

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008372
Process: Section 39 & 83 of the *Real Estate Act*
Industry Member: Moses Ling
Authorization: Real Estate Associate
Registration: Signature Realty Inc. o/a Century 21 Signature Realty
Document: ADMINISTRATIVE PENALTY
Penalty: \$2,500.00

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: Moses Ling

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 June 2018, you made representations that were reckless and misleading, contrary to section 42(a) of the *Real Estate Act* Rules:
 - a) You represented a client in the sale of the properties [{"address1"}], and [{"address2"}].
 - b) You informed your client of the obligation to represent properties according to the Residential Measurement Standard (RMS). The client was going to pay to have a company measure the properties.
 - c) On June 14, 2018, you advertised the above grade size of both properties as 76.83 m². This measurement was taken from the blueprints of the properties. You failed to represent the properties according to RMS. This was a reckless and misleading representation.
 - d) On June 18, 2018, you had the properties professionally measured. The measuring company followed RMS. The unit sizes were 71.3m² and 71.2m² respectively.
 - e) On July 20, 2018, you amended errors on the listing relating to features of the unit which were brought to your attention by the Seller. However, you failed to update the advertised property sizes to reflect RMS measurements.
 - f) On July 31, 2018, the listing was terminated on the request of the Seller.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- You previously received a \$1500 Administrative Penalty for failing to follow RMS.

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: CS, 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 November 22, 2018.

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

cc Amit Duggal, Broker
Century 21 Signature Realty