

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

**To:**            **Ian Quinn, real estate associate**  
                  **Re/Max Landan Real Estate**  
                  **102, 279 Midpark Way SE**  
                  **Calgary, AB T2X 1M2**

**And to:**       **Re/Max Landan Real Estate**  
                  **102, 279 Midpark Way SE**  
                  **Calgary, AB T2X 1M2**

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, Ian Quinn (hereinafter “**Mr. Quinn**”), at all relevant times, real estate associate, registered with Threefour Management Ltd. o/a Re/Max Landan Real Estate (hereafter “**Re/Max Landan**”) and Re/Max Landan, have jointly and severally contravened section 43(2)(b)(viii) of the Rules made pursuant to the Act (hereinafter the “**Rules**”), to assess an Administrative Penalty. The evidence giving rise to the Executive Director’s decision is as follows:

On or about January 23, 2008, J.G. and T.G. (the “G.’s”) entered into an agreement with Beattie Homes for the purchase of a new Beattie home under the Free List program. This program provided free listing service through the L.M. Team at Re/Max Landan to provide MLS marketing service for their existing home with the purchase of a new Beattie home. The G.’s owned a property located at 35 Sunbank Road SE, Calgary. On or about March 9, 2008, the G.’s entered into a Residential MLS Listing Contract Exclusive Seller Brokerage Agreement with Re/Max Landan with Mr. Quinn as the associate authorized to represent the brokerage. The agreement set out the remuneration as follows:

- 7.1       The Seller will pay the Brokerage as Remuneration 3.5% on the 1<sup>st</sup> \$100,000 & 1.5% on the Balance plus GST.

The agreement between Beattie and Re/Max Landan in this transaction was that Beattie would pay a fixed rate of \$3,500 to Re/Max Landan for listing the G.’s’ property.

Nowhere in the written listing agreement did it clearly set out the amount of remuneration or compensation that Mr. Quinn would be paid, specifically it did not set

out that Mr. Quinn would be paid a fixed rate for listing the G.'s' property by Beattie Homes.

The Executive Director is of the opinion that the above noted conduct is in violation of section 43(2)(b)(viii) of the Rules which sets out that:

- 43(2) Every written service agreement shall:
  - (b) clearly show all terms and conditions of the agreement and shall include:
    - (viii) the amount or method of calculating the remuneration or alternate compensation to be paid and the circumstances on which it will be payable;

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act's Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$1,000.00** against you and Re/Max Landan jointly and severally.

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 July, 2010.

## REAL ESTATE COUNCIL OF ALBERTA

Per: *Kirk Bacon* for  
Bob Myroniuk  
Executive Director