



Real Estate Act s. 54 Lifetime Withdrawal from Industry Membership Information Resource

Disclaimer

This guide is intended to assist licensees considering making an application to their Industry Council for licence withdrawal. The purpose of the guide is to provide licensees with information about the withdrawal process and what it means to withdraw from industry membership. It is not intended to cover all situations and should not be considered legal advice.

WHAT DOES A LIFETIME WITHDRAWAL MEAN?

If a Part 3 conduct proceeding has commenced or the licensee suspects that such a proceeding may commence, a licensee may, at any time during the conduct proceedings, choose to voluntarily withdraw from industry membership. This is done pursuant to section 54 of the *Real Estate Act*.

A licensee who applies to their Industry Council to withdraw from industry membership and whose application is approved by the Industry Council will no longer be licensed in Alberta and will not be eligible throughout their lifetime to obtain a licence in any category: residential and commercial real estate, property management, condominium management, or mortgage.

When an application to withdraw from industry membership is approved by an Industry Council, all disciplinary proceedings will be discontinued against the licensee. Subject to any terms and conditions imposed by the Industry Council on approving the application, no proceedings can thereafter be commenced against the individual under Part 3 of the *Real Estate Act*.

WHO CAN APPLY

Any licensee can apply to withdraw from industry membership if they are the subject of conduct proceedings or they suspect they may become the subject of conduct proceedings. A licensee is any individual who holds a licence issued by an Industry Council to trade in residential or commercial real estate, deal in mortgages or act as a property manager of condominium manager. Section 54 of the *Real Estate Act* provides:

“...a licensee may apply to their Industry Council to have their licence withdrawn if the licensee’s conduct is the subject-matter of proceedings under this Part or the licensee suspects that the licensee’s conduct may become the subject-matter of proceedings under this Part.”

APPLICATION PROCESS

Advise RECA and Request Application

When a licensee has decided they want to withdraw from industry membership, they should notify RECA to request an application to withdraw.

Often, licensees who are considering making an application to withdraw from industry membership are under investigation or awaiting proceedings under Part 3 of the *Real Estate Act*. For these licensees, they will already be in contact with either an investigator or conduct enforcement counsel. In these situations, the licensee can request a withdrawal application from the RECA staff member with whom they are in contact.

Where a licensee has not been in contact with a RECA staff member (i.e. an investigator or conduct enforcement counsel), they can contact RECA and request to speak to conduct enforcement counsel about withdrawing from industry membership. Any questions a licensee may have in relation to the application can be answered by this person.

Complete Application to Withdraw from Industry

The licensee will fill out the application to withdraw from industry membership pursuant to section 54 of the *Real Estate Act*.

Once the application has been completed by the licensee, they will provide the application to the RECA staff member.

Next

Conduct enforcement counsel will prepare written submissions that will be provided to the licensee in advance of the application to the Industry Council. The licensee also has the ability to make submissions, if they choose. If they choose to provide written submissions, they should notify the conduct enforcement counsel of their intention. These submissions will be provided to the quorum for their consideration along with the application to withdraw.

OUTCOME OF APPLICATION

Approve

The Industry Council may approve the application to withdraw from industry membership. The withdrawal becomes effective on the date the application is approved by the Industry Council.

Reject

The Industry Council may reject the application. In such a situation, the licensee is still eligible for industry membership. Where there is an investigation or pending disciplinary action against the licensee, these may resume.

An Industry Council must reject an application if in the opinion of the Industry Council, allegations of fraud or criminal activity have been made against the licensee, and those allegations warrant an investigation.

Approve with Terms and/or Conditions

Council may conditionally approve the application and may set certain terms and conditions it considers appropriate to the withdrawal.

NOTIFICATION OF OUTCOME

For all outcomes, a letter is sent from the Industry Council to the licensee to advise them of the outcome of their application to withdraw from industry membership.

PUBLICATION OF WITHDRAWAL

Where an application is approved, the Industry Council's approval letter is published.

If a Notice of Hearing had been issued prior to approval of the withdrawal application, it will be published on the RECA website along with the Industry Council's letter of approval with notification that no hearing has been held and there have been no findings of fact or conduct deserving of sanction.

CONTACT US

If you have questions, or if you wish to comment on this information, please call the Real Estate Council of Alberta (RECA) at 403- 228- 2954 or toll- free from anywhere in Alberta 1- 888- 425- 2754.

Real Estate Council of Alberta
202- 1506 11 Avenue SW
Calgary AB T3C 0M9

You can email a question to RECA at info@reca.ca

A full copy of the [Real Estate Act](#) can be found on reca.ca.