



**NSREC BOARD OF DIRECTORS**  
**Record of Decisions**  
**September 15, 2022**

PRESENT: Linda Smardon, Chairperson  
Greg Taylor, Vice Chairperson  
Tunde Awoyiga  
Anne Da Silva  
Kim Fox  
Gary Mailman  
Nancy McGrath  
Logan Morse  
David Woo  
Aaron Millen  
Brad Chisholm, Registrar

STAFF: Peggy Kell  
Chloe Kenney (recorder)

REGRETS:

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The meeting was called to order at 11:04 a.m. and adjourned at 2:05 p.m.*

#### CALL TO ORDER

L. Smardon, Chair, called the meeting to order at 11:04 a.m. and welcomed new board member D. Woo.

#### APPROVAL OF THE AGENDA

**MOVED by L. Morse and seconded.**

**To approve the agenda.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### APPROVAL OF THE MINUTES

L. Smardon noted several corrections to the minutes.

**MOVED by G. Taylor and seconded.**

**To approved the June 9 minutes with the corrections as stated.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### CHAIR'S REPORT

L. Smardon reported direct communication from a member of public to herself and other Board members who wanted rules governing how buyers or sellers negotiate, after they had a negative experience with their offer.

L. Smardon said she's been in communications with B. Chisholm and met with the Executive Committee to plan for the next year. Noted that By-law task force has been pushed back for multiple reasons over the last few years, including COVID, so going forward over the next 12 to 18 months when prioritizing initiatives, the focus will be on strategic planning and budgeting, and the By-law Task Force.

**MOVED by N. McGrath and seconded**

**To approve the Chair's report as presented.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### REGISTRAR'S REPORT

B. Chisholm said there are still high numbers of new licensees, exams, etc. which is driving operations, and staff are being kept busy with managing this process. Three staff members, including himself, attended the ARELLO annual meeting.

**MOVED by A. Da Silva and seconded**

**To approve the Registrar's report as presented.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### BUSINESS ARISING FROM THE MINUTES

**Code of Conduct Update**

B. Chisholm explained staff completed another survey to the industry on their perception of professionalism within the industry. B. Chisholm said the comments indicated frustration between licensees and with the real estate market. It's issues between licensees, but it can spill over to consumers. The Commission does not have the mechanisms to contact consumers like a professional consultant would. The board discussed engaging a professional survey company to survey real estate consumers.

**MOVED by G. Taylor and seconded**

**To direct staff to engage a consultant with the intent to gather more information regarding the public's perception of professionalism in the industry, and that the Board allocate funds for such survey.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **FINANCE COMMITTEE**

G. Taylor said all attendees should have received the finance committee reports for this meeting, with statements up to the end of July, and that the Commission is in good shape. G. Taylor noted that numbers continue to be higher than expected in the budget, due to high volumes of exams and first-time licensing fees.

**MOVED by G. Taylor and seconded.**

**To accept the Finance Committee Report as presented.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **LICENSING COMMITTEE**

T. Awoyiga said the Licensing Committee has not met, but that staff has done lots of work behind the scenes. He provided new and total stats on licensees and brokerages.

**MOVED by T. Awoyiga and seconded.**

**To approve the Licensing Committee report as presented.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **BUSINESS ARISING FROM THE MINUTES (continued)**

##### **Coming Soon Policy Update**

B. Chisholm said there was previous discussion about coming soon policy, raised by G. Mailman. The Commission had an older "coming soon" policy in place. Staff analyzed the policy and has two recommendation: expand on the policy and create a "coming soon" form.

**MOVED by A. Da Silva and seconded**

**To direct the Forms Committee to create a Coming Soon Form and for staff to expand on the existing Coming Soon policy.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

## EDUCATION COMMITTEE REPORT

A. Millen said the Education Committee has not met. The pilot for the next CPE is launching shortly. Exam enrollment is slightly lower but still record high numbers.

**MOVED by A. Millen and seconded**

**To approve the Education Committee report as presented.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

## COMPLAINTS REVIEW COMMITTEE REPORT

K. Fox said the Complaints Review Committee met the day before, and the number of complaints are growing with the growing number of licensees. Eighteen investigations have been initiated, and six were dealt with at the meeting yesterday. One additional case was withdrawn, and the next meeting is scheduled for December.

**MOVED by K. Fox and seconded**

**To approve the Complaints Review Committee report as presented.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

## FORMS COMMITTEE REPORT

A. Da Silva said the Forms Committee recently met, and has strong new members. She updated that current documents under review include the Clause Book, as Form 408 has made certain clauses from the book outdated, the Property Disclosure Statements, and Seller Customer Acknowledgement, Agreement of Purchase and Sale, which include mainly wording updates, clarity on property migration, sewage, and excess deposit. A. Da Silva recommends that it be put forward to the Education Committee that a mandatory broker course be prepared for 2023-24 to cover the updated clause book, managing conflicts of interest between clients, transaction brokerage with multiple buyer clients and defining and handling excess deposits.

**MOVED by A. Da Silva and seconded**

**To approve Forms Committee report as presented and put forward the mandatory broker course request to the Education Committee as presented.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

## 14. OTHER BUSINESS

### Concern from Member of the Public

L. Smardon explained that she received a letter from a member of the public regarding an investigation. The consumer had requested copies of documents related to their investigation, and was told the documents would not be provided as they were not privy to them. After the consumer was refused documentation, they contacted a number of board members who explained they cannot comment on matters under investigation.

B. Chisholm said the way we conduct investigations is based on recommendations from legal counsel. Disciplinary hearings follow administrative law, and procedures have been laid out about how

disciplinary matters are conducted. We follow an investigation procedural checklist, which has been updated over the years at the recommendations of legal counsel. What we don't do, which would be inappropriate, would be to allow the consumer to dictate the course of investigations, including questions and tempo.

**MOVED by A. Millen and seconded**

**For L. Smardon to respond to the consumer that the board has reviewed our processes and are comfortable that they are being followed.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **Future Board Meetings**

L. Smardon asked how the Board would like to proceed with meetings: by Zoom or in person.

**MOVED by D. Woo and seconded**

**To continue conducting board meeting by Zoom with the exception of one in-person meeting annually.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **By-law Revision Request**

B. Chisholm explained that prior to COVID that there were multiple forms that required notarization. When the pandemic hit, this requirement was removed and staff recommends permanently removing it. In consultation with legal counsel, staff recommend repealing 336(a) and rewording 336(b) in the By-law to address this change.

**MOVED by A. Millen and seconded**

**To accept the proposed revisions to Commission By-law 336(a) and 336(b).**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **NEXT MEETING**

December 8, 2022.

#### **ADJOURNMENT**

The Chair adjourned the meeting at 2:05 p.m.