regulations, and the By-law, and has the powers, privileges, and immunities of a Commissioner under the Public Inquiries Act.

**842**

The Hearing Panel may retain independent legal counsel to assist them in carrying out their duties under the Act and the By-law.

**843**

The Hearing Panel may determine its own procedure and may:

- (a) issue subpoenas and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents and things as the Hearing Panel considers necessary for the full consideration of a charge;
- (b) order pre-hearing procedures, including pre-hearing conferences that are held in private, and direct the times, dates, and places of the hearing for those procedures;

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- (c) order that a hearing, parts of a hearing or pre-hearing conference be conducted using a means of telecommunication that permits the parties and the panel to communicate simultaneously;
- (d) administer oaths and solemn affirmations;
- (e) adjourn or postpone a proceeding from time to time;
- (f) receive and accept such evidence and information on oath, affidavit or otherwise as the hearing panel in its discretion sees fit, whether admissible in a court of law or not;
- (g) prescribe the disclosure obligations of the parties prior to a hearing;
- (h) compel, at any stage of a proceeding, any person to provide information or to produce documents or things that may be relevant to a matter before it; and
- (i) receive and accept such evidence and information on oath, affidavit or otherwise as the Hearing Panel in its discretion sees fit, whether admissible in a court of law or not.

**Parties to a Hearing**

**844**

- (a) The parties to a hearing are the Commission and the respondent.
- (b) For greater certainty, a complainant is not a party to a hearing.

**Evidence at Hearing**

**845**

- (a) Subject to subsections (b) and (c), evidence is not admissible before the Hearing Panel unless the opposing party has been given, at least 10 days before a hearing:
  - (i) for written or documentary evidence, an opportunity to examine the evidence;
  - (ii) for expert evidence, the expert's qualifications and a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and
  - (iii) the identity of any other witness and a summary of the witness's anticipated evidence.
- (b) The Hearing Panel may extend beyond ten (10) days the time required for an opposing party to be provided with evidence under clause (a)(ii).
- (c) The Hearing Panel may, in its discretion, allow the introduction of evidence that is otherwise inadmissible under subsection (a) and may make directions it considers necessary to ensure a fair hearing.

**846**

The Respondent who is the subject of the hearing is considered a compellable witness and they are required to give evidence as requested by the Hearing Panel at a hearing.

**847**

The Commission is not responsible for expenses incurred by or on behalf of the named respondent to attend a hearing. The named respondent and their counsel are entitled to be in attendance throughout the hearing.

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**The Decision**

**848**

- (a) A Hearing Panel decision must be in writing, include the reasons for their decision, and be rendered within a reasonable time frame.
- (b) A Hearing Panel Chair will provide a copy of the written decision to the Registrar when rendered.

**849**

The Hearing Panel Chair will send a written notification of the Hearing Panel's decision, to:

- (a) the person who made the complaint, if any;
- (b) the respondent; and
- (c) the brokerage with which the respondent is licensed and/or was licensed at the time of the allegations.

**850**

Where a respondent has been found guilty of professional misconduct, the Hearing Panel may direct that all or part of the costs incurred to investigate and hear a complaint against a respondent are to be paid by the respondent, and the time within which such payment must be made.

**851**

Members of the Discipline Committee and Hearing Panel may receive remuneration in the amount prescribed by the Commission as set from time to time.

**852**

- (a) In accordance with Real Estate Trading Act Section 25(2), where a licence is cancelled or suspended pursuant to the Act, the Registrar must provide such notice to the public and/or industry as the Registrar determines necessary in the public interest. At a minimum there must be a posting on the NSREC website that includes the licensee's name, the current and/or former brokerage, the violations, the length of cancellation or suspension, and the penalty. The Registrar may include an explanation of the events/behaviour that led to the violations.
- (b) The notice must remain on the Commission website for the duration of the suspension/cancellation and for such other time as determined by the Registrar is required in the public interest.
- (c) The Registrar may send a notice to the industry with the names of any licensee whose:
  - (i) licence is not renewed as a result of failure to complete a required education course(s);
  - (ii) licence is not renewed or terminated by midnight on June 30th;
  - (iii) errors and omissions insurance coverage is terminated; or
  - (iv) licence is downgraded or restricted.



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**853**

- (a) Administrative penalties and all other discipline may be published at the discretion of the Registrar, in accordance with the public interest. The Registrar may determine the contents of any publication, including whether the licensee is named.
- (b) Publications will remain on the website as determined by the Registrar to be in the public interest.

**Discipline and Licence History Disclosure**

**854**

When requested in writing, the Commission will disclose the following about a licensee:

- (a) The number of years licensed in a particular class of licence;
- (b) The total number of years licensed;
- (c) The name of the licensee's current brokerage; and
- (d) the full disciplinary history of a licensee.

**855**

Records of suspensions or past license cancellations will be permanently attached to the license information of a licensee on the public view of the licensee database that is made available on the Commission website.

**856**

Records of administrative penalties and other discipline will be permanently attached to the license information of a licensee on the public view of the licensee database that is made available on the Commission website, unless otherwise determined not to be in the public interest by the Registrar.

**857**

For greater certainty, the discipline history will permanently remain attached to the licence of a licensee regardless of the duration of any unlicensed periods of time, unless otherwise determined not to be in the public interest by the Registrar.

**858**

Where the Registrar determines it is in the public interest, the Registrar may disclose information related to a complaint or investigation to the police authorities or to other regulatory authorities.