

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 010406
Process: Section 39 & 83 of the *Real Estate Act*
Industry Member: Glenn William Evans
Authorization: Real Estate Associate
Registration: 2 Percent Realty Inc. O/A 2% Realty
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: Glenn William Evans

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 November 2017, you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act Rules*:
 - a) You represented that the property located at [ADDRESS] Calgary, AB, had an above ground size of 1022 sqft.

- b) You did not measure the property. You used the Condominium Additional Plan Sheet to get the above grade size.
- c) The above grade size of the property was approximately 973 sqft.

The RMS guidelines were created to offer a consistent means of representing the above grade size of a property, thereby allowing interested parties to accurately compare properties. Competent real estate industry professionals, when representing the size of a residential property, must measure the property using RMS or engage a third party to measure the property using RMS.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- You failed to measure the property and follow RMS guidelines.

Mitigating Factors

- You took full responsibility for your error and have made efforts to compensate the buyer.

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: [C.S], Professional Conduct Review Officer
Email: [EMAIL]
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 November 12, 2020.

[M.C.S]
Charles Stevenson, Acting Executive Director
of the Real Estate Council of Alberta

cc [R.A], Broker
2% Realty