

# Case Summaries

November 24 - December 20, 2021

- » Administrative Penalties
- » Letters of Reprimand

# Case Summaries

Welcome to the Case Summaries monthly magazine.

Inside you will find the summaries for all disciplinary decisions occurring at the Real Estate Council of Alberta (RECA) since the previous newsletter, including any suspensions and approved lifetime withdrawals from the industry.

*RECA has reformatted case summaries to be more succinct and reduce duplication when cases deal with the same issues. This includes a new approach to the licensee's name. RECA has also increased focus on the learning opportunities, including issues that may be relevant but not directly related to a case.*

RECA is authorized to carry out conduct proceedings under [Part 3](#) of the *Real Estate Act*.

Some of the events mentioned in the decisions included in this issue occurred prior to December 1, 2020. The sanctions as noted, reflect the *Real Estate Act* as it was then applied. Learning opportunities reflect advice for licensees under the *Real Estate Act*, including the amendments that came into force on December 1, 2020.

Questions about disciplinary information RECA publishes and why? Review [RECA's Publication Guidelines](#) online.

For more information about the cases summarized in this publication, please click on the underlined blue heading at the start of each summary.

A close-up photograph of a person's hand typing on a silver laptop keyboard. The hand is wearing a blue long-sleeved shirt and a blue wristband. A semi-transparent blue rectangular overlay is positioned over the upper part of the image, containing the text 'Administrative Penalties' in white. In the foreground, a pair of black-rimmed glasses and a smartphone are visible on a wooden desk. A small potted plant is in the background.

# Administrative Penalties

## *Real Estate Act Rules s.40*

Licensees must immediately notify the Registrar of certain prescribed events, in writing.

### Reetam (Ricky) Chowdhury,

Real Estate Associate registered with at the time of conduct with Noralta Real Estate Inc. o/a Royal LePage Noralta Real Estate. Currently registered with Century 21 All Stars Realty Ltd.

- Chowdhury failed to immediately notify the registrar of a prescribe event, as specified under the *Real Estate Act Rules s.40*, in writing
- \$1,000

### Learning Opportunity

Licensees must immediately notify the Registrar in writing, when certain events occur (name change, discipline, criminal proceedings, etc.). In this case, the licensee had a situation requiring notification occur before they notified RECA. Immediately is defined as “without delay,” and in the absence of extraordinary circumstances, written notification to the Registrar should occur not more than five (5) days after the event in question.

Notifying the Registrar– Real Estate and Mortgage Broker Professionals

## *Real Estate Act Rules s.41(b)*

A real estate licensee must provide competent service.

### Satwinder Singh Lombsar

Real estate associate registered with Urban Real Estate Services Ltd. o/a Urban-Realty.ca

- Lombsar was representing buyers interested in viewing a property
- protocols for showing the property were listed on the Feature Sheet, and on signs that were in view on the kitchen counter
- masks were to be worn, and only two (2) adults plus the agent were allowed at a time
- on September 19, 2021, Lombsar had permission to bring their potential buyers to view the property
- none of the people in the party wore masks for the duration of the showing
- Lombsar stated they told everyone at the viewing they needed to wear a mask but allowed the viewing to continue without anyone wearing masks
- \$1,500

Learning Opportunity can be found on page 9.

### Kile George Meiklejohn

Real estate associate registered with EXP Realty of Canada Inc. o/a EXP Realty

- Meiklejohn was representing buyers interested in viewing a property
- the listing associate informed Meiklejohn masks were to be worn by all parties as part of the viewing protocols
- on September 22, 2021, Meiklejohn had permission to bring their buyers to view the property
- Meiklejohn was aware that masks were required but proceeded to enter the property anyway
- nobody wore masks when they entered the property
- the tenant residing in the property notified the listing associate that Meiklejohn's party weren't wearing masks
- \$1,500

### Learning Opportunity

Licensees must exercise reasonable care and skill when a property is under their control. They must obey the instructions of the seller and their brokerage when showing a property.

