

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011581
Name on Licence: Brent Randy Anderson
Licence Type & Class: Real Estate Associate Broker
Brokerage Name on Licence: Challenge Realty Ltd. o/a Maxwell Challenge Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500

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: Brent John Anderson

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(e) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(e) ensure the role of the licensee is clearly understood by their clients and third parties;

Particulars of the contravention(s):

In or around March 2021 you failed to ensure your role as a licensee in a transaction was clearly understood by your clients contrary to section 41(e) of the Real Estate Act Rules.

- a) On March 11, 2021 you attended a property located at [ADDRESS] (Property). You were invited to this Property by the sellers for the purpose of evaluating the Property and entering into a client relationship with the sellers to list the Property for sale.
- b) You attended the Property on March 11, 2021 with the mindset that you may purchase the Property for your mother. You did not clearly disclose this fact to the sellers.
- c) You solicited confidential information from the sellers about the Property, their financial position and real estate needs.
- d) On March 16, 2021 your brokerage entered into an Exclusive Buyer Representation Agreement with you and your cousin as buyers. You also signed an Agreement to represent both Seller and Buyer with you and your cousin both listed as buyers.
- e) On March 16, 2021 you prepared and signed a Residential Purchase Contract for this Property listing yourself and your cousin as the buyers.
- f) On March 18, 2021 you met with the sellers of the Property and formally entered into an Exclusive Representation Agreement with them. This agreement explained you were the designated agent of the sellers.
- g) After the sellers entered in an Exclusive Representation Agreement you presented them with the Residential Purchase Contract that was prepared on March 16, 2021.
- h) You simultaneously presented the sellers with the Agreement to represent Both Seller and Buyer which was prepared on March 16, 2021. This document indicated you were representing both the sellers and the buyers as a transaction brokerage, thus only facilitating the sale.
- i) You did not fully disclose to the sellers your conflict of interest until April 5, after the closing date for the sale.
- j) During this transaction you failed to ensure your role in the transaction was made clear. You attended the Property knowing that you had an interest in purchasing it, and solicited confidential information from the buyers. You had the sellers enter into an exclusive representation agreement after you had already entered in an exclusive representation agreement with your own brokerage as a buyer, and did not advise them of this. You had the sellers enter into both an exclusive representation agreement as well as a transaction brokerage agreement on the same day. You also failed to disclose your conflict of interest properly. This was not making your role clear to your clients in this transaction.

The Registrar considered the following aggravating and mitigating factors:

Mitigating Factors

- You have admitted to the conduct.
- You have no previous discipline history

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 September 13, 2021.

“Signature”

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [G.Z], Real Estate Broker
Maxwell Challenge Realty