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# Case Summaries

Letters of Reprimand

Administrative Penalties

Hearing Panel Decisions

# Case Summaries

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Welcome to the Case Summaries monthly magazine.

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

## Click on names to view the full decision

### [Sherri Naslund Dawson](#)

Real estate associate registered with Re/Max Real Estate (Edmonton) Ltd o/a Re/Max Real Estate

- failed to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- Ms. Dawson failed to represent the property according to Residential Measurement Standard (RMS) guidelines
- Ms. Dawson included an interior measurement area that had a floor to ceiling height of less than five feet
- Ms. Dawson failed to follow Principle 7 of the RMS guidelines

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 failed to competently measure the property according to RMS guidelines.

### [Gary Gordon](#)

Real estate broker registered with Century 21 1st Choice Realty

- industry members must comply with Education Code of Conduct for Learners [s.41(k) of the *Real Estate Act Rules*]
- a learner completing the Commercial Real Estate Update course posted a question on a group social media site asking for assistance with an approach to the question
- Mr. Gordon provided assistance in helping the learner understand the correct approach, and also provided the specific answer to the learner's question

RECA welcomes cooperation and discussion between learners based on intellectual engagement leading to knowledge and skills acquisition. Learners must not help other learners complete a course, exams, or knowledge check in a way that prevents or detracts the learners from honestly acquiring knowledge and skills. Learners can assist other learners by providing training and advice to help learners understand or work through assignments or activities if the assignment or activity guidelines allow it. A learner providing assistance must never provide answers to assignments, exams, or knowledge checks.

# Administrative Penalties

[Shamon Kureshi](#),

Real estate broker registered with Hope Street Real Estate Corp.

- a real estate broker must ensure the business of the brokerage is carried out competently and in accordance with the Act, Regulations, Rules and Bylaws [s.51(1)(d) of the *Real Estate Act* Rules]
- in 2011 a client entered into a Property Management Agreement with your brokerage for management of their property
- a new Property Management Agreement was created and did not include: a commencement date, the names of all parties to the agreement, and the signatures of a Hope Street Real Estate Corp. industry member and the client
- the brokerage proceeded to operate under the terms of the incomplete management agreement
- the terms of trust were different under the old agreement compared to the new agreement, and Mr. Kureshi disbursed approximately \$100 from the trust account under the wrong terms of trust, and therefore without the proper authorization
- \$1,000

Real estate brokers must verify that all trades in real estate made by their industry professionals comply with the *Real Estate Act* and its Rules. It is the broker's responsibility to ensure management agreements are complete and terms of trust are in accordance with the *Real Estate Act* and Rules.

# Administrative Penalties

## Taleb Assef

Real estate associate registered with Royal LePage Solutions Inc.  
o/a Royal LePage Solutions

- failed to provide competent service [s.41(b) of the *Real Estate Act* Rules]
- Mr. Assef signed a Key Release Trust Letter from the sellers' associate, which indicated he was to release the property's keys to Mr. Assef's buyer only when authorized to do so by the sellers' associate or the sellers' lawyer
- the agreed upon possession date was July 31, 2018
- on July 29, 2018, Mr. Assef was going on vacation, and released the keys for the property to the buyer without authorization
- on July 30, 2018, a man that was not the buyer entered the property with the keys given to him by the buyers, resulting in a confrontation with a neighbour
- on July 30, 2018, the sellers associate requested Mr. Assef pick up the keys from the buyer, as he was not authorized to release the keys
- on July 31, 2018, Mr. Assef released the keys to the buyers with the proper authorization
- \$1,500

Real estate professionals must provide competent service, this includes safeguarding and abiding by terms of trust for items entrusted to them during a transaction. In this case, Mr. Assef had specific responsibilities and terms of trust outlined in the Key Release Trust Letter. Mr. Assef delivered the keys to the buyers without authorization. This was not providing competent service.

