

January 19, 2021

February 16, 2021

Case Summaries



Letters of Reprimand
Administrative Penalties

Case Summaries

Welcome to the Case Summaries monthly magazine.

Inside you will find the summaries for all disciplinary decisions occurring at the Real Estate Council of Alberta (RECA) since the previous newsletter, including any suspensions and approved lifetime withdrawals from the industry.

RECA is authorized to carry out conduct proceedings under [Part 3](#) of the *Real Estate Act*.

The events mentioned in the decisions included in this issue occurred prior to December 1, 2020. The sanctions as noted, reflect the *Real Estate Act* as it was then applied. Learning opportunities reflect advice for licensees under the *Real Estate Act*, including the amendments that came into force on December 1, 2020.

Questions about disciplinary information RECA publishes and why? Review [RECA's Publication Guidelines](#) online.

For more information about the cases summarized in this publication, please click on the underlined blue heading at the start of each summary.

Letters of Reprimand

[Ginger Barbara Andrews,](#)

Real estate associate registered with 4th Street Holdings Ltd o/a Re/Max Real Estate (Central)

- a real estate associate broker and associate must trade in real estate only in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered [s.53(a) of the *Real Estate Act* Rules]
- Ms. Andrews had an Instagram account where she advertised her services
- Ms. Andrews was advertising "just listed" properties
- Ms. Andrews' brokerage name was not clearly indicated

[Alexander Alan George Cowie,](#)

Real estate associate registered with Canadian Independent Realty Ltd. o/a CIR Realty

- a real estate associate broker and associate must trade in real estate only in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered [s.53(a) of the *Real Estate Act* Rules]
- Mr. Cowie had an Instagram account that advertised properties his team had listed for sale
- Mr. Cowie's name and team branding were clear, but there was no brokerage name present
- Mr. Cowie's other social media accounts display Mr. Cowie's brokerage name

[Christopher John Matlashewski,](#)

Real estate associate registered with 2042599 Alberta Ltd. o/a Royal LePage Mission Real Estate

- a real estate associate broker and associate must trade in real estate only in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered [s.53(a) of the *Real Estate Act* Rules]
- on August 12, 2020, Mr. Matlashewski created an advertisement in "Calgary Buy, Sell, Swap" on Facebook
- Mr. Matlashewski advertised "Sell your Midnapore or Sundance Home to our buyer"
- Mr. Matlashewski's brokerage name did not appear in the advertisement
- Mr. Matlashewski's other social media accounts display Mr. Matlashewski's brokerage name

Learning Opportunity

Licensees must clearly indicate their brokerage name in all advertising. A brokerage name is "clearly indicated" when a reasonable consumer, under normal circumstances, can clearly distinguish the name of a brokerage in an advertisement. A reasonable consumer should be able to identify the brokerage based on the advertisement alone. In these cases, the licensees failed to include their brokerage they are registered with in their advertisements.

[Advertising Guidelines](#)

Letters of Reprimand

[Robert Antoine Cressaty](#)

Real estate broker registered with Landmark Advisory Services Inc. / Services Conseils Landmark Inc.

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers, or shareholders of a corporation if the brokerage is a corporation [s.32(g) of the *Real Estate Act* Rules]
- on September 1, 2018, a director was removed from Mr. Cressaty's brokerage
- on September 21, 2018, a director was removed from Mr. Cressaty's brokerage
- on April 30, 2020, there was a change in the brokerage shareholders
- Mr. Cressaty failed to immediately notify RECA of any of these changes

[Leonard Bradley Stokes](#)

Real estate broker registered with Shape Property Management Corp. o/a Shape Management

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers, or shareholders of a corporation if the company is a corporation [s.32(g) of the *Real Estate Act* Rules]
- on February 28, 2020, a shareholder departed from Mr. Stokes' brokerage
- RECA was notified on September 16, 2020
- on February 28, 2020, an existing director's holding company acquired shares of Mr. Stokes' brokerage
- Mr. Stokes failed to immediately notify RECA of this change

Learning Opportunity

Brokerages must immediately notify the Registrar--prior to Dec 1, 2020, the Executive Director--in writing, when certain events occur (change of brokerage address, change of directors, stakeholders, shareholders, etc.). RECA defines immediately as "without delay," and in the absence of extraordinary circumstances, written notification to the registrar should occur not more than five (5) days after the event in question. In these cases, the broker failed to notify RECA of these changes. Brokerages can notify RECA of business address changes electronically.

