

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008108  
Process: Section 39 & 83 of the *Real Estate Act*  
Industry Member: Deloris Marie Rahier  
Authorization: Real Estate Associate  
Registration: Formerly registered with: Re/Max Real Estate  
(Edmonton) Ltd. o/a Re/Max Real Estate. Currently  
registered with Elite Ownership Group Ltd. o/a Re/Max  
Elite  
Document: ADMINISTRATIVE PENALTY  
Penalty: \$1500

**Payment**

This Penalty must be paid **within 30 days** of the date this Notice was issued.

**If you fail to pay the Penalty** the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization under section 38.1 of the Rules.

**If you pay the Penalty**

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

**TO: Deloris Marie Rahier**

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 42(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 42 – *Industry members must not:*

*(a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;*

## Particulars of the contravention(s):

1. In or around February 2017 you made misrepresentations or carried on conduct that was reckless and misled your client, SJ, contrary to section 42(a) of the *Real Estate Act* Rules:
  - a) You were aware of a compliance certificate from the [{"Town"}], provided to your seller client, EM on June 28, 2016, indicating that the property was zoned C1 – Downtown Commercial. That document included a list of permitted uses; the property was not zoned for residential use.
  - b) In February 2017, you advertised the property located at [{"Address"}] for sale. The advertisement indicated that the property had a 2 bedroom apartment. This statement was misleading because the property was not zoned for residential use.
  - c) SJ submitted an offer on the property. You represented both the buyer and seller. SJ believed the property was zoned for residential use. The transaction closed on or about April 29, 2017.
  - d) After the closing date SJ discovered the land was not zoned for residential use.

Industry professionals must avoid misrepresentations or conduct that is reckless or intentional and that misleads or deceives any person. This includes advertising. As an industry professional you are expected to take reasonable steps to verify any information you wish to include in any advertisement you create.

The Executive Director considered the following aggravating and mitigating factors:

### ***Aggravating Factors***

- There is a need for general deterrence of this conduct. Industry professionals must accurately represent to consumers qualities of a property intended to make the property more attractive.
- Your client has suffered a financial loss as a result of your conduct.

### ***Mitigating Factors***

- You have taken responsibility for your actions.

## Appeal

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by the Executive Director **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: SH, Professional Conduct Review Officer  
Phone: 403.228.2954; Toll Free: 1.888.425.2754  
Fax: 403.228.3065  
Address: Real Estate Council of Alberta  
Suite 202, 1506 11 Avenue SW  
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on September 12, 2018.

*Charles Stevenson, for*  
Bob Myroniuk, Executive Director  
of the Real Estate Council of Alberta

cc. Brian Klingspon , Real Estate Broker  
Elite Ownership Group Ltd. O/A Re/Max Elite

Cc. Patrick Rudiger  
Re/Max Real Estate (Edmonton) Ltd. O/A Re/Max Real Estate