

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

**To: Ms Kaleigh Samantha Young, Associate
Coldwell Banker Fort McMurray
202-8706 Franklin Ave
Fort McMurray, AB T9H 2J6**

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, Kaleigh Samantha Young (Ms. Young) at all relevant times a real estate associate, registered with Coldwell Banker Fort McMurray (Coldwell), presently registered with Coldwell, to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows.

On or around June, 2010 you represented your client, T.M., in relation to her offer to purchase the property located at Unit 418-136C Sandpiper Rd., Ft. McMurray. T.M. advised you that she required underground parking and it became a deciding factor in the purchase of the subject property. You relied upon the listing real estate brokerages description of the property as including "heated underground parking", and you failed to verify the listing information or view the location of the actual parking space. After the purchase of the property it was discovered the parking space was outdoors and not underground as your client had required.

The Executive Director is of the opinion that the above noted conduct is in violation of section 58(i) of the Rules made pursuant to the Act which sets out that:

41 Industry members must:

(b) provide competent service;

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 **\$1,500.00** 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 experienced and knowledgeable and ought to have verified the underground parking and showing it to your client
- A member of the public has been harmed

Mitigating Factors

- You have received no previous warnings or discipline from RECA
- You accepted responsibility for this matter

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 **\$1,500.00** 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 Carla Sasley, Investigator, at RECA.

DATED this 25th day of October, 2011.

REAL ESTATE COUNCIL OF ALBERTA

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

cc: Colin Hartigan, Broker
Coldwell Banker Fort McMurray

