

## THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010038  
Person: Joseph Chukwunenye Nwofor  
Licence Type & Class: Real Estate Associate; Not licensed in Property Management  
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY  
Penalty: \$2500.00

### 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: Joseph Chukwunenye Nwofor**

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

Rule at time of conduct:

### Section 17 - Licence 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 Industry Council.*

### Particulars of the contravention(s):

1. Between October 2018 and January 2020 you traded in real estate while not having the appropriate class of licence, contrary to section 17(a) of the *Real Estate Act* Rules:
  - a) In 2018, you did not renew your license to act as a property manager.
  - b) In February 2020, you stated you were not a property manager but a rental facilitator who would find renters for properties, complete tenancy agreements on behalf of property owners/landlords, and collect rents and damage deposits.
  - c) In July or August 2019 a property owner approached you for assistance in renting out her property at [ADDRESS].
  - d) The property owner engaged you to rent the property for her and you would collect a monthly fee for your services.
  - e) On or about August 7, 2019, renters signed a Fixed Term Tenancy Agreement for the property for the period August 28, 2019 through to August 31, 2020. You signed the agreement on behalf of the owner.
  - f) You collected the monthly rent from the renters and forwarded the amounts minus your fee to the owner.
  - g) In January 2020 you were advised by licensee [F.C] that your activities required an authorization for property management which you did not have. As a result, you needed to cease such activities.
  - h) In January 2020 your broker Ken Lamb advised you to cease all property management activities as the brokerage did not deal with property management.

The Registrar considered the following aggravating and mitigating factors:

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

- You were aware you were not licensed to act as a property manager but continued to act as one and profit from it.
- Your brokerage policies were clear that you were not to engage in property management activities.

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

- Your broker became involved and stopped the activity. You accepted his direction and stopped the activity voluntarily.
- You were cooperative throughout the review and acknowledged the above activity.

## 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: [R.B], 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 June 17, 2021

“Signature”

---

Charles Stevenson, Registrar  
Real Estate Council of Alberta

cc. Ken Lamb, Real Estate Broker  
Real Estate Professionals Inc.