

July 6, 2010

Private and Confidential

LETTER OF REPRIMAND

Re: Investigation by the Real Estate Council of Alberta – File

In accordance with s. 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the “**Act**”), the Executive Director of the Real Estate Council of Alberta (RECA) has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, [(the “Industry Member”)], broker, registered to [(the “Brokerage”)] at all material times, to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

On January 1, 2006 you signed a Property Management Agreement with Condominium Corporation No. [(“Condominium”)]. During the term which [(the “Brokerage”)] was acting as property manager, the Board of Directors made several inquiries and requests to have caveats filed on the condominium units that were in arrears. These requests were acknowledged by [(the “Brokerage”)] as far back as May 2007, and by January 2008 no caveats had been registered to that point.

[(The “Brokerage”)] also did not submit the monthly financial reports to the Board of Directors for review within a reasonable amount of time following the end of the month. At some points the Board was forced to wait 70 days for a completed monthly report.

The Executive Director believes that this conduct is in contravention of Section 41 and 100 of the *Code of Conduct* made pursuant to the *Real Estate Act* which sets out that:

41 Industry members must:

(d) fulfill their fiduciary obligations to their clients.

100 (2) A brokerage must provide the information referred to in this section within a reasonable period of time following a request from the client or as otherwise agreed to by the brokerage and the client.

The Executive Director believes that this is conduct deserving of sanction but also believes this matter can be dealt with by way of this Letter of Reprimand.

If you dispute this Letter of Reprimand, in accordance with s. 40.1(2) of the *Real Estate 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 Letter of Reprimand, please contact Joseph Fernandez, Director of Audits and Investigations at the Real Estate Council of Alberta.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director