

350, 4954 Richard Road SW, Calgary, AB T3E 6L1
Phone: (403) 228-2954 or 1-888-425-2754
Fax: (403) 228-3065 Web: www.reca.ca

This form is to be used for complaints against persons who are dealing in mortgages without an authorization from the Real Estate Council of Alberta (RECA). If you wish to file a complaint against a person who is authorized by RECA as a mortgage broker or associate, please use the Complaint Form – All Industry Professionals.

The complaint and investigation processes are legal processes and must be carried out in accordance with RECA policies and procedures. RECA recommends that all complainants review RECA's *Guide to Complaints Relating to Unauthorized Practice* prior to making a complaint.

A. COMPLAINANT INFORMATION				
<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.	1a. Last name	2a. Legal first name		
<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.	1b. Last name	2b. Legal first name		
3. Date of Birth	4. Mailing address	5. City	6. Prov/State	7. Postal/Zip code
8. Primary phone number		9. Alternate phone number		10. Fax
11. Email (email will be duplicated)				
12. Your role in the transaction				
<input type="checkbox"/> Seller <input type="checkbox"/> Buyer <input type="checkbox"/> Landlord <input type="checkbox"/> Tenant <input type="checkbox"/> Legal Agent <input type="checkbox"/> Borrower <input type="checkbox"/> Lender <input type="checkbox"/> Industry Professional Other: _____				
B. YOUR COMMUNICATION PREFERENCES				
I wish to correspond with RECA by (select either or both options) <input type="checkbox"/> Email (as provided in partA) <input type="checkbox"/> Mail				
I agree to accept updates regarding the status of my complaint status from RECA by (select either or both options) <input type="checkbox"/> Email <input type="checkbox"/> Mail				
C. YOUR COMMITMENT TO THE PROCESS				
1. I have read RECA's <i>Guide to Complaints Relating to Unauthorized Practice</i> <input type="checkbox"/> yes <input type="checkbox"/> no (RECA recommends that you read the <i>Guide to Complaints Relating to Unauthorized Practice</i> before making your complaint so that you can fully understand RECA's role and your rights and obligations under the <i>Real Estate Act</i>)				
2. I believe the matter I am making a complaint about falls under RECA's jurisdiction <input type="checkbox"/> yes				

3.	I acknowledge RECA will:	
	<ul style="list-style-type: none"> ▪ Electronically record conversations to ensure the integrity of the investigation by providing an actual recording of what was said rather than relying on a person's interpretation, recollection or notes. <input type="checkbox"/> yes 	
4.	I understand RECA's investigation process and commit to:	<input type="checkbox"/> yes
	<ul style="list-style-type: none"> ▪ Cooperate fully with RECA concerning the investigation, and to provide any requested documents or information relating to my complaint. ▪ Appear as a witness if the matter goes to a prosecution or appeal. 	
5.	I acknowledge that after I make this complaint to RECA, RECA may proceed with an investigation even if I withdraw my complaint and that I will still be obligated to cooperate with the investigation and any resulting proceeding (i.e. testify as a witness).	<input type="checkbox"/> yes
6.	I acknowledge that RECA cannot award damages, intervene in civil disputes or assist me in recovering any losses or damages.	<input type="checkbox"/> yes
7.	I, _____, wish to make a formal complaint against _____ <i>(Separate complaint forms are required for each individual being complained about.)</i>	
By signing this form, I acknowledge that I have read and understood the provisions and agree to comply with them.		
_____ Complainant's Signature		_____ Date
_____ Complainant's Signature		_____ Date
Failure to sign this agreement will result in my complaint being refused for investigation.		
D. INFORMATION ABOUT YOUR COMPLAINT		
1. Individual about whom you are complaining		
1a. Last Name	1b. First Name	
1c. Trade Name used by the individual		
1d. All contact information available to you including but not limited to, address, phone, email, related persons or otherwise.		

2. Identities of all related corporations, partnerships or business relationships known to you

2a. Entity Name

2b. All contact information available to you

E. DETERMINING IF AN AUTHORIZATION IS REQUIRED

Generally speaking, a person acts as a mortgage broker when they carry out activities ("deal in mortgages") as described in section 1(1)(r) of the *Real Estate Act*. The *Real Estate Act* is available on RECA's website (www.reca.ca).

The following questions assist RECA in determining the appropriate course of action. Please take your time and consider the questions carefully before answering.

Is the person acting as a mortgage broker:

Part E.1

Is the person soliciting a lender to lend or a borrower to borrow through a loan secured by a mortgage?

Yes No

Is the person negotiating a mortgage loan between a borrower and a lender?

Yes No

Is the person collecting mortgage payments or administering a mortgage on behalf of a lender?

Yes No

Is the person buying, selling, or exchanging mortgages or offering to do so on behalf of others?

Yes No

Is the person representing that it can perform any of the functions described above?

Yes No

Part E.2

Has the person received, or does the person intend to receive or expect remuneration for the activities in described Part E.1?

Yes No

Part E.3

Is the person someone other than the borrower or the lender in the intended mortgage transaction?

Yes No

If you answered "yes" to any question in Part E.1, and answered "yes" to E.2 AND E.3, the person in question requires a mortgage broker authorization provided they are not exempt pursuant to the *Real Estate Act* or the Regulations. To determine if a person is exempt, please answer the following questions.

Part E.4

Is the person an agent or employee of a bank, treasury branch, credit union, loan corporation, trust corporation or insurance company?

Yes No

Is the person an employee of a borrower or lender acting within their regular course of employment?

Yes No

Is the person a lawyer acting as part of their practice of law?

Yes No

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Supporting Documents (Please provide clear copies and retain the originals for future reference.)

List the documents you are submitting in support of this complaint (*i.e. mortgage applications, service agreements mortgage administration agreements, mortgage disclosure documents purchase/sale/rental contracts, agency forms, property management agreements, mortgage documents, advertisements (newspaper, website, etc.), website information, amendments, correspondence between you and industry member, deposit cheques, etc.*).

Please note: if you wish RECA to expedite a review of the subject’s activities you should consider providing RECA with waivers of confidentiality addressed to your lender and legal counsel. A copy of an applicable waiver is available on RECA’s website. [Click here.](#)

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

I have provided copies of all transaction documents with my complaint.

Supporting Witnesses

Names of witnesses in support of this complaint	Contact phone number(s)
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

G. DECLARATION OF TRUTH

I agree that all the information contained in this complaint is truthful to the best of my ability.

Signature of Complainant

Date

Signature of Complainant

Date