

## THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010875  
Person: Dustin Darrell Bauld  
Licence Type & Class: Real Estate Associate, not licensed in commercial  
Brokerage: eXp Realty of Canada Inc. o/a eXp Realty  
Process: Section 83 of the *Real Estate Act*  
Document: ADMINISTRATIVE PENALTY  
Penalty: \$1,000.00

### Payment

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

**If you fail to pay the Penalty** the Registrar may commence collection under Part 6 of the *Real Estate Act*.

### 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: Dustin Darrell Bauld**

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 17(d) of the *Real Estate Act***.

### Legislation in place at time of activity

#### **Section 17 - Authorization Required**

##### *17 No person shall*

- (a) trade in real estate as a real estate broker,*
- (b) deal as a mortgage broker,*
- (c) act as a real estate appraiser, or*
- (d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser*  
*unless that person holds the appropriate authorization for that purpose issued by the Council.*

### Particulars of the contravention(s):

1. In or around October 2020, you traded in commercial real estate without the appropriate authorization, contrary to section 17(d) of the *Real Estate Act* Rules:
  - a) You were working with another licensee who was licensed to practice commercial real estate. You were not licensed to practice commercial real estate. Your general practice was to act as an unlicensed assistant when dealing with commercial real estate files. You were under the supervision of a licensee who did have a commercial real estate licence.
  - b) Your brokerage represented a tenant.
  - c) October 31, 2020, you emailed a licensee representing a landlord from a team email account. This email represented you had spoken to the tenant client about the lease, discussed aspects of the lease, and negotiated terms of the lease. This email had your name appearing as the author of the message. This was holding yourself out as a licensee who was engaging in activities that required a commercial licence.

The Registrar considered the following aggravating and mitigating factors:

#### ***Aggravating Factors***

- There is a need to deter this type of activity. Licensees must only provide services they are licensed in. This gives consumers confidence that licenses who engage in commercial activities, or represent that have engaged in commercial activities, have received the proper training and are competent to practice.

#### ***Mitigating Factors***

- You were supervised by another licensee who did have a licence to practice commercial real estate
- You have since taken steps to become licensed in commercial real estate.

## 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: [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 January 7, 2021.

“Signature”

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Charles Stevenson, Registrar  
Real Estate Council of Alberta

cc. [W.I], Real Estate Broker  
eXp Realty