

July 19, 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”)], associate, at the time of the events registered to trade in real estate with [(the “Brokerage”)], to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

On July 22, 2009, you completed a Residential MLS® Listing Contract Exclusive Seller Brokerage Agreement with P.L. for the property located at [(the “Property”)]. The Registered Survey Plan size for the unit shows 64 sq. meters and the condominium fee was \$253.00. On July 23, 2009, the property was uploaded on the MLS® system. A Residential Agent Detail View feature sheet reads “condo fee: \$180” and “registered size. 70.70.” You failed to confirm the Registered Survey Plan size for the unit and the condominium fee.

The Executive Director believes that this conduct is in contravention of Section 42 (a) of 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;

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: *Kirk Bacon* for
Bob Myroniuk
Executive Director