



Private and Confidential

09 January 2012

**Letter of Reprimand Pursuant to Section 39 of the
*Real Estate Act***

In accordance with section 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (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”)], at all material times, an Associate registered [(“the Brokerage”)], presently registered with [(“the Brokerage”)], to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

On or about December 02, 2006, you entered into a Residential Real Estate Listing Contract with J.H. on behalf of [(“the Brokerage”)] for a property located at 11608-88 St., in Edmonton Alberta.

On or about December 02, 2006 you measured the aforesaid property and arrived at an area of 63.1 m² (671.1 ft²). Those figures were entered onto the MLS system and published.

Based partly on the measurement information you provided, the buyer (K.M.) purchased the property and took possession in March 2007.

On or about February 25, 2010, K.M. listed the property for sale. Her representative measured the property and determined the area was 54.88 m² (590.7 ft²). The difference was due to you including in your measurements, an enclosed porch which was not constructed for 4-season livability.

At the time of your listing the property, you had 35 months experience as a real estate associate. Additionally, you have stated you have gained experience in the industry and now understand there are instances where enclosed porches, atriums, etc. cannot be included as living area when calculating area measurement.

The Executive Director believes that this conduct is in contravention of Section 42(a) of the Rules made pursuant to the 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 section 40.1(2) 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 Letter of Reprimand, please contact Brent Ball, Senior Professional Conduct Review Officer at 403-685-7911.

REAL ESTATE COUNCIL OF ALBERTA

Charles Stevenson, for
Bob Myroniuk
Executive Director