

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Todd Fyfe
Fernie Real Estate Company (2009) Ltd
1602 – 9th Ave
Po Box 2260
Fernie, BC V0B 1M

In accordance with section 83 and the Bylaws of the *Real Estate Act* (RSA 2000 c R-5, hereinafter the “**Act**”), the Executive Director of the Real Estate Council of Alberta (hereinafter “**RECA**”) is of the opinion that you, Todd Fyfe (hereinafter “**Mr. Fyfe**”), contravened s. 17(d) and hereby assesses an Administrative Penalty in the amount of **\$2,500.00**. The evidence giving rise to the Executive Director’s decision is as follows:

On February 26, 2010, a RECA staff member attended Calgary Home and Garden Show and observed and attended a booth maintained by Fernie Real Estate Company (2009) Ltd. The RECA staff member observed the booth to contain advertising materials and properties listed for sale by Fernie Real Estate Company (2009) Ltd. The RECA staff member obtained promotional materials and your business card. The RECA staff member conversed with you. In the conversation and in the materials, you held yourself out to be a real estate broker. You also solicited to the RECA staff member to purchase the properties located in Fernie and to engage your services in locating Fernie properties.

The Executive Director is of the opinion that the above noted conduct is in violation of s. 17(d) of the *Real Estate Act* which sets out that:

- 17 No person shall
- (d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser unless that person holds the appropriate authorization for that purpose issued by the Council.

In accordance with section 83 of the Act and Part 4 of the Act’s Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$2,500.00** against you.

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 **\$2,500.00** 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 Winnie Leung, Complaint Analyst, at the Real Estate Council of Alberta.

DATED this 9th day of August, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

- cc. Lisa Holst, Director, Accounting & Audit
Real Estate Council of British Columbia

- cc. Daniel McSkimming, Broker
Fernie Real Estate Company (2009) Ltd