



## COMPLAINT FORM

ALL INDUSTRY PROFESSIONALS

October 2011

The Real Estate Council of Alberta's (RECA) mandate is to protect consumers and to provide services that enhance and improve the industry and the business of industry professionals. As a self-regulatory body, one of RECA's responsibilities is to carry out investigations into the conduct of industry professionals and take disciplinary action when necessary.

RECA has developed two guides, the *Guide to Complaints: Industry Professionals*, and the *Guide to Investigations for Complainants*, to assist complainants in understanding their role in RECA's complaint review and investigations process. Before completing this complaint form, please review the following points as it will assist you in understanding the complaint process and what will happen after you have submitted your complaint.

- RECA will promptly acknowledge your complaint and will provide you with regular updates as your complaint moves forward;
- You have the choice to communicate with RECA in writing (i.e. regular mail) or in electronic form (i.e. email);
- RECA staff will respond to your inquiries promptly and professionally;
- RECA will deal with your complaint solely based on the evidence, without partiality, discrimination or prejudice;
- Depending on the seriousness of the action that led to your complaint, RECA may recommend that you meet with the industry professional about whom you have complained and his or her broker in an attempt to resolve your concerns;
- RECA will provide you with an explanation of any investigation and/or disciplinary outcome(s); and,
- RECA will advise you of any appeal rights you may have.

In order for you to make a complaint to RECA, RECA will need:

- A signed copy of your completed Complaint Form;
- Your personal information;
- Your communication preferences;
- The name of the industry professional who is the subject of your complaint;
- To know if there have been prior resolution efforts made between you and the industry professional and/or his or her broker;
- To know if you are willing to have your complaint information shared with other organizations that may also be interested in dealing with your complaint;
- Details of your complaint (timeline, particulars, etc.);
- Copies of documents that support your complaint, and witness names and contact information; and,
- Your commitment to the complaint evaluation and investigation process.

*This form is to be used for making a complaint against an individual who is authorized by RECA. If you want to make a complaint about a person who is not authorized by RECA but who you believe requires an authorization, please use the applicable Complaint Form – Unauthorized Practice.*

**A. COMPLAINANT INFORMATION**

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.	1a. Last name	2a. Legal first name	
	1b. Last name	2b. Legal first name	
3. Date of Birth	4. Mailing address	5. City	6. Prov/State
			7. Postal/Zip code
8. Primary phone number		9. Alternate phone number	10. Fax
11. Email (email will be duplicated)			
12. Your role in the transaction			
<input type="checkbox"/> Seller <input type="checkbox"/> Buyer <input type="checkbox"/> Landlord <input type="checkbox"/> Tenant <input type="checkbox"/> Legal Agent <input type="checkbox"/> Borrower <input type="checkbox"/> Lender <input type="checkbox"/> Industry Professional <input type="checkbox"/> Other: _____			
13. How did you find out about RECA?			
<input type="checkbox"/> Searched the Internet <input type="checkbox"/> Government Agency <input type="checkbox"/> Industry Association (i.e. real estate board) <input type="checkbox"/> From an Industry Professional <input type="checkbox"/> Other: _____			

**B. YOUR COMMUNICATION PREFERENCES**

I wish to correspond with RECA by (select either or both options)

Email (as provided in part A)       Mail

I agree to accept updates regarding the status of my complaint from RECA by (select either or both options)

Email       Mail

**C. AGREEMENT TO SHARE INFORMATION WITH OTHER ORGANIZATIONS**

Other industry associations may be interested in examining issues raised in your complaint. RECA uses agreements with industry associations in order to facilitate the sharing of information while minimizing duplication.

The *Personal Information Protection Act* governs RECA's collection, use and disclosure of personal information. In order for RECA to share information with other industry associations, you must provide written consent. If you do not provide written consent, your complaint information will not be shared with other organizations.