[Responsibilities and Prohibitions – Real Estate Brokerage](#)

Letters of Reprimand

Joanne Mildred Hansen,

Real Estate Associate registered at the time of conduct with Twin Oakes Real Estate 1993 Inc o/a Re/Max House of Real Estate. Currently registered to 1800086 Alberta Ltd. o/a First Place Realty

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- on January 19, 2018, Ms. Hansen entered into an Exclusive Seller's Representation Agreement with her client to sell a property
- the service agreement had an end date of May 31, 2018
- on July 28, 2018, Ms. Hansen had a potential buyer sign a fee disclosure form, which stated the brokerage was representing the buyer
- on July 30, 2018, Ms. Hansen drafted a purchase contract for the potential buyer of the property
- Ms. Hansen noted both the buyer's and seller's brokerage was Re/Max House of Real Estate, with Ms. Hansen representing both parties
- the brokerage was representing the sellers, but not the buyer
- the documentation in place did not reflect this agency arrangement

Learning Opportunity

Licensees must be competent in all areas in which they provide services. In this case, the licensee documented that they were representing both the buyer and the seller in a transaction, when in fact the brokerage was only representing the seller. This was a failure to provide competent service in documenting the brokerage's relationship with the parties.

Competent Service

Conflict of Interest - Representing both Seller and Buyer

Letters of Reprimand

[Michael Robert Holmes](#),

Real estate broker registered with Larlyn Property Management Limited

- a real estate broker must ensure the business of the brokerage is carried out competently and in accordance with the Act, Regulations, Rules and Bylaws [s. 51(1)(d) of the *Real Estate Act Rules*]
- in November 2017, Mr. Holmes' brokerage began to manage a property
- in February 2018, the owner of the property began requesting information regarding his finances and statements
- the client's requests for statements and financial information went ongoing into April 2018, with no resolution
- the requests were dealt with and matters were resolved in June 2018

Learning Opportunity

Brokers are responsible for ensuring their brokerage provides any requested information by a client in a timely manner. They are responsible for ensuring the business of the brokerage is carried out competently. In this case, the broker failed to ensure that their client's requests for statements and information were addressed. The broker allowed for the requests made to go unanswered for many months. This was a failure by the brokerage to competently address the client's concerns and questions.

[Brokers – Active in Brokerage Management](#)

Letters of Reprimand

[Emily Meghan Loomis](#),

Real estate broker registered with Leep Realty Ltd o/a The Loomis Real Estate Group

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- in June 2020, Ms. Loomis represented her buyer clients interested in viewing a property
- the seller of the property was concerned about showing the property during the COVID-19 pandemic
- the seller's representative made associates aware of the seller's concerns by inputting requirements for showings on the Feature Sheet remarks
- the Feature Sheet remarks stated: "Please use the provided sanitizer and masks before proceeding to view."
- on June 27, 2020, Ms. Loomis had permission to bring her potential buyers to view the property
- the seller observed that Ms. Loomis and her buyer clients did not put on masks for the property viewing
- Ms. Loomis failed to exercise reasonable care and skill when a property was under her care and control

Learning Opportunity

Licensees must exercise reasonable care and skill when a property is under their care and control. Licensees must ensure they obey the instructions of the seller when showing a property. It is of utmost importance to ensure licensees are not putting their clients' health at risk or risk the health of any parties involved in the transaction. In this case, the licensee should have followed the viewing conditions to use hand sanitizer and masks as stated on the Feature Sheet.

Licensees are encouraged to use the COVID-19 property access checklists and agree to the conditions for access, in writing.

