

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Cory Rowland, Mortgage Associate
c/o Pro-Link Mortgage Inc.
202, 5403 Crowchild Trail NW
Calgary, Alberta T3B 4Z1

In accordance with section 83 of the *Real Estate Act* R.S.A. 2000 c. R-5 (the "**Act**") and the *Bylaws* of the *Real Estate Act*, the Executive Director of the Real Estate Council of Alberta is of the opinion that you, Cory Rowland (hereinafter "Ms. Rowland"), contravened section 72(1) of the *Real Estate Act* Rules made pursuant to the *Real Estate Act*. The evidence giving rise to the Executive Director's decision is as follows:

In or around September 10, 2007, you processed a mortgage application on behalf of C.O. and S.O. and submitted this mortgage application to Scotiabank. In this mortgage application to Scotiabank, outside of the documents you subsequently provided in relation to S.O.'s income (which included S.O.'s 2005 and 2006 T4s, pay statement, information in respect of overtime hours accumulated, and job letter), you did not advise in writing to Scotiabank what steps, if any, had been taken to verify the other information contained in the mortgage application

The Executive Director believes the above conduct to be in contravention of section 72(1) of the *Real Estate Act* Rules which is found under Division 3 of the Rules, which states:

A brokerage must disclose in writing to the parties to the deal in mortgages what steps, if any, have been taken by the brokerage to verify the information obtained or supplied by the brokerage to the parties, including information contained in the mortgage application, other representations made by the borrower or lender and the identity of the parties to the deal in mortgages.

Section 64 of the *Real Estate Act* Rules states:

This Division applies to all classes of mortgage brokers and a reference to a brokerage includes a mortgage brokerage, broker and associate.

In accordance with sections 83 of the Act and Part 4 of the Bylaws of the Act, the Executive Director believes you, Cory Rowland, contravened section 72(1) of the *Real Estate Act* Rules and hereby assesses an Administrative Penalty in the amount of **\$1500.00** to Cory Rowland.

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 offence in respect of those contraventions.

This sum of **\$1500.00** 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. 33 of the Bylaws as it was at the time of your contravention, 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 Leela Ramaswamy, Conduct Enforcement Counsel, at the Real Estate Council of Alberta.

DATED this 1st day of March, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

Cc: Randall McCombs, broker
Pro-Link Mortgage Inc.