I agree to allow RECA to share my complaint information, which may include my personal information, with other industry associations

Yes       No

## D. YOUR COMMITMENT TO THE PROCESS

1. I have read the *Guide to Complaints: Industry Professionals*  yes  no  
(RECA recommends that you read the *Guide to Complaints: Industry Professionals* before making your complaint)
2. I believe the matter I am making a complaint about falls under RECA's jurisdiction  yes
3. I acknowledge RECA:
- May provide copies of my complaint details to the industry professional who is the subject of my complaint;  yes
  - Will electronically record conversations to ensure the integrity of the investigation by providing an actual recording of what was said rather than relying on a person's interpretation, recollection or notes; and,
  - Will provide full disclosure of its investigative file, including all statements, documents and other information I provided, to the industry professional being complained about, if the matter proceeds to a disciplinary proceeding.
4. I acknowledge RECA may provide my contact information to the broker of the person who is the subject of this complaint should my complaint qualify for the Voluntary Broker Resolution Process  yes
5. I agree to:  yes
- Cooperate fully with RECA throughout any investigation that results from my complaint, and to provide any requested documents or information relating to my complaint; and,
  - Appear as a witness if the matter goes to a hearing or prosecution.
6. I acknowledge that after I make this complaint to RECA under section 38(1)(b) of the *Real Estate Act*, RECA may proceed with an investigation even if I withdraw my complaint and that I will still be obligated to cooperate with the investigation and any resulting disciplinary proceeding (i.e. a Hearing).  yes
7. I acknowledge the *Real Estate Act* prohibits the use of any and all information obtained through the investigation process to be used against anyone who provided information in any civil proceedings or in the prosecution of an offence under any other Act.  yes
8. I acknowledge that RECA cannot award damages, intervene in civil disputes or assist me in recovering any losses or damages as a result of this matter unless my concerns meet the eligibility requirements for a Real Estate Assurance Fund claim.  yes
9. I, \_\_\_\_\_, wish to make a formal complaint against \_\_\_\_\_.  
(Separate complaint forms are required for each individual industry professional being complained about.)

By signing this form, I acknowledge that I have read and understood the provisions and agree to comply with them.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

**Failure to sign this agreement will result in my complaint being refused for investigation.**

**E. INFORMATION ABOUT YOUR COMPLAINT**

**1. Industry professional(s) being complained about**

1a. Last Name	1b. First Name
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**2. Name of industry professional's brokerage/company**

2a. Address of brokerage/company	2b. Contact Information Brokerage/Company phone: Brokerage/Company email:
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**3. Address of property involved in the complaint? (if applicable)**

**4. Resolution Efforts**

a. Have you contacted the industry professional's broker in an attempt to resolve the complaint?

yes     no

If no, why not? If yes, what was the outcome of the discussions? (refer to the *Guide to Complaints: Industry Professionals* for information on how to determine the broker's name and contact information)

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**Notice to Industry Professionals**

*If you are a real estate or mortgage associate or associate broker, you must notify your broker or your broker delegate prior to making a complaint about another industry professional. Your broker or your broker delegate must speak to the broker of the industry professional you are complaining about before you make your complaint. (This does not apply to complaints against real estate appraisers.)*

*If you are a real estate or mortgage broker or broker delegate, you must notify the broker of the individual you are complaining about before proceeding with this complaint.*

b. Have you made a complaint with other law enforcement agencies or industry associations?

yes     no

When? If so, has there been an outcome? If yes, what was the outcome?

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c. Are you considering civil proceedings?

yes     no

d. Have you commenced legal proceedings?

yes     no

If yes to either c) or d), what are the proceedings and at what stage are they? Has there been an outcome? Please provide RECA with copies of any statement of claim, statement of defense and outcome, when available.

**Note:** If you intend to include information in this complaint form that has been gathered during the course of discoveries, such as oral testimony or other documentations, it may be necessary that you speak to your legal counsel and determine whether or not the information is protected by an implied undertaking of confidentiality.

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**6. Supporting Documents** (Please provide clear copies and retain the originals for future reference.)

List the documents you are submitting in support of this complaint (*i.e. listing/service agreements, purchase/sale/rental contracts, agency forms, property management agreements, mortgage documents, amendments, correspondence between you and industry professional, deposit cheques, etc.*).

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

I have provided copies of all transaction documents with my complaint.

**7. Supporting Witnesses**

Names of witnesses in support of this complaint	Contact phone number(s)
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

**F. DECLARATION OF TRUTH**

I agree that all the information contained in this complaint is truthful to the best of my ability.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date