

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 009277.001
Process: Complainant Appeal
s.40 of the *Real Estate Act*
Industry Member: Vincent (David) Pellettier
Complainant: Nigel Hill
Document: NOTICE OF HEARING

To: Nigel Hill

A hearing is set for your appeal. Read this entire document to see what you must do.

Hearing Information

Date: Wednesday, October 28, 2020
Time: 9:30 a.m.
Location: Virtual Hearing
Hearing Panel: Rita Aggarwala – Public Member
George Pelechaty – Industry Member
Gordon Reekie – Industry Member
(Alternates: Arlene Blake, Matthew Wiebe, Michael Brodrick)
Ricki Johnson – Gowling WLG

Exchange of Written Arguments before the Hearing

Write a summary of why you are appealing for the Panel to review before the hearing. Limit the summary to 10 pages and address the following:

- Your reasons for the appeal: why is the Executive Director's decision wrong

- What evidence provided to the investigator shows the decision is wrong. You may not provide any new evidence. Only rely upon evidence that you previously provided to investigators.
- Is there legislation or case law that supports your reasons.

Send your summary by email, fax or mail to the **Hearings Administrator** and the **Lawyer or Case Presenter for the Executive Director** (contact information below) by Tuesday, September 30, 2020.

The Executive Director has **2 weeks** to reply. You will receive a copy of this reply on or before Wednesday, October 14, 2020.

You may reply to the Executive Director's reply. You have **1 week** to send your reply to the Hearings Administrator after you receive a copy of the reply.

The Panel will receive your summary and the Executive Director's reply before the hearing.

Why You Should Attend the Hearing

The hearing is your opportunity to argue your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website

- *Appealing the Executive Director's Decision That No Further Action be Taken*
- *Hearing and Appeal Practice and Procedures Guidelines and*

They are under the *About RECA* tab, then *Publications and Resources* tab, then *Guides* tab, then select *Industry Professional Guides*.

You will also be emailed a copy of the *Virtual Hearing Guide*.

What You Should Bring to the Hearing?

You may not submit any evidence at or before the Hearing. You may only make argument as described in the *Hearing and Appeal Practice and Procedures Guidelines*.

What Will Happen if You Don't Attend?

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen at the Hearing?

After reading the arguments and hearing from you and the Executive Director the Panel must make one of the following findings under **section 40(2)** of the *Real Estate Act*:

- That the complaint is frivolous or vexatious
- That there is insufficient evidence of conduct deserving of sanction, or
- That there is sufficient evidence to warrant a hearing on the conduct.

If the Panel finds that the complaint was frivolous and vexatious, it can order you to pay the costs of the investigation into your complaint and your appeal.

You Can Get Legal Advice

You can get advice from a lawyer for your appeal and you may have a lawyer represent you in the appeal.

If You Object to a Panel Member

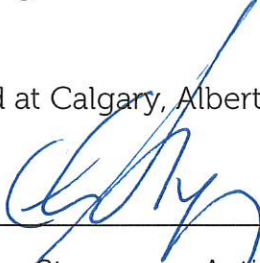
Please review who is on the Panel. If you object to any of the people being on the Panel, tell the Hearings Administrator **who** you object to and **why** within **14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Executive Director and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on September 3, 2020.



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

Contact Information

Hearings Administrator: Email: hearingsadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council 202, 1506 11 Avenue SW Calgary, Alberta, T3C 0M9	Chris Davison, Lawyer for the Executive Director Email: cdavison@reca.ca Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council 202, 1506 11 Avenue SW Calgary, Alberta, T3C 0M9
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