

April 8, 2019

May 6, 2019

# Case Summaries

Letter of Reprimand

Administrative Penalties

Lifetime Withdrawal

# 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.**

# Letter of Reprimand

**Click on names to view the full decision**

[Rita Seaward](#),

Real estate associate registered at the time of sanction with Royal LePage True North Realty, currently registered with Royal LePage Innovate

- failure to immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]

Industry members must immediately notify, in writing, the executive director when certain events occur. In this case, the industry professional had a situation requiring notification occur several months before they notified the executive director. Immediately is defined as “without delay,” and in the absence of extraordinary circumstances, written notification to the executive director should occur not more than five days after the event in question.

# Administrative Penalties

## Tanveer Taj,

Former real estate associate and mortgage associate currently unlicensed and unregistered

- industry members must provide competent service [*Real Estate Act Rules s.41(b)*]
- a client was listed as a buyer on a residential purchase contract dated July 26, 2006
- Mr. Taj acted on information regarding his client that he received from third party individuals
- Mr. Taj did not request proof from the third parties that they were authorized to act on the client's behalf
- Mr. Taj did not confirm in writing the nature of his role or service relationship with the client
- Mr. Taj pulled credit bureau reports on the client's behalf without speaking to him, meeting him or receiving written consent to perform credit checks
- Mr. Taj submitted a mortgage application for the client to various lenders without speaking to the client, meeting the client, or confirming the client's identity
- all mortgage applications were eventually rejected
- \$5,000

Industry professionals must provide competent service. In this case, the industry professional failed to verify information regarding their client and submitted mortgage applications without the client's consent. Industry members must take reasonable steps to verify and understand information being provided to them and ensure their clients are aware of all services being provided by the associate. The associate should have never pulled credit information or submitted mortgage applications without the client's consent.

# Administrative Penalties

## Tanveer Taj,

Former real estate associate and mortgage associate currently unlicensed and unregistered

- industry members must not make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so [*Real Estate Act* Rules s.42(a)]
- Mr. Taj listed seven condos at the request of a real estate associate
- the real estate associate provided Mr. Taj with all of the seller's information, condo information, and listing prices
- Mr. Taj did not meet with, talk to, or enter a service agreement with the seller of the units prior to listing them
- Mr. Taj did not take appropriate steps to confirm the value of the units
- Mr. Taj did not verify the accuracy of the unit measurements
- the information that was posted in the listings regarding price and size was inaccurate
- Mr. Taj did not provide information to his brokerage regarding the listings
- Mr. Taj did not take steps to facilitate a showing when he was contacted by a real estate associate to view one of the units
- several of the units were sold at inflated prices
- \$5,000

Industry professionals must not carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so. Mr. Taj should not have listed a property without a service agreement in place, nor without going through his brokerage. Mr. Taj misrepresented the various units' costs and measurements, which had a significant impact on his clients as the units were sold at inflated prices. Mr. Taj should have taken reasonable steps to ensure the listing prices and measurements were accurate prior to posting the units.

# Administrative Penalties

## Tanveer Taj,

Former real estate associate and mortgage associate currently unlicensed and unregistered

- a mortgage associate must keep the broker informed of the activities being performed by the associate on behalf of the brokerage [*Real Estate Act* Rules s.69(d)]
- Mr. Taj submitted a mortgage application without meeting the client, confirming the identity of client, or obtaining the consent of the client to perform credit checks and submit mortgage applications
- Mr. Taj did not inform his brokerage about the activities he was performing
- \$1,500

Mortgage associates must keep their brokerage up-to-date on all activities regarding the brokerage. In this case, the associate did not confirm the identity of a client before submitting a mortgage application, putting the brokerage at risk. If the brokerage was aware of the associate's activities, it would have advised the associate to confirm the client's identity before submitting a mortgage application.

# Administrative Penalties

## Click on *Real Estate Act Rule* to view the full decision

Sukhwinder Randhawa,

Real Estate Associate registered with Lampas Holdings Ltd. O/A Re/Max River City

- industry members must not make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so [[Real Estate Act Rules s.42\(a\)](#)]
  - \$5000
- industry members must fulfill their fiduciary obligations to their clients [[Real Estate Act Rules s.41\(d\)](#)]
  - \$5,000
- industry members must not engage in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute [[Real Estate Act Rules s.42\(g\)](#)]
  - \$2,500
- Mr. Randhawa acted on behalf of the buyers
- On July 28, 2018 Mr. Randhawa prepared two offers to purchase a new condominium unit on behalf of the buyers
- Mr. Randhawa claimed that after the offers were accepted the developer would buy back the respective unit for a \$10,000 premium despite there being no written agreement or any documentation to that effect
- neither offer was accepted
- the offer did not include any financing or property inspection conditions
- the offer was sent to the client
- the client signed the offer on July 29, 2018 and forwarded it to Mr. Randhawa
- Mr. Randhawa failed to present the offer to the seller
- despite representing the client, Mr. Randhawa failed to meet with or communicate directly with the client, all communications were done through a third party even though there was no issue with language or any other barrier for Mr. Randhawa to contact his client directly
- Mr. Randhawa contacted an individual who filed a complaint with the Real Estate Council of Alberta about his conduct
- Mr. Randhawa offered the individual money to withdrawal their complaint

Industry members must ensure that all terms regarding a transaction are in the written agreement. By not having this claim documented the industry professional was misleading his clients into thinking the developers would be buying back the unit at a premium rate. Industry members must also ensure that they are acting in the best interests of their clients and are fulfilling their obligations. In this case, the associate failed to present the buyers offer to the seller. Mr. Randhawa also failed to directly communicate with the client to ensure that there was a clear understanding about the transaction. Finally, industry professionals must be honest and act with integrity at all times. In this case, Mr. Randhawa should have never attempted to offer the complainant money to withdraw the complaint.



# Lifetime Withdrawal

## [Abosedé Onaba - Lifetime Withdrawal from Industry](#)

On April 17, 2019, Abosedé Onaba, previously a real estate broker in Peace River, applied to permanently withdraw from industry membership.

Prior to her application, Ms. Onaba failed to fully comply with RECA staff requests for complete reconciliations of rental and security trust accounts.

At the time of Ms. Onaba's withdrawal from industry, the investigation was not complete, and there had been no disciplinary hearing, admissions, or findings of fact.

RECA approved Ms. Onaba's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.



## 2018-2019 Council Members

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### BOBBI DAWSON

Appointed from the boards outside of Calgary and Edmonton

### AMINA DEIAB

Appointed from the public

### RAMEY DEMIAN

Appointed from the industrial, commercial and investment real estate sector

### JT DHOOT

Appointed from non-AREA industry members

### BILL KIRK

Appointed from the Calgary Real Estate Board

### BRIAN KLINGSPON, PAST CHAIR

Appointed from the REALTORS® Association of Edmonton

### TIAGO LAGE

Appointed from the public

### PHIL MCDOWELL

Appointed from the mortgage brokerage sector

### STAN MILLS, CHAIR-ELECT

Appointed from the boards outside of Calgary and Edmonton

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Appointed from residential real estate industry members

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Appointed from the property management sector

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### CONTACT RECA

The Case Summaries is published by the Real Estate Council of Alberta.

Please forward any questions regarding the content of the Case Summaries, or any questions regarding licensing or mandatory education, to [info@reca.ca](mailto:info@reca.ca)



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