

June 6, 2017

July 4, 2017

Case Summaries

Letters of Reprimand

Administrative Penalties



Case Summaries

Welcome to the Case Summaries monthly magazine - available on the first Monday of every month.

Inside you will find the summaries for all disciplinary decisions occurring at the Real Estate Council of Alberta (RECA) since the previous newsletter, including any suspensions and approved lifetime withdrawals from the industry.

RECA is authorized to carry out conduct proceedings under [Part 3](#) of the *Real Estate Act*.

To review RECA's Publication Guidelines, click [here](#).

For more information about the cases summarized in this publication, please click on the underlined blue heading at the start of each summary.

Letters of Reprimand

Three real estate associates and two real estate brokers

- failed to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- the broker did not take steps to ensure the property was measured using the Residential Measurement Standard (RMS)

The Residential Measurement Standard requires real estate professionals to personally measure, or engage a qualified person to measure, all properties they are listing for sale. In these cases, the real estate professionals failed to accurately represent the RMS sizes of properties for different reasons. In each case, the issue wasn't the specific size they represented in the listing, but rather how they arrived at that size. The errors in these reprimands included:

- including a fire place in the RMS size. In this case, the space the fireplace occupied was a build-out from the main structure that did not begin at floor level, thus not meeting the criteria under Principle 8.
- did not measure an attached property paint-to-paint as required by Principle 4 of the RMS
- relying on the builder's plans, and the word of the property owner for their measurements rather than personally measuring or engaging a qualified person to measure the property

Real estate associate

- industry members must not make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so [s.42(a) of the *Real Estate Act Rules*]
- industry member misrepresented condominium size

The real estate professional measured the property using the RMS. However, after determining that the RMS size was slightly smaller than the condominium registered size, the professional chose to list the property using the condominium registered size rather than the RMS. Real estate professionals are required to represent the RMS size of condominium units in their listings.

Administrative Penalties

Richard Fredrick Nichols,

Mortgage associated registered with Capital Direct Lending Corp.

- failure to immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]
- \$1,000

Brady Cole Sullivan,

Real estate appraiser

- failure to immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]
- \$1,000

Section 40 of the Real Estate Act Rules requires industry members to immediately notify the executive director when certain events occur. The individuals in these matters had situations requiring notification occur more than a month before they notified the executive director. Immediately is defined as “without delay,” and in the absence of extraordinary circumstances, written notification to the executive director should occur not more than five days after the event in question. Industry members can submit their notification at any time through the myRECA system.

Min Yu Qi,

Real estate associate registered to Centruy 21 Bravo Realty

- failed to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- Mr. Qi did not take steps to ensure the property was measured using the Residential Measurement Standard (RMS)
- \$1,500

The Residential Measurement Standard requires real estate professionals to personally measure, or engage a qualified person to measure, all properties they are listing for sale. In this case, the real estate professional failed to take any steps to ensure the property was measured using the RMS.

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Case Summaries are published by the Real Estate Council of Alberta.

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