

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

**To: Melanie Remillard, Real Estate Broker
Northern Property Management Ltd.
220 – 289 Powder Drive
Fort McMurray, Alberta T9K 0M5**

In accordance with section 83 and the Bylaws of the *Real Estate Act* R.S.A. 2000 c. R-5, (Act), the Executive Director of the Real Estate Council of Alberta (RECA) has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Melanie Remillard, at all relevant times a broker, registered with Northern Property Management Ltd. (NPM), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows.

Three judgments, related to trades in real estate, were issued against NPM on or about December 3, 2008, July 22, 2009 and August 21, 2009.

Your 2009/2010 Broker Renewal Application dated September 30, 2009 and your 2010/2011 Broker Renewal Application dated September 30, 2010, indicate your answers to question 18 under section "C" as "no"

Question 18 asks *"Have you or has any business you owned or 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"*

On section "G" of each of the above mentioned Applications, an affidavit was sworn by you stating: *"All information on this application is true."*

As the broker of NPM, you were aware the judgments rendered against NPM and provided a false affidavit to RECA.

The Executive Director is of the opinion that your conduct is in violation of section 42(a) of the Rules made pursuant to the Act which sets out that:

42(a) 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.

In accordance with section 39 and section 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$5,000** has been assessed against you for this contravention.

The circumstances of this matter indicate the following aggravating and mitigating factors were considered:

Aggravating Factors

- You are authorized as a broker and have increased regulatory responsibilities
- You had knowledge of the judgment(s)
- You provided the false information to RECA by way of an affidavit
- There were multiple misrepresentations over a two year period
- The provision of false or misleading information during the application or renewal cycle undermines RECA's responsibility to act in the public interest
- The provision of false and misleading information by industry members undermines the integrity of the industry
- There is a need to deter this behavior

Mitigating Factors

- You have not previously been the subject of any prior discipline or warnings relating to this misconduct
- You took responsibility for the misconduct

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 offence in respect of those contraventions.

This sum of **\$5,000** is payable to RECA 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 RECA.

If you dispute this Notice of Administrative Penalty in accordance with section 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 Robyn Baran, Investigator, at RECA.

DATED this 26 day of August, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Joseph Fernandez*, for
Bob Myroniuk
Executive Director