

The Regulator October 2011

CHAIR'S MESSAGE: Robert Telford

I want to begin by saying it has been an honour and a privilege to serve as Chair of the Real Estate Council of Alberta (RECA) for the past year. Though I have been a member of Council since 2007, serving as Chair has challenged me to an even greater extent as those of us at the Council table worked to strengthen Alberta's real estate industry and to position it well for the coming years.

Strategic Planning

Strategic planning for 2011-2016 dominated Council's agenda for much of the spring and summer, and what has resulted from that planning is an ambitious five-year plan that will raise the professionalism of our industry while putting the "self" back in "self-regulation." Though we have only just begun the new fiscal year, industry professionals are already benefitting from some of the initiatives outlined in the Strategic Plan – including the Voluntary Broker Resolution Process, which provides brokers and other industry members with the opportunity to resolve disputes with clients or customers on their own, prior to any formal investigation process being launched by RECA (the VBRP can, in some circumstances, also be suggested after an investigation has been commenced).

Continued Outreach Program

RECA's outreach program continued to grow over the past year, with increased attendance at organization and association AGMs, board events, individual brokerages and trade shows. Attendance at these industry events is one of the best ways for Council members to meet face-to-face with other industry professionals, to discuss issues of mutual interest and concern, and to gauge the feelings of industry members on RECA initiatives and what opportunities exist for further growth. I have enjoyed every such outreach opportunity in which I participated and as Past Chair and a continuing member of Council, I hope to have more such discussions with industry professionals in the coming year.

Ongoing Communication

Council has also devoted significant resources to enhancing and diversifying its communication with industry professionals. Its foray into social media, particularly on Twitter and through the RECA Blog, has been very well received, and we get the sense this is how industry professionals want to communicate with us as it is the way they communicate with their peers and consumers. RECA will continue to seek new opportunities for greater two-way communication and hopes industry professionals join the conversation.

Renewal Wrap-Up

The recent renewal period was another successful one for RECA and industry member numbers as of October 1, 2011, remain on target with what our budgeting process anticipated.

There has been some attrition, most notably in the mortgage sector – but overall, industry numbers remain strong.

I also want to extend my heartfelt thanks to RECA staff, both for supporting Council during the past year but also specifically for all of their hard work throughout September. The days can be long and sometimes I know the rewards are few, but everyone in our industry appreciates the work you do, particularly during the busy renewal period.

In closing, I want to thank Council and industry members again for providing me with the opportunity to serve as Chair. I'm excited to be continuing as a member of Council, and I know our industry will be in good hands under Wayne McAlister, who will begin his term as Council Chair on November 1, 2011.

PUTTING THE "SELF" IN "SELF REGULATION"

Originally appeared in RECABlog on Sept. 27, 2011

September 30, 2011 wasn't just the deadline for all Alberta real estate, mortgage brokerage and real estate appraisal professionals to renew their licensing or registration with the Real Estate Council of Alberta (RECA), it is the eve of a new strategic direction for RECA. RECA's [2011-2016 Strategic Plan](#) will usher in an era of greater professionalism, higher standards and a greater focus on putting the "self" back into "self-regulation."

RECA's new strategic direction centres on five critical success factors, against which all RECA initiatives will be evaluated.

These Critical Success Factors include:

1. Advance professionalism of the industry by establishing a clear definition of self-regulation and working with industry professionals to take ownership for and understanding of self-regulation by supporting and promoting responsible and accountable professional behaviour.
2. Provide innovative, leading-edge career preparation and training; resulting in highly competent and highly valued new industry professionals.
3. Promote quality standards and continuous performance improvement by establishing a professional code of conduct, delivering ongoing professional development, conducting and ensuring transparent, timely and fair practice reviews and solutions, and providing advisory services.
4. Build awareness and appreciation for RECA's self-regulatory value proposition and brand contribution.
5. Ensure RECA has the capacity to achieve its vision of excellence in self-regulation by providing the necessary resources, technology, policies and regulatory framework.

What does this mean for me?

With the new *Real Estate Act* Rules in 2006, a revised *Real Estate Act* in 2008, and the implementation of transaction brokerage and designated agency (also in 2008), Alberta industry members have had five years of significant changes in their industry, and though RECA's new strategic direction has a number of initiatives to improve the business of industry professionals and the concept of consumer protection, industry members shouldn't expect drastic changes in their day-to-day business practices.

RECA will be looking to Alberta industry members to be active participants in the concept of self-regulation, to be fully engaged in their industry, with their peers and consumers, and to be the standard by which all real estate, mortgage and real estate appraisal industry professionals should be measured.

To support their renewed commitment to effective self-regulation, RECA will launch a number of initiatives for industry members that will improve the strength and reputation of Alberta's real estate industry and its dedicated professionals. Among other things, these initiatives will include:

- Implementation of a Voluntary Broker Resolution Process (VBRP), which provides brokers and other industry members with the opportunity to resolve disputes with clients or customers on their own, prior to any formal investigation process being launched by RECA (the VBRP can, in some circumstances, also be suggested after an investigation has been commenced).
- Adding a practice advisor to the staff at RECA to provide confidential, practice-related advice to industry professionals;
- Launching a mentorship program for new entrants to the real estate and mortgage brokerage industry, to ensure that new industry members are competent, highly trained and ethical;
- Implementation of a certified technology program, through which RECA will highlight technological initiatives, devices and/or programs that will assist industry members in their support of self-regulation, regulatory compliance, and quality standards within the industry; and,
- Development of an online "Professional Standards Manual" for practitioners, incorporating information relevant to the practice of real estate and mortgage brokerages.