Property owners must have confidence their instructions will be followed, and brokerages expect licensees to follow their guidelines. This is especially important during the COVID-19 pandemic which presents additional risk when individuals enter a property.

Licensees are encouraged to use the COVID-19 property access checklists and agree to the conditions for access, in writing.

[Seller's Condition to Access Premises Checklist](#)

[Buyer's Condition to View the Premises Checklist](#)

[COVID-19 and Real Estate](#)

[COVID-19 and Real Estate Consumers](#)



### *Real Estate Act s.17(a)*

No person shall deal as a real estate broker unless that person holds the appropriate authorization.

### *Real Estate Act s.17(b)*

No person shall deal as a mortgage broker unless that person holds the appropriate authorization.

Nawab Homes & Real Estate Consulting and Dreamland Homes, Syed Hassan-Nawab Rizvi AKA Hassan Nawab, Syed Rizvi and Azher Haleem Chaudhary AKA Azher Haleem, Azer Chaudhary (Nawab, Dreamland et al)  
Not licensed

- [Instance 1 - \\$25,000](#)
- [Instance 2 - \\$25,000](#)
- [Instance 3 - \\$25,000](#)
- [Instance 4 - \\$25,000](#)
- [Instance 5 - \\$25,000](#)
- [Instance 6 - \\$25,000](#)
- [Instance 7 - \\$25,000](#)
- [Instance 8 - \\$25,000](#)
- [Instance 9 - \\$25,000](#)

**Total Fines: \$225,000**

- borrowers were referred to Dreamland Homes through their community as “the place to help with a mortgage”
- Dreamland Homes assisted borrowers in obtaining a mortgage
- Dreamland Homes advised borrowers which supporting documentation were required to secure a mortgage
- the borrowers provided information and documentation to Dreamland Homes
- Dreamland Homes then facilitated with providing documentation to a lender on behalf of the borrowers to secure a mortgage
- these activities required a licence to deal as a mortgage broker
- the borrowers communicated with Chaudhary at their office
- the borrowers paid a fee in cash for Dreamland Homes services
- the borrowers’ mortgages were funded
- the supporting documentation submitted to lenders was false and misleading

Learning Opportunity can be found on page 11.

- buyers were referred to Dreamland Homes through their community to assist with the purchase of a property
  - Dreamland Homes provided information about a property to a buyer
  - Dreamland Homes facilitated a buyer accessing the property for the purposes of viewing
  - the buyer visited the offices of Dreamland Homes where Residential Purchase Contracts Amendments and Notices on the buyer's behalf for the purposes of purchasing the property were drafted
  - Dreamland Homes advised the buyer to attend at the lawyers, to complete the purchase for the property
  - the buyers paid a fee in cash for Dreamland Homes services
- 
- on June 15, 2021, the Residential Real Estate Broker Industry Council and the Mortgage Broker Industry Council issued Dreamland Homes a direction under s. 10 of the *Real Estate Act* to cease holding themselves out to be dealing in mortgages and trading in real estate
  - in October 2021 Dreamland Homes contacted a licensee and identified themselves as a realtor from Nawab Homes
  - in October 2021, Dreamland Homes contacted a licensee and requested, on behalf of their client, a lockbox code to access and view a property
  - these activities required a licence
  - in November 2021 the Dreamland website advertised services that required a license

## Learning Opportunity

Unlicensed persons who provide services that require a licence put consumers at serious risk. Licensees should always check when working with a person who claims to be licensed that they are actually licensed. Unlicensed persons do not have the required education or errors and omissions insurance. Consumers working with unlicensed persons do not receive protection under the Real Estate Assurance Fund. In this case, Dreamland Homes (Chaudhary and Nawab) were not licensed to deal with mortgages and were not licensed to provide real estate services. They were contacted by RECA's Residential Real Estate Broker Industry Council and the Mortgage Broker Industry Council to cease operations and yet continued to trade in real estate transactions and deal in mortgages.

