

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010952
Name on Licence: Paramjit Singh Brar
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Mountain View Real Estate Inc. o/a Re/Max Real Estate (Mountain View)
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$2,000

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: Paramjit Singh Brar

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

Rule at time of conduct:

Rule 41 – *Industry members must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around November 2019 to March 2020 you failed to provide competent service to your client, [K.D] contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) In November 2019 you entered into a Commercial Seller Brokerage Agreement with [K.D] to represent her in the sale of two Subway Restaurants located at [ADDRESS] and [ADDRESS]. You then listed these properties for sale.
 - b) In February of 2020 you represented clients that were interested in purchasing these two restaurants. You then had the buyers and seller enter into an agreement to represent both buyer and seller.
 - c) In February 2020 you then prepared a Commercial Purchase Contract for these two properties and your clients signed this agreement. This contract included the lease of the property and a condition that the landlord was required to approve the new tenant.
 - d) It was discovered after this agreement was signed that [K.D] was not listed on the lease as Subway Canada is the lease holder of all Subway Restaurants in Canada.
 - e) You failed to review the title and lease of this property before listing the property for sale and preparing a purchase contract that included terms that the seller had no lawful control over. You also used a Commercial Property Contract for a business asset sale that included declarations by the seller that were not true. This was not providing competent service to your seller client or your buyer client.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You failed to take accountability for your actions and did not see any issues with this transaction

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 24, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [L.M], Real Estate Broker
Re/Max Real Estate (Mountain View)