As these – and many other – new initiatives come to fruition, RECA remains committed to ongoing cooperation and communication with industry members in all sectors of practice, and with related industry associations and organizations. RECA will seek out every opportunity to meet face-to-face with industry members and invite you to contact us with your questions, concerns and suggestions. In the next five years, we will build on our industry's already strong foundation, but it will require the dedication and support of all industry members as we work together to increase professionalism and put the "self" back in "self-regulation."

How will you improve professionalism and self-regulation within your own business practice?

BROKER MEDIATION SEMINARS - YOU'RE INVITED!

There is still time left for brokers and broker delegates to register for upcoming Mediation Seminars in Edmonton and Calgary. These seminars will assist brokers and broker delegates with complaint prevention and resolution, with a particular focus on mediation and negotiation. Seminar attendees will learn how to better equip themselves to resolving conflicts within the new RECA processes.

The seminars will be led by Michelle Simpson. Michelle holds a Certificate in Conflict Management and is a professional public speaker, lawyer, arbitrator and Qualified Mediator. She will share with you her insight into how people perceive conflict, how people choose to address conflict and how people can make better choices about resolving conflict.

Come and have some fun! Learn something new about yourself including your own conflict-resolution style and along the way, learn how to address and better resolve conflicts at home and at work. These free seminars are only 2.5 hours long and include a light breakfast. These seminars are only available to brokers and broker delegates with supervisory responsibilities. Space is limited to **150 participants at each seminar and registration is required**. To register, please e-mail investigationadministration@reca.ca and indicate which seminar you wish to attend.

The seminar times and locations are as follows:

Calgary

Monday, October 17, 2011
Carriage House Inn
9030 Macleod Trail South, Calgary, Alberta
8:30 a.m. Breakfast
9:00 a.m. Seminar Begins
10:00 a.m. Refreshment Break

Edmonton

Thursday, October 20, 2011
Ramada Hotel & Conference Centre
11834 Kingsway NW, Edmonton, Alberta
8:30 a.m. Breakfast
9:00 a.m. Seminar Begins
10:00 a.m. Refreshment Break

RECA understands some Calgary-area brokers are concerned because the mediation seminar for them has been scheduled for a Monday morning, which is when they typically have their weekly office meeting. However, RECA believes the information presented in these seminars is so important, especially in light of the new Voluntary Broker Resolution Process, that it hopes all brokers will choose to attend, regardless of Monday morning meeting plans. RECA encourages all Calgary brokers to see this Monday morning seminar as an opportunity to let another leader from within your brokerage take the reins of the meeting, leaving you with an opportunity to learn valuable mediation, negotiation and conflict resolution skills.

NEWS BYTES

Rule 40(1) Notification Form and Guide

The Real Estate Council of Alberta takes the notification requirements listed in section 40(1) of the *Real Estate Act* Rules very seriously and expects industry professionals to do the same.

Among other things, section 40(1) of the Rules requires that industry professionals provide written notice to the Executive Director if they change their name, are charged with a Criminal Code offence, have a judgment rendered against them, been the subject of any bankruptcy proceedings, or been disciplined by any real estate board or other regulatory body.

Despite frequent communication about the notification requirements within section 40(1), RECA continues to hand out a number of Administrative Penalties involving breaches of this section. In an attempt to reduce the number of these penalties, RECA has created a new notification form and guide to make it easier – and more straightforward – for industry members to provide the notification required by section 40(1) of the Rules. The guide to providing notification and the notification form are available on RECA's website.

RECA Partners With Alberta Arbitration and Mediation Services Inc.

The Real Estate Council of Alberta (RECA) has entered into an agreement with Alberta Arbitration and Mediation Services Inc. (AAMS) to give brokers access to resources that will make them better at dispute resolution, mediation and negotiation.

The agreement with AAMS is largely the result of RECA's new Voluntary Broker Resolution Process (VBRP). The VBRP provides brokers and industry professionals with the opportunity to resolve disputes with clients or customers on their own, prior to any formal investigation process being launched by RECA. The intention of the VBRP is to resolve complaints involving breaches that are of a minor nature. It is a type of complaint resolution process that will be managed by the broker. In some circumstances, after an investigation has been commenced, RECA will suggest the VBRP. When RECA suggests the VBRP and a successful outcome is achieved, the investigation will be terminated.

The RECA/AAMS agreement means authorized industry members in Alberta will be able to access qualified mediators, AAMS courses and on-site education program offerings at a discounted rate. AAMS is a not-for-profit organization that provides education and information to its members and the general public on solving disputes more effectively.

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

CONNIE LECLAIR

Appointed from the public

WAYNE MCALISTER, CHAIR-ELECT

Appointed from the Calgary Real Estate Board

KEN MCCOY

Appointed from the Edmonton Real Estate Board

WENDY ROBSON

Appointed from boards outside of Calgary and Edmonton

RALPH SALOMONS, PAST CHAIR

Appointed from commercial real estate sector

CHERYL SCHINDEL

Appointed from boards outside of Calgary and Edmonton

GARY SIEGLE

Appointed from the mortgage brokerage sector

ROBERT TELFORD, CHAIR

Appointed from the real estate appraisal sector

Contact RECA

Case Summaries is published by the Real Estate Council of Alberta. Please forward your comments and suggestions to communications@reca.ca.

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Director of Audit and Investigations - Joseph Fernandez

Director of Corporate Services – Dale Cawsey

Director of Education – Kirk Bacon

Director of Industry Standards – Charles Stevenson

Director of Legal Services - Jean Flanagan