



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

Disclaimer

This guide is intended to assist industry members considering making an application for withdrawal from industry membership to Council. The purpose of the guide is to provide industry members 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 industry member suspects that such a proceeding may commence, an industry member 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*.

An industry member who applies to the Council to withdraw from industry membership and whose application is approved by the Council will no longer be authorized as an industry member in Alberta and will not be eligible throughout their lifetime to obtain an authorization in any category: real estate, mortgage brokerage, or appraisal.

When an application to withdraw from industry membership is approved by Council, all disciplinary proceedings will be discontinued against the industry member. Subject to any terms and conditions imposed by the 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 industry member 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. An industry member is any individual who holds an authorization issued by the Council to trade in real estate, deal in mortgages or act as an appraiser. Section 54 of the *Real Estate Act* provides:

“...an industry member may apply to the Council to withdraw from industry membership if the industry member’s conduct is the subject-matter of proceedings under this Part or the industry member suspects that the industry member’s conduct may become the subject-matter of proceedings under this Part.”

APPLICATION PROCESS

Advise RECA and Request Application

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

Often, industry members 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 industry members, they will already be in contact with either an investigator or conduct enforcement counsel. In these situations, the industry member can request a withdrawal application from the RECA staff member with whom they are in contact.

Where an industry member 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 an industry member may have in relation to the application can be answered by this person.

Complete Application to Withdraw from Industry

The industry member 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 industry member, they will provide the application to the RECA staff member.

Next

A quorum of Council is established to consider the application. The quorum consists of seven (7) members of Council appointed to consider the application.

Conduct enforcement counsel will prepare written submissions that will be provided to the industry member in advance of the application to Council. The industry member also have 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

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

Reject

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

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 Council to the industry member to advise them of the outcome of their application to withdraw from industry membership.

PUBLICATION OF WITHDRAWAL

Where an application is approved, the 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 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.

Glossary of Terms

Industry Member	"any person who holds an authorization as a real estate broker, a real estate appraiser or a mortgage broker, or as any category or class of real estate broker, real estate appraiser or mortgage broker, issued by the Council (s. 1(1)(o) of the <i>Real Estate Act</i>).
Quorum	The necessary number of people in order to do something.