

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010494
Name on Licence: Dale Devereaux
Licence Type & Class: Real Estate Associate Broker
Brokerage Name on Licence: Century 21 Lesand Advantage Realty Corp. O/A
Century 21 Advantage
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1500

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Registrar may commence collection under Part 6 of the *Real Estate Act* and may suspend your licence 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: Dale Devereaux

The Registrar 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.

Legislation at time of conduct

41 *Industry members must:*

(b) *provide competent service;*

Particulars of the contravention(s):

1. In or around June 2020 you failed to provide competent service contrary to section 41(d) of the *Real Estate Act* Rules:
 - a) On June 30, 2020 you attended a property located at [ADDRESS], Alberta with two clients to show a property for sale.
 - b) Upon attending the property there was no signage indicating the property was for sale or a lock box containing keys to the property in order to access it.
 - c) You moved to the rear of the property and opened the unlocked door after knocking and announced your presence.
 - d) You were then confronted by the property owner and came to the realization you had attended the wrong property.
 - e) Your actions put yourself and your clients in unnecessary danger by accessing a property you did not have consent to access. Your actions also caused alarm to the property owner that was not expecting an unknown person to open the back door of his residence.
 - f) You failed to show proper due diligence by confirming the address of the property you had permission to access and should have been alerted by the lack of signage and lockbox.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your conduct put your clients and the property owner at risk. This property was not for sale. The property owner was scared which led to a volatile situation.

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 Registrar **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: [B.T], 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 January 7, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta