

August 13, 2019
September 9, 2019

Case Summaries



Letters of Reprimand

Hearing Panel Decision

Case Summaries

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*.

Questions about disciplinary information RECA publishes and why? Review [RECA's Publication Guidelines](#) online.

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

[William Jeffrey Scott](#),

Real estate associate registered with Lampas Holdings Ltd. O/A Re/Max River City

- an industry member must not disclose information regarding a client, property or transaction to another person unless authorized by the client or required by law [s.44(1) of the *Real Estate Act Rules*]
- in March 2017, Mr. Scott provided a sales agreement he had drafted for another client to a contractor he wanted to hire to build a house for himself
- Mr. Scott wanted the contractor to use the same wording from the agreement
- Mr. Scott attempted to redact the client information, however the agreement was still legible

Industry professionals are obligated to ensure they are always protecting client information. Client information may only be used for the purposes it was collected and can never be provided to a third party without written consent from the client. In this case, the associate should have never provided a contractor an agreement containing his client's information.

[Sunny Khanna](#),

Real estate associate registered with Twin Oakes Real Estate 1993 Inc. O/A Re/Max House of Real Estate

- 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 [s.42(g) of the *Real Estate Act Rules*]
- Mr. Khanna rented his own property to a tenant
- upon renting his property Mr. Khanna collected a security deposit and failed to hold it in trust
- Mr. Khanna used some of the security deposit for personal expenses
- on October 31, 2018, the Residential Tenancy Agreement ended
- Mr. Khanna failed to meet his legal obligations to pay the security deposit owed
- Mr. Khanna reimbursed the security deposit over a period of several months

Consumers trust that industry professionals will handle personal trades with professionalism and meet their legal obligations. In this case, Mr. Khanna's handling of the security deposit did not meet his legal obligation as a landlord, and fell below the standard expected of an industry professional.

Letters of Reprimand

[Todd Anton Thronson](#),

Real estate broker registered with Avison Young Real Estate Alberta Inc.

- an industry member must not delegate, assign, request, direct or in any way allow an unlicensed or unregistered assistant to perform tasks that must only be performed by an industry member [s.46(2) of the *Real Estate Act* Rules]
- on March 28, 2019, an administrative assistant for Avison Young Real Estate Alberta Inc., communicated with RECA about renewing the licence of an associate
- the administrative assistant accessed Mr. Thronson's myRECA account using his login and password
- the administrative assistant was trying to licence an associate
- the administrative assistant was not authorized to perform this task
- renewing an associate's licence must be performed by a broker or broker delegate

Under no circumstances should a broker give out their username and password for their myRECA account. Unlicensed staff who assist with administrative items can be registered with RECA as a brokerage administrator. That gives the administrator restricted access to perform certain approved functions on behalf of the brokerage.

Hearing Panel Decision

Jesse MacLean

Real estate associate registered with Masters Realty Ltd. O/A Century 21 Masters, previously registered with Hope Street Real Estate Corp.

Issues:

- industry members must provide competent service [s.41(b) of the *Real Estate Act Rules*]
- 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 [s.42(a) of the *Real Estate Act Rules*]

Facts:

- Mr. MacLean separated the carbon copy pages of a rental agreement before filling in the re-rental fee
- Mr. MacLean filled in the re-rental fee of \$2,350 on the brokerage copy only after the copies were already separated
- Mr. MacLean did not ensure that the tenant signed and initialed all the pages of the rental agreement
- after meeting with the tenant and before submitting the paperwork to the brokerage, Mr. MacLean changed the agreement by adding the tenant's spouse and children as occupants of the property
- the tenant's spouse, whom Mr. MacLean listed as the co-tenant, never reviewed or signed the agreement
- Mr. MacLean did not inform the tenant of any amendments to the agreement nor did he send the tenant a copy
- Mr. MacLean submitted the altered agreement to his brokerage

Outcome:

Mr. MacLean is deemed to have engaged in conduct deserving of sanction.

The Hearing Panel ordered the following:

1. Fines for breaching s.41(b) and s.42(a) of the *Real Estate Act Rules* totaling \$8,000
2. Mr. MacLean is required to successfully complete the following education course:
 - a) Education upgrade course: "Contract Law"
3. Costs of \$500

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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



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