

Case Summaries August 22 - Sept. 12, 2011

Letters of Reprimand

Candidate Appraiser

- Failure to notify the Executive Director when the industry member ceases to be a member in good standing of an appraiser association [s.40(4) of the *Real Estate Act Rules*]
- A candidate appraiser was suspended from the Appraisal Institute of Canada (AIC) as a result of a lack of payment of dues and did not report the suspension to RECA. The candidate was licensed by RECA during the time of the AIC suspension but did not complete any appraisals while suspended by AIC.

Administrative Penalties

Trevor Keizer, real estate associate, Maxwell South Star Realty

- Failure to immediately notify, in writing, the Executive Director when a judgment is rendered against the industry member in relation to the provision of services or sale of goods to consumers [s.40(1)(c) of the *Real Estate Act Rules*]
- Mr. Keizer had a judgment rendered against him on May 5, 2010 and did not notify the Executive Director until November 1, 2010.
- \$1,000

Melanie Remillard, real estate broker, Northern Property Management Ltd (NPM)

- Failure to ensure the business of the brokerage is carried out competently and in accordance with the Act, Regulations, Rules and Bylaws [s.51(1)(d) of the *Real Estate Act Rules*]
- Potential renters of a property provided NPM with a \$2,200 damage deposit. At that time, they had not been provided with, reviewed or signed a lease agreement. NPM emailed the lease agreement to them and after reviewing it, they decided they were no longer interested in leasing the property. They requested the return of their damage deposit. Ms Remillard as broker, refused to return the damage deposit. The couple filed a Statement of Claim against NPM for \$2,200 plus interests and costs and at the trial the judge ordered a judgment

against NPM requiring the brokerage to refund the damage deposit plus pay costs in the amount of \$2,520.

- \$1,500

Melanie Remillard, real estate broker, Northern Property Management Ltd (NPM)

- Failure to immediately notify, in writing, the Executive Director when a judgment is rendered against the industry member in relation to the provision of services or sale of goods to consumers [s.40(1)(c) of the *Real Estate Act Rules*]
- Three judgments, related to real estate, were issued to NPM on or about December 3, 2008, July 22, 2009 and August 21, 2009. As the registered broker, Ms Remillard was aware of these judgments and failed to disclose this information to RECA.
- \$1,500

Melanie Remillard, real estate broker, Northern Property Management Ltd (NPM)

- Industry members must not make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so [s.42(a) of the *Real Estate Act Rules*]
- Three judgments, related to real estate, were issued to NPM on or about December 3, 2008, July 22, 2009 and August 21, 2009. Ms Remillard's Broker Renewal Applications dated September 30, 2009 and September 30, 2010 indicate her answer to question 18 under section "C" as "no."
"Have you or has any business you owned participated in as a director, officer or manger had any judgments rendered against you or the business in relation to: a trade in real estate; dealings in mortgages; action as an appraiser; fraud; breach of trust; misappropriation or theft"
Ms Remillard swore an affidavit stating all of the information on the applications was true. As the broker, Ms Remillard was aware of the judgments rendered against NPM and provided a false affidavit to RECA.
- \$5,000

Molina Real Estate

- The brokerage failed to submit to the Real Estate Council of Alberta the required accounting documents not later than three months after the end of the brokerage's fiscal year. [s.91(4) of the *Real Estate Act Rules*]
- \$1,500

Georgina Bourque, registered at all relevant times as a real estate associate with Northern Property Management (NPM) and currently registered as a real estate associate with 883813 Alberta Ltd. o/a Royal LePage True North Realty

- Failure to immediately notify, in writing, the Executive Director when any business the industry member owns or has participated in as a partner, director or officer in the past three years has any judgment(s) rendered against the business [s.40(1)(d) of the *Real Estate Act* Rules]
- Three judgments, related to real estate, were issued to NPM in or about December 3, 2008, July 22, 2009 and August 21, 2009. Ms Bourque was at all relevant times a 100% shareholder in NPM and failed to disclose these judgments to RECA.
- \$1,500

Georgina Bourque, registered at all relevant times as a real estate associate with Northern Property Management (NPM) and currently registered as a real estate associate with 883813 Alberta Ltd. o/a Royal LePage True North Realty

- Industry members must not make representations or carry on conduct this is reckless or intentional and that misleads or deceives any person or is likely to do so [s.42(a) of the *Real Estate Act* Rules]
- Three judgments, related to real estate, were issued to NPM on or about December 3, 2008, July 22, 2009 and August 21, 2009. Ms Bourque's Associate Renewal Applications dated September 30, 2009 and September 28, 2010 indicate her answer to question 18 under section "C" as "no".
"Have you or has any business you owned participated in as a director, officer or manager had any judgments rendered against you or the business in relation to: a trade in real estate; dealings in mortgages; action as an appraiser; fraud; breach of trust; misappropriation or theft"
Ms Bourque swore an affidavit stating all of the information on the applications was true. As the 100% shareholder of NPM, Ms Bourque was aware of the judgments rendered against NPM and provided a false affidavit to RECA.
- \$4,500

Hearing Panel Decision

Jay Harder, real estate broker, Providence Real Estate Inc.

Issues:

- Failure to disclose all relevant information [s.2(e) of the Code of Conduct (as it was then)]

Facts:

- Mr. Harder purchased and rented a property, which had two sewer back-ups during the rental period.
- Mr. Harder was aware of one sewer back-up, and his silent partner was involved with both clean-ups.
- When selling the property, Mr. Harder disclosed one sewer back-up and one water leak. He did not disclose the second back-up.
- Mr. Harder did not verify the status of the sewer system and the history of the back-ups with his silent partner.

Results:

A Hearing Panel accepted an Admission of Conduct Deserving of Sanction, pursuant to s.46 of the *Real Estate Act*, and ordered Jay Harder to pay a fine of \$1,500; costs in the amount of \$500 and complete an educational requirement.

Council Members 2010-2011

BILL BUTERMAN

Appointed from non-AREA industry members

KEVIN CLARK

Appointed from residential real estate industry members

CINDY DUBRAY

Appointed from the property management sector

GORDON GRAYDON

Appointed from the public

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WAYNE MCALISTER, CHAIR-ELECT

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Appointed from the Edmonton Real Estate Board

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Appointed from boards outside of Calgary and Edmonton

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Appointed from commercial real estate sector

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Appointed from the mortgage brokerage sector

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Contact RECA

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