

APPEALING THE EXECUTIVE DIRECTOR'S DECISION THAT NO FURTHER ACTION BE TAKEN

APPEALS

Can I discuss my file outcome before deciding to appeal?

Yes. Please speak with the Professional Conduct Review Officer that worked on your file so they can answer any questions you may have. They will explain why the decision was made and can refer you to other information sources.

How do I appeal?

An appeal must be made **within 30 days** after you receive notice of the decision. The appeal must be in writing and should include your reasons for appeal. Email is the preferred method of communication of a written notice of appeal. RECA's appeal e-mail is appeals@reca.ca

RECA's address is:

Suite 202, 1506 11 Ave SW
Calgary AB T3C 0M9

Are there any costs to file an appeal?

You will be required to pay security costs of \$500. If your appeal is successful the \$500 will be returned to you.

If your complaint is found to be frivolous or vexatious, the hearing panel may order payment of other costs, including appeal costs.

What happens next?

Once RECA receives your appeal, we will contact you about specific appeal processes and procedures.

Is the industry member I complained about notified of the appeal?

Yes. The industry member will be notified of your appeal.

Will I be able to get a copy of all information received and considered by the professional conduct review officer?

No. Neither you nor the subject of your complaint will receive that information as part of the appeal. That information is only supplied to the Hearing Panel for their consideration.

Will I be able to call witnesses?

Yes. You will be provided every opportunity to present your appeal, which includes calling witnesses.

Is the hearing panel decision final?

Yes. A hearing panel decision is the final process at RECA, though you may be able to apply for judicial review through the Courts.

Can I withdraw my appeal?

Yes. However, there could be costs associated with doing so.

What are the relevant sections of the *Real Estate Act* the Real Estate (Ministerial) Regulations or the Bylaws?

Real Estate Act: Sections: 37, 38, 38.1, 39, 40 40.1

Real Estate (Ministerial) Regulations: Section 21

Bylaws: Section 28(1) and (2)

The *Real Estate Act*, the Real Estate (Ministerial) Regulations and the Bylaws are available at RECA's website www.reca.ca