[Seller's Condition to Access Premises Checklist](#)

[Buyer's Condition to View the Premises Checklist](#)

[COVID-19 and Real Estate](#)

[COVID-19 Information for Real Estate Consumers](#)

Letters of Reprimand

[Amandeep Kaur Raiké,](#)

Real estate associate broker registered at the time with Threefour Management Ltd. o/a Re/ Max Landan Real Estate. Currently a real estate broker registered with AMG Realty and Property Management Inc. o/a AMG Realty.

- industry members must provide competent service [s.41(b) of the *Real Estate Act Rules*]
- on August 16, 2020, Mr. Raiké attended a condominium complex with two clients and an assistant to show two units for sale
- Ms. Raiké opened the door to the first unit without announcing his presence
- the property was supposed to be vacant
- the property owner informed Ms. Raiké that they were in the wrong unit
- this was a failure to exercise reasonable care and skill to ensure they were entering a property Ms. Raiké had permission to enter

Learning Opportunity

Licensees must ensure they exercise reasonable care and skill at all times when showing properties. In this case, the licensee entered a property without permission startling the property owners. The licensee should have ensured they were at the correct property and announced themselves before entering.

[Competent Service](#)

Letters of Reprimand

[Sara Lynne Trenn](#),

Real estate associate registered with YEGPro Realty Ltd. o/a YEGPro Realty

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- on June 15, 2020, Ms. Trenn brought her buyer clients to view three properties
- Ms. Trenn booked two of the showings for the same neighbourhood through an online application
- Ms. Trenn viewed a property in the same neighbourhood and listed by the same brokerage that she did not have permission to view
- Ms. Trenn opened the door to access the property for the showing
- the tenant occupying the property was not expecting someone to enter their home unannounced and without permission
- Ms. Trenn put herself and her clients at risk of a serious incident by entering an occupied property unexpectedly and without permission
- Ms. Trenn realized that she had made a mistake when she opened the door to the wrong property and didn't step into the property

Learning Opportunity

Licensees must be competent in all areas in which they provide services. Consumers must trust that licensees have taken the proper steps to gain access and permission to view properties. In this case, the licensee should have taken the proper precautions to ensure they had permission to view the property. The licensee opened the door to the wrong property, which was occupied by a tenant. This created an additional risk to themselves, the client, the owner, and the tenant.

[Competent Service](#)

Administrative Penalties

[Travis Larry Bannert](#)

Real estate associate registered with 1426300 Alberta Ltd. o/a Maxwell Progressive

- industry members must act honestly [s.41(a) of the *Real Estate Act* Rules]
- in August 2019, Mr. Bannert told his client he had arranged a viewing of their property
- the night of the viewing Mr. Bannert exchanged texts with his client indicating he had completed a showing inside the property
- Mr. Bannert messaged his client that they could return to their property
- Mr. Bannert's client's security system showed that no one had entered the property
- Mr. Bannert's communications with his client about the showing were misleading and dishonest
- Mr. Bannert's client confronted him and he confirmed the buyer had not viewed the inside of the property
- Mr. Bannert apologized for misleading his clients
- Mr. Bannert's client cancelled their listing agreement with him
- \$1,500

[Learning Opportunity](#)

Licensees must be honest with clients and consumers at all times. Honesty means conduct that is truthful, trustworthy, and genuine. In this case, the licensee misled his client into believing a potential buyer had viewed their property, but no buyer viewed the inside of the property. Failing to act honestly is serious and undermines public confidence in the industry.

[Good Character Policy](#)

Administrative Penalties

Dustin Darrell Bauld,

Real estate associate registered with EXP Realty of Canada Inc. Not licensed to practice commercial real estate at the time of the events in question.

