

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010613
Name on Licence: Kenneth Robert Morrison
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Excellence Real Estate Edmonton Ltd. o/a Re/Max
Excellence
Process: Section 39 & 83 of the *Real Estate Act*

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 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: Kenneth Robert Morrison

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 54(2) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 54(2) A real estate broker, associate broker or associate, as the case may be, must not directly or indirectly, provide an inducement unless the inducement is provided by and on behalf of the brokerage with which the real estate broker, associate broker or associate is registered, details of the inducement are provided in writing and the broker has provided written approval.

Particulars of the contravention(s):

1. In or around June 2020 and August 2020 you offered an inducement to your client, [CLIENTS], without the authorization of your brokerage contrary to section 54(2) of the *Real Estate Act* Rules:
 - a) In June 2020 you represented the seller of a property when an amendment to the purchase contract was signed by the parties that required the Seller to replace and install a number of smoke and CO2 detectors on the property.
 - b) You informed your clients that you would pay for the detectors and the installation in order to satisfy these terms and would arrange for the installation.
 - c) You stated that the reason you offered this inducement was "for the sake of keeping the deal together".
 - d) You paid for the installation and purchase of the smoke and CO2 detectors outlined in the terms.
 - e) A dispute arose as you failed to install one smoke/ CO2 detector as described in the terms. This opened your clients up to the possibility of civil action by the buyer.
 - f) This inducement was not offered on behalf of your brokerage and was offered without the authorization of your broker.

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 March 5, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta