

## THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011126  
Name on Licence: Nirbhai Singh Sidhu  
Licence Type & Class: Mortgage Broker at time of conduct; currently  
Mortgage Associate  
Brokerage Name on Licence: City Best Mortgage Broker Inc. at time of  
conduct; currently registered with Enrich  
Mortgage Group o/a Mortgage Alliance - Enrich  
Mortgage Group  
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: Nirbhai Singh Sidhu**

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 67(1)(e) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

*67(1) A mortgage broker must:*

*(e) ensure the business of the brokerage is carried out competently and in accordance with the Act, the Bylaws, and these Rules;*

*118(2) Every mortgage brokerage shall, at all times while it holds an authorization, maintain errors and omissions insurance in the form of insurance and terms and conditions approved by the executive director.*

#### **Particulars of the contravention(s):**

In or around July 2018, you failed to ensure the business of the brokerage was carried out competently and in accordance with the Act, the Bylaws, and these Rules, contrary to section 67(1)(e) of the Real Estate Act Rules:

- a) July 1, 2018, your mortgage brokerage errors and omissions insurance expired. From July 1, 2018 to June 18, 2020, your mortgage brokerage failed to have insurance in place. You were the broker. This was a failure to ensure the business of the brokerage was carried out in accordance with the Rules.
- b) June 18, 2020, your mortgage brokerage ceased operations.
- c) During the period of July 1, 2018 to June 18, 2020, your brokerage handled mortgage files.

A mortgage brokerage is required to carry errors and omissions insurance. This provides protection for both consumers and the brokerage in the event of a claim. A mortgage broker must ensure the business of the brokerage is carried out in accordance with the legislation.

The Registrar considered the following aggravating and mitigating factors:

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

- Your brokerage did not have errors and omissions insurance for a two year period. This is a significant amount of time.

#### **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 April 15, 2021.

"Signature"

Charles Stevenson, Registrar  
Real Estate Council of Alberta

cc [R.A], Mortgage Broker  
Mortgage Alliance - Enrich Mortgage Group