- no person shall 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 [s.17(d) of the *Real Estate Act*]
- in October 2020, Mr. Bauld worked with another licensee who was licensed to practice commercial real estate
- Mr. Bauld was not licensed to practice commercial real estate
- Mr. Bauld's general practice was to act as an unlicensed assistant when dealing with commercial real estate files under the supervision of a licensee with a commercial real estate licence
- Mr. Bauld's brokerage represented a tenant
- on October 31, 2020, Mr. Bauld emailed a licensee representing a landlord from a team email account
- this email indicated that Mr. Bauld spoke to the tenant about the lease, specifically, aspects and terms of the lease
- Mr. Bauld appeared as the author of the message showing that Mr. Bauld held himself out as a licensee engaging in activities that required a commercial licence
- \$1,000

Learning Opportunity

Licensees must only provide services they are licensed to provide. Consumers should have confidence that licensees who engage in commercial activities have received proper training and are competent to practice. In this case, the licensee is not authorized to practice commercial real estate. In reality, the licensee was supervised by another licensee with a commercial real estate licence. The licensee wrote an email to negotiate the terms and aspects of a lease agreement on behalf of a tenant. This email gives the appearance that the licensee is authorized to practice in commercial real estate.

Trading in Real Estate as a Real Estate Broker

Administrative Penalties

Stephen Wai Kit Chung,

Real estate associate registered with Canadian Independent Realty Ltd o/a CIR Realty

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- in February 2019, Mr. Chung represented a buyer client and entered into a Purchase Contract for a property
- the buyer asked Mr. Chung if the property was previously used for the illegal growing of cannabis prior to entering into the Purchase Contract
- Mr. Chung informed his client that based on historical information, the property had not been involved in illegal growing of cannabis
- after Mr. Chung's client took possession of the property, it was discovered that Alberta Health Services had made a previous order against the property deeming it unfit for human habitation due to the illegal growing of cannabis
- Mr. Chung failed to provide competent service to his client by not exercising reasonable due diligence while researching the title and historical information for the property
- \$3,000

Learning Opportunity

Licensees representing buyers must do due diligence to understand more about the property their client is interested in and address any client concerns. Depending on the situation and client's concerns, a licensee may need to research cancelled titles for the property to understand the historical information available for a property.

In this case, the licensee failed to provide competent service by not exercising due diligence while researching the property's historical title information. Prior to entering into a Purchase Contract for the property, the client specifically asked if the property had been used as an illegal growing facility for cannabis. The licensee had not done enough research and gave their client false information which influenced their buying decision. The information the licensee's client was asking for was public and easily accessible.

Competent Service

Administrative Penalties

Dale Stephen Devereaux,

Real estate associate broker registered at the time with Century 21 Lesand Advantage Realty Corp. o/a Century 21 Advantage. Currently a broker registered with Century 21 Maximum Realty Corp. o/a Century 21 Maximum.

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- on June 30, 2020, Mr. Devereaux attended a property with two clients to show the property for sale
- the property contained no signage indicating the property was for sale nor a lock box with keys to access the property
- Mr. Devereaux moved to the rear of the property and opened the unlocked door after knocking, then he announced his presence
- Mr. Devereaux was confronted by the property owner
- Mr. Devereaux realized that he attended the wrong property
- Mr. Devereaux failed to show proper due diligence by confirming the address of the property he had permission to access
- \$1,500

Learning Opportunity

Licensees must be competent in all areas in which they provide services. In this case, the licensee failed to show due diligence by confirming the correct address of the property he had permission to access with his clients. Upon attending the property, the licensee should have been alerted by the lack of signage and lockbox which indicates that he attended the wrong property. The licensee's actions put themselves and their clients at risk by accessing a property they did not have permission to access.

Competent Service

Administrative Penalties

[Tammy Lynne Hemmaway](#),

Real Estate Associate registered at the time of conduct with 4th Street Holdings Ltd. o/a Re/Max Real Estate (Central). Currently registered with Real Estate Professionals Inc.

- industry members must fulfill their fiduciary obligations to their clients [s.41(d) of the *Real Estate Act* Rules]
- on June 16, 2020, Ms. Hemmaway entered an Exclusive Seller Representation Agreement (Agreement) with a seller
- the Agreement included what price the seller authorized Ms. Hemmaway to sell the property for and the term of the Agreement
- on June 23, 2020, Ms. Hemmaway prepared a Feature Sheet and advertised the property
- the listing price and the expiry date advertised were not the terms reflected in the Agreement
- Ms. Hemmaway had lowered the listing price of the property, and extended the term
- the Seller did not agree to these changes
- \$1,500

Learning Opportunity

Real estate licensees must ensure they are always acting in accordance with the mandate in the service agreement and following their client's lawful instructions. In this case, the licensee advertised the property at a price and terms that was contrary to what the client had agreed to, this was a failure to act in accordance with the authority and permissions granted by the client. The licensee failed to fulfill their fiduciary obligations to the client.

