

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: **Anthony Massink-Wttewaall, real estate associate**
c/o Maxwell City Central
301, 1334 11th Ave, SW
Calgary, Alberta, T3C 0M6

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, Anthony Massink-Wttewaall (hereinafter "**Mr. Massink-Wttewaall**"), at all relevant times, a real estate associate, registered with Unison Realty Group Ltd. (hereafter "**Unison Realty**"), presently registered with Rob & Marian Realty Inc. o/a Maxwell City Central, to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

In July, 2007, you represented a buyer who made an offer to purchase a property. The associate representing the sellers sent a fax to you shortly before the condition waiver date advising you that water had entered the basement during a large storm the previous spring. This was received in your home office and was placed in the file by your assistant but not read by you prior to waiver of the condition by your clients. Further the notice of this information was not viewed by you until many months after the transaction. You failed to have proper procedures in place to ensure important correspondences were brought to your attention for review in a timely manner.

The Executive Director is of the opinion that the above noted conduct is in violation of section 41(b) of the Rules made pursuant to the *Real Estate Act*, R.S.A. 2000 c. R-5 which sets out that:

- 41 Industry members must:
- (b) provide competent service

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 **\$1,500.00** 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 **\$1,500.00** 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 Drew Saly, Case Presenter, or Flora Fok, Legal Services Administrator, at the Real Estate Council of Alberta.

DATED this 25 day of February, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

Cc: Robert Vanovermeire, broker
Maxwell City Central