# Administrative Penalties

Samantha Myles,

Unauthorized

- no person shall advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser unless that person holds the appropriate authorization for that purpose issued by the Council [s.17(d) of the *Real Estate Act*]
- Ms. Myles was not authorized to engage in property management services
- from September 2017 through December 2018, Ms. Myles advertised and accepted payments for property management services she was not authorized to perform
- Ms. Myles utilized the Re/Max First business name in her advertising, presenting herself as a properly authorized industry professional
- Ms. Myles accepted payments for property management services on multiple occasions
- Ms. Myles failed to provide the services she was paid for and failed to provide a refund though it was guaranteed
- \$25,000

The *Real Estate Act* considers advertising property management services as “dealing as a property manager,” and an authorization is required. In this case, Ms. Myles did not hold that authorization. Unauthorized persons who provide services that require an authorization put consumers at serious risk. Authorized persons have the required education and errors and omissions insurance, and consumers working with authorized persons receive protection under the Real Estate Assurance Fund.

# Hearing Panel Decisions

## Zafar Bahadar

Real estate associate registered with 4th Street Holdings Ltd.  
o/a Re/Max Real Estate (Central)

### **Issues:**

- Mr. Bahadar's conduct was referred to a Hearing Panel in June 2018 regarding conduct that occurred in 2007.
- Mr. Bahadar asked the Hearing Panel at the opening of the hearing to stay the process because of a loss of evidence over time that would be prejudicial to his ability to respond to the allegations.

### **Facts:**

- The Hearing Panel needed to determine whether there was grounds for a stay based on the answer to these questions:
  - was there inordinate delay in investigating and conducting a hearing regarding the allegations of conduct deserving of sanction against Mr. Bahadar
  - If yes to question one, did that delay result in impairment to Mr. Bahadar's ability to respond to the allegations against him
  - If yes to question two, is a stay of the hearing an appropriate remedy?
- Mr Bahadar gave evidence that an essential witness passed away, another developed dementia, another was not interviewed, one interview was not recorded successfully and that his memory was faded.
- The executive director gave evidence that all interview recordings apart from the missing one and documents were preserved and available for the Panel to review.

### **Outcome:**

- The Hearing Panel found the delay to be inordinate, which caused Mr. Bahadar's ability to respond to the case against him to become impaired due to loss of evidence and witnesses.
- The Hearing Panel stayed the conduct proceedings.
- The Hearing Panel dismissed Mr. Bahadar's application for costs.

# Hearing Panel Decisions

## Sameer Kalia

Real estate associate registered at all material times with Century 21 A.L.L. Stars Realty Ltd., and most recently registered with Lampas Holdings Ltd. o/a Re/Max River City

### **Issues:**

- The Panel issued its written decision on sanction and costs (the "Decision"). The Panel ordered the following:
  - a) That Sameer Kalia pay a fine in the amount of \$20,000;
  - b) That Sameer Kalia pay costs in the amount of \$13,294;
  - c) That Sameer Kalia's authorization to trade in real estate be suspended for a period of three months; and
  - d) That Sameer Kalia successfully complete the following courses:
    - a. Unit 4 - Consumer Relationships;
    - b. Unit 12 - Ethics, Professionalism and Risk Reduction.
- Mr. Kalia filed a Notice of Intent to Appeal the Hearing Panel's decision on sanction and costs.
- Mr. Kalia requested a stay of sanctions pending the outcome of his appeal.

### **Outcome:**

- The Hearing Panel granted Mr. Kalia's application, on the condition that Mr. Kalia pursue his appeal expeditiously.
- Counsel for the executive director (ED) pointed out that the findings of the Panel were appropriate, and that Mr. Kalia's conduct was serious. However, given that there was no history of disciplinary issues, the ED agreed to the stay, provided the appeal proceeds in a timely matter.





202, 1506 11 Avenue SW,  
Calgary, AB T3C 0M9  
Phone (403) 228-2954  
Toll-free 1-888-425-2754  
Fax (403) 228-3065  
[www.reca.ca](http://www.reca.ca)

## RECA Management

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**BOB MYRONIUK**  
Executive Director

**DALE CAWSEY**  
Director of Corporate Services

**JOSEPH FERNANDEZ**  
Director of Education Programs

**JEAN FLANAGAN**  
Director of Strategic Initiatives & External Relations

**CHARLES STEVENSON**  
Registrar

**WARREN MARTINSON**  
General Counsel

### 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)