

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: **Natasha Stenzel**
771566 Alberta Ltd. o/a Realty Executives – Masters
#110 5 Giroux Road
St. Albert, AB T8N 6J8

In accordance with s. 39 and s. 83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the “**Act**”), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Natasha Stenzel (hereinafter “**Ms Stenzel**”), at all relevant times, associate, registered with 771566 Alberta Ltd. o/a Realty Executives – Masters (hereafter “**Realty Executives – Masters**”), to assess an Administrative Penalty. The evidence giving rise to the Executive Director’s decision is as follows:

On or about March 21, 2007, a Residential Real Estate Seller Brokerage Agreement was entered into between 1294972 Alberta Ltd. and Realty Executives – Masters with Ms Stenzel as the listing associate for the property located at #2, 8304 107 Street, Edmonton (referred to as #1, 8304 107 Street, Edmonton with the Land Titles Office) (hereafter “the property”).

The building in which the property was located was a condominium conversion and was undergoing the conversion at the time of the listing with Ms Stenzel.

The plan for the condominium conversion was entered and registered with the Land Titles Office on or about March 28, 2007.

An MLS listing was prepared as part of the advertising undertaken to market the property to potential purchasers. The MLS listing listed the size of the property at 51.5 square metres or 554.35 square feet. The listing was entered on MLS on or about June 27, 2007.

S.B. and N.S. contacted Ms Stenzel in July, 2007 to view the property. They attended the property and during this time, they had expressed to Ms Stenzel that the size of the property was important to them as they would not qualify for a

mortgage for a property under 500 square feet. The buyers relied upon the representation of the size of the property to obtain their mortgage and subsequently made an offer to purchase the property and ultimately purchased the property.

S.B. and N.S. decided to sell the property in 2008 and contacted M.D., a real estate associate. M.D. pulled the title for the property which showed the property size as 344 square feet.

Ms Stenzel stated that she was advised of the size of the property from the owners of 1294972 Alberta Ltd. who owned the building and were doing the conversion.

Prior to entering this information onto MLS, Ms Stenzel did not verify the square footage of the property on her own.

The Executive Director is of the opinion that the above noted conduct is in violation of section 41(b) of the Real Estate Act Rules made pursuant to the Real Estate Act, R.S.A. 2000 c. R-5 which sets out that:

- 41 Industry members must:
 - (b) provide competent service;

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$1,500.00** has been assessed against you for this contravention.

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 offense in respect of those contraventions.

This sum of **\$1,500.00** 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. 83.1 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 Notice of Administrative Penalty, please contact Victoria Woodworth-Lynas, Case Presenter, at the Real Estate Council of Alberta.

DATED this 1st day of June, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

Cc: David Peter Malko, Broker
771566 Alberta Ltd. o/a Realty Executives - Masters