

**REAL ESTATE COUNCIL OF ALBERTA**  
**NOTICE OF ADMINISTRATIVE PENALTY**

To: Simon M. T. Evison, Mortgage Associate  
TMG The Mortgage Group Alberta o/a  
TMG  
304 – 3016 5<sup>th</sup> Ave NE  
Calgary, AB T2A 6K4

In accordance with s. 39 and s. 83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "**Act**"), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Simon M. T. Evison (hereinafter "Mr. Evison"), at all relevant times, mortgage associate, registered with TMG The Mortgage Group Alberta o/a TMG (hereafter "TMG"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On or about May 2009, L.T. Royal Bank of Canada ("RBC") Mobile Mortgage Specialist forwarded you information of eight clients for you to obtain mortgages on their behalf. L.T. provided you with all necessary information for you to submit the files to different lending institutions. You did not meet or have any discussions with any of these eight clients. On or about June 22, 2009, after reviewing one of the files you noticed discrepancies in information provided to you and notified the lending institution. On June 26, 2009, the lending institution contacted you and informed you that they were cancelling the files as they were of the opinion that the applications were fraudulent. You requested the remaining lending institutions to cancel all the files you submitted to them and were provided to you by L.T.

The Executive Director is of the opinion that the above noted conduct is in violation of Section 42(a) of the Rules made pursuant to the *Real Estate Act* which sets out that:

42 *Industry members must not:*

- (a) *make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;*

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$3,000.00** has been assessed against you for this contravention.

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the Act will be taken against you in respect of the contravention. A person who pays an Administrative Penalty may not be charged under the Act with an offense in respect of those contraventions.

This sum of **\$3,000.00** is payable to the Real Estate Council of Alberta within thirty (30) days of the date of issuance of this Notice of Administrative Penalty. If you fail to pay the amount set out in this Notice, the Executive Director may commence legal action against you to recover the amount owing in respect of the Administrative Penalty as a debt due to the Real Estate Council of Alberta.

If you dispute this Notice of Administrative Penalty in accordance with s. 83.1 of the Act, you may appeal it to a Hearing Panel. You will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel and make representations in relation to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Veronica Rosito, Investigator, at the Real Estate Council of Alberta.

DATED this 20<sup>th</sup> day of October, 2010.

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director