

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 009382
Process: Section 39 & 83 of the *Real Estate Act*
Industry Member: Rodger Wayne Forth
Authorization: Real Estate Broker
Registration: Rodger Forth O/A 4th Street Agencies
Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

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: Rodger Wayne Forth

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 41 – *Industry members must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around June 2019, you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act Rules*:
 - a) June 27, 2019, you had a showing in a vacant condominium unit.

- b) You had no key for the unit door. You pushed on the door to get it open, and the frame broke. This was a failure exercise reasonable care and skill when entering a property.
- c) After opening the door and entering the property, you realized you entered the wrong unit. This was also a failure to exercise reasonable care and skill in making sure you were entering the correct unit.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- This conduct fell well below the standard expected of an industry professional. The circumstances did not warrant the use of force to enter the property.

Mitigating Factors

- You paid for repairs to the door.

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 February 25, 2020.

Charles Stevenson, Acting Executive Director
of the Real Estate Council of Alberta