

September 6, 2017

October 2, 2017

# Case Summaries

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Suspensions



# 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

### Real estate broker

- failed to ensure there was an adequate level of supervision of your employee contrary to section 51(1)(e) of the *Real Estate Act Rules*

Real estate brokers must provide proper supervision to the brokerage's licensees and employees. The brokerage employee failed to notify property owners that the tenant would be renting the property with pets. The employee also failed to obtain the pet registration forms from the tenant. At the time, the brokerage had a pet registration policy. Real estate brokers need to provide supervision to ensure their employees follow the policies and procedures of the brokerage.

### Real estate associate

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

The Residential Measurement Standard (RMS) 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 had another associate measure the property, but did not take any steps to verify the measurements. As a result, they misrepresented the property size on the listing. It is the responsibility of real estate professionals to ensure their listings are measured properly.

## Administrative Penalties

### Trevor William Fenn,

Real estate associate registered to 4<sup>th</sup> Street Holdings Ltd. o/a Re/Max Real Estate (Central)

- failure to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- failure to use the appropriate documentation during the transaction
- delivered deposit to the brokerage 10 days after it was required
- \$1,500

The real estate associate failed to ensure the consumers they were working with signed the appropriate documentation. The associate made them customers but had them complete an agreement to represent both buyer and seller. Real estate professionals must ensure documentation clearly outlines their roles. The associate also failed to deliver the deposit on time to the brokerage. Deposits must be delivered within three days after the acceptance of the purchase contract.

### Gregory Randolph Williamson,

Mortgage associate registered to Verico Canada Mortgage Direct

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

Industry members must immediately notify, in writing, the executive director when certain events occur. 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. In this case, RECA received information from a third-party about the event that required notification, almost four years after it occurred.

# Administrative Penalties

## Marcel Jean Blais,

Real estate broker registered to Canadian Real Estate Service

- failed to ensure there was an adequate level of supervision of your associate contrary to section 51(1)(e) of the *Real Estate Act Rules*
- \$2,500

Real estate brokers must ensure there is an adequate level of supervision for associates within the brokerage. In this case, a real estate broker was mentoring a new associate, who was relying on the broker's guidance throughout the transaction. The associate believed a moisture issue in a property was remediated based on conversations with the seller, and discussed it with their broker. The broker failed to advise the associate to gather documentation from the seller on the remedial measures taken. The broker should have also advised the associate to suggest that the seller seek legal advice on whether the moisture issue was a material latent defect and needed to be disclosed.

## Bobby Bob Jacob - Real Estate Licence Suspended

On September 11, 2017, the Real Estate Council of Alberta (RECA) suspended the real estate licence of Bobby Bob Jacob. RECA suspended Mr. Jacob for refusing to cooperate with a person conducting an investigation.

As a result of this suspension, Mr. Jacob may not trade in real estate in Alberta. His suspension will continue until the executive director is satisfied he has cooperated with the investigation.

Mr. Jacob was most recently registered as a real estate associate with Real Estate Professionals Inc. in Calgary.



## Mark Charles Holtom - Mortgage Licence Suspended

On September 27, 2017, the Real Estate Council of Alberta (RECA) suspended Mark Charles Holtom, a mortgage associate. Mark Holtom was most recently registered with Dominion Lending Centres Mortgage Mentors in Edmonton.

RECA determined it is in the public interest to temporarily suspend Mr. Holtom. The suspension will continue until the conclusion of RECA disciplinary proceedings against him.

Allegations against Mr. Holtom include that he engaged in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute.

As a result of this suspension, Mark Charles Holtom may not deal in mortgages as a mortgage associate in Alberta.

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Appointed from the public

### **BONNY CLARKE**

Appointed from non-AREA industry members

### **BOBBI DAWSON**

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### **CONTACT RECA**

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

Please forward any questions regarding the content of Case Summaries, or any questions regarding licensing or mandatory education, to [info@reca.ca](mailto:info@reca.ca)



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