[Service Agreements – Real Estate Brokerage](#)

Administrative Penalties

[Denise Yvonne Mary Swain,](#)

Real estate broker at the time of conduct registered with Ultimate Property Management Inc., currently not licensed

- an industry member must immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]
- \$1,000

[John Arthur Torode,](#)

Real estate broker registered with Torode Realty Advisors Inc.

- an industry member must immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]
- \$1,000

Learning Opportunity

Brokerages must immediately notify the Registrar--prior to Dec 1, 2020, the Executive Director--in writing, when certain events occur (name change, discipline, criminal proceedings, etc.). In these cases, the licensees had situations requiring notification occur months before they notified RECA. Immediately is defined as "without delay," and in the absence of extraordinary circumstances, written notification to the registrar should occur not more than five (5) days after the event in question.

[Notice to Executive Director – Real Estate and Mortgage Broker Professionals](#)

Administrative Penalties

[Dallas James Schumaker](#),

Real Estate Associate registered at the time of conduct with Urban Real Estate Services Ltd. o/a UrbanRealty.ca. Currently registered with EXP Realty of Canada o/a EXP Realty.

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- Mr. Schumaker was representing buyers interested in viewing a property, which they had a conditional offer on
- the seller was concerned about showing the property during the COVID-19 pandemic
- the seller's agent made associates aware of this by noting the requirements for showings on the Appointment Details log
- a COVID Safety Precautions document also noted requirements, which were: wear face masks, use hand sanitizer, avoid touching unnecessarily and a maximum of two people plus agent were allowed to be in the property
- on December 14, 2020, Mr. Schumaker had permission to bring his buyers to re-view the property
- Mr. Schumaker, the buyers, and one other person entered the property while not wearing masks
- \$1,500

Learning Opportunity

Licensees must exercise reasonable care and skill when a property is under their care and control. Licensees must ensure they obey the instructions of the seller when showing a property. It is of utmost importance to ensure licensees are not putting their clients' health at risk or risk the health of any parties involved in the transaction. In this case, the licensee should have followed the viewing conditions to wear masks, and only allow a maximum of two people plus the agent to be in the property, as stated on the COVID Safety Precautions document.

Licensees are encouraged to use the COVID-19 property access checklists and agree to the conditions for access, in writing.

[Seller's Condition to Access Premises Checklist](#)

[Buyer's Condition to View the Premises Checklist](#)

[COVID-19 and Real Estate](#)

[COVID-19 Information for Real Estate Consumers](#)

Administrative Penalties

[Shane Cameron Voth](#),

Real estate associate registered at the time with 4th Street Holdings Ltd. o/a Re/Max Real Estate (Central). Currently registered with EXP Realty of Canada Inc. o/a EXP Realty.

- subject to these rules, an industry member who establishes a client relationship when trading in residential real estate, property management, or when dealing in mortgages must enter into a written service agreement with that prospective client [s.43(1) of the *Real Estate Act Rules*]
- on September 5, 2019, Mr. Voth showed a residential property to a client
- on September 9, 2019, Mr. Voth submitted an offer on behalf of the client
- Mr. Voth established a client relationship with their client without a written service agreement in place
- \$1,000

Learning Opportunity

A written service agreement outlines the roles and responsibilities of the parties, clarifies the expectations of each party, and helps to ensure the client understands their relationship with the licensee. Clarity of roles, responsibilities, and expectations is essential to consumer trust and confidence. The service agreement must be discussed and presented to a prospective client prior to acting on their behalf in a real estate transaction. In this case, the licensee failed to have a complete and signed service agreement in place prior to providing real estate services to their client.

[Service Agreements – Real Estate Brokerage](#)

RECA Management

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The Case Summaries is published by the
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Please forward any questions regarding
the content of the Case Summaries, or any
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