



July 19, 2010

*Private and Confidential*

## LETTER OF REPRIMAND

**Re: Investigation by the Real Estate Council of Alberta – File**

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In accordance with s. 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "**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, [(the "Industry Member")], associate, at the time of the events registered to trade in real estate with [(“Brokerage A”)], to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

On July 23, 2009, the property located at [(“Address”)], was listed on the MLS® system with the following information: [(“Description”)]. The legal description and type of ownership for the parking lot and locker were missing. On July 24, 2009, you showed the property to M.B., whom after the showing indicated to you that he would like to write an offer on the property. You wrote an offer on behalf of M.B. without obtaining the legal description for the parking lot, the locker and without verifying the registered size of the unit. The same day the offer was accepted. On July 29, 2009 and after reviewing the condominium plan you realized that the registered size uploaded on MLS® was different than the one registered on title.

The Executive Director believes that this conduct is in contravention of Section 58 (i) of Rules made pursuant to the *Real Estate Act* which sets out that:

- 58 The basic obligations of an industry member who is in a sole agency relationship with a buyer are to:
- (i) take reasonable steps to discover relevant facts pertaining to any property for which the buyer is considering making an offer;

The Executive Director believes that this is conduct deserving of sanction but also believes this matter can be dealt with by way of this Letter of Reprimand.

If you dispute this Letter of Reprimand, in accordance with s. 40.1(2) of the *Real Estate 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 Letter of Reprimand, please contact Joseph Fernandez, Director of Audits and Investigations at the Real Estate Council of Alberta.

## REAL ESTATE COUNCIL OF ALBERTA

Per:

*Bob Myroniuk*  
Executive Director

c. M.C., Broker  
[("Brokerage B")]

M. L., Conduct Broker  
[("Brokerage A")]