

January 19, 2006

[REDACTED]

Dear Ms. A [REDACTED]

Re: The FST Chair's Decision on your Appeal to the Financial Services Tribunal [REDACTED]

This letter is to advise you of my decision concerning your Notice of Appeal, filed with the Financial Services Tribunal on December 21, 2005. Your appeal concerns a decision of the Real Estate Council dated November [REDACTED] 2005.

You filed your Notice of Appeal with the FST on December 21, 2005. The filing of your Notice was preceded by the filing of an Application to File a Late Appeal on December 19, 2005.

I have reviewed your Notice of Appeal, the Application to File a Late Appeal, and the submissions made by the counsel for the Real Estate Council and the counsel for the Superintendent of Real Estate regarding your Notice and the Application to File a Late Appeal.

I have decided to deny your Application to File a Late Appeal for three reasons.

First, you have failed to provide adequate evidence that you are suffering from the medical conditions represented in your Application to File Late. The only evidence you presented of a medical condition is a one-page handwritten memo from Dr. [REDACTED] that states "To Whom it Concerns: This is to verify that the above person is unwell and has been advised to avoid stressful/and or legal matters until she is well. Thank you." In my opinion, this does not constitute adequate evidence that you could not have filed a Notice of Appeal within the required time.

Secondly, your Application was filed on December 19, 2005, nearly three weeks after the deadline for submitting a Notice of Appeal. You have provided no explanation for this three week delay. Furthermore, you have been reminded a number of times of the need to respect filing deadlines.

Third, your medical condition did not prevent you from making lengthy submissions [REDACTED] on November 27, 2005 shortly before the deadline for filing a Notice of Appeal.

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Accordingly, I have asked staff at the FST to close your appeal file. The Real Estate Council of British Columbia have been advised of my decision in this matter.

The FST will return your \$850 appeal fee, as this appeal has not been assigned to a Tribunal Member, nor has the record of the decision been requested from the Real Estate Council. I understand that a refund process has commenced and that a separate cheque will be issued to you by the Ministry of Finance in due course.

Yours very truly,



J. Stewart Cunningham
Chair, Financial Services Tribunal

pc Mr. Richard Fernyhough, Counsel for the staff of the Superintendent of Real Estate
Mr. David Berger, Counsel for the Real Estate Council of BC

**Financial
Services
Tribunal**

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