

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011654
Name on Licence: Erald Shkalla
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: 2268740 Alberta Inc. o/a Equium Living
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$3,000 (see Schedule 2 of the Bylaws)

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: Erald Shkalla

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***.

*17 No person shall
(a) trade in real estate as a real estate broker,*

unless that person holds the appropriate authorization for that purpose issued by the Council.

Particulars of the contravention(s):

1. In or around November 2020 you acted as a property manager without authorization, which is a contravention of Section 17(a) of the *Real Estate Act*:
 - a) In or around November 2020 you agreed to provide property management services to the owner of a property located at [ADDRESS] (property).
 - b) The services you provided for this property included:
 - i) Locating a possible tenant to lease the property and facilitated two showings of the property to potential tenants.
 - ii) Preparing and presenting a lease agreement to a potential tenant for the property.
 - iii) Receiving funds from the tenant in relation to their lease of the property
 - c) You received financial remuneration in the amount of \$2,400 for the property management services rendered for this property.
 - d) At the time of these activities you were authorized to trade in residential real estate but did not have the class of license to conduct property management services.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need to deter this conduct as the public is at greater risk when dealing with an unauthorized individual, as unlicensed activity has the potential to invalidate errors and omissions insurance
- You were licensed to practice residential real estate at the time. You ought to have known what activities required a property management licence.

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 October 28, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [T.B], Real Estate Broker
2268740 Alberta Inc. o/a Equium Living