

**REAL ESTATE COUNCIL OF ALBERTA**  
**NOTICE OF ADMINISTRATIVE PENALTY**

To: **Raymond Horyn, Associate Broker**  
**Alpine Realty 2003 Inc o/a Re/Max Alpine Realty**  
**#100, 709 Main Street**  
**Canmore AB T1W 2B2**

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, Raymond Horyn (hereinafter "**Mr. Horyn**"), at all relevant times, associate broker, registered with Alpine Realty 2003 Inc. o/a Re/Max Alpine Realty (hereafter "**Re/Max Alpine Realty**"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

Prior to February 2008, Mr. Horyn discussed with his broker a possible tenant dispute regarding damage deposits. In or around February 2008, Mr. Horyn was served with a civil claim filed against Re/Max Alpine Realty and himself from the former tenant. Mr. Horyn filed a notice of dispute against the former tenant. On or about August 5, 2008, a certificate of judgment was issued awarding the tenant the return of her damage deposit and awarding Mr. Horyn remuneration for cleaning services. Mr. Horyn issued a cheque from Re/Max Alpine Realty to the tenant based on the judgment on or about August 7, 2008.

Between April and September 2008, Mr. Horyn failed to keep his broker informed regarding the civil claim, the court proceedings, the judgment and his payment to the tenant following the judgment. The broker first became aware of the judgment in or around September 2008 in discussion with the Real Estate Council of Alberta.

The Executive Director is of the opinion that the above noted conduct is in violation of section 53(d) of the Rules made pursuant to the *Real Estate Act*, R.S.A. 2000 c. R-5 which sets out that:

- 53 A real estate associate broker and associate must:
- (d) keep the broker informed of the activities being performed by the associate broker or associate on behalf of the brokerage;

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 **\$1,000.00** 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 **\$1,000.00** 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, or Flora Fok, Legal Services Administrator, at the Real Estate Council of Alberta.

DATED this 15<sup>th</sup> day of September, 2010.

**REAL ESTATE COUNCIL OF ALBERTA**

Per: *Charles Stevenson*, for  
Bob Myroniuk  
Executive Director

Cc: Jessica Stoner, Broker  
Re/Max Alpine Realty