[Trading in Real Estate as a Real Estate Broker](#)

[Dealing in Mortgages as a Mortgage Broker](#)



A person is writing on a clipboard with a blue pen. The clipboard is on a wooden desk. The background is blurred, showing a person in a blue shirt. A blue semi-transparent rectangle is overlaid on the image, containing the text "Letters of Reprimand".

# Letters of Reprimand

## *Real Estate Act Rules s.32(d)*

A brokerage must immediately notify the Registrar, in writing, of a change in address of the brokerages registered business office.

## *Real Estate Act Rules s.32(g)*

A brokerage must immediately notify the Registrar, in writing, of a change in brokerage directors or shareholders.

### Mortgage Broker

- on April 1, 2021, the broker's brokerage changed its office registered address
- the broker reported this change to RECA on September 22, 2021

### Mortgage Broker

- on February 1, 2021, the broker changed their registered address of its affiliated Alberta office
- the broker reported this change to RECA on September 13, 2021

### Mortgage Broker

- in January 2021, the broker's brokerage had a change of brokerage directors and shareholders
- the broker reported the change to RECA on August 31, 2021

### Learning Opportunity

Brokerages must immediately notify the Registrar in writing, when certain events occur (change of brokerage address, change of directors, stakeholders, shareholders, etc.). RECA defines immediately as "without delay," and in the absence of extraordinary circumstances, written notification to the registrar should occur not more than five (5) days after the event in question. In this case, the broker failed to notify RECA of these changes. Brokerages can notify RECA of business address changes electronically.

### Responsibilities and Prohibitions – Mortgage Brokerage

## *Real Estate Act Rules s.41(b)*

A real estate licensee must provide competent service.

### Real Estate Associate

- the associate obtained permission to do a pre-possession walk through of a property on July 29, 2021, for themselves and their buyer clients
- on July 28, 2021, the associate and their buyer clients attended the property
- the associate did not have permission to access the property on that date
- the owner arrived and was surprised to find individuals in the property
- the associate thought they were entering the property under the agreed upon conditions
- the owner allowed the walk through to continue, but later filed a complaint

### **Learning Opportunity**

Licensees must ensure they exercise reasonable care and skill when showing properties. Consumers must trust that licensees have taken the proper steps to gain access and permission to view properties. In this case, the licensee should have ensured they were entering the property on the date they had permission to.

### Access to Property

e

## *Real Estate Act Rules s.41(b)*

A real estate licensee must provide competent service.

### Real Estate Associate

- on July 17, 2021, the associate had permission to access a property for the purpose of conducting a home inspection
- the associate attended the property with the home inspector and buyers
- the buyers brought an extra adult and three children to the property
- the seller did not give permission for any additional people to attend the property

### **Learning Opportunity**

When providing access for home inspections, licensees must adhere to the sellers' instructions when attending the property. Consumers expect licensees who are granted access to their property will remain in the care and control of that property at all times. In this case, the licensee failed to receive permission from the seller to allow additional individuals to attend the property while the home inspection occurred.

### Access to Property – Home Inspections





## RECA Management

RUSS MORROW  
Chief Executive Officer

JOSEPH FERNANDEZ  
Director of Education Programs

WARREN MARTINSON  
Director of Corporate Services

STACY PAQUIN  
General Counsel & Corporate Secretary

CHARLES STEVENSON  
Registrar

## CONTACT RECA

The Case Summaries is published by the Real Estate Council of Alberta.

Please forward any questions regarding the content of the Case Summaries, or any questions regarding licensing or mandatory education, to [info@reca.ca](mailto:info@reca.ca)

202, 1506 11 Avenue SW,  
Calgary, AB T3C 0M9  
Phone (403) 228-2954  
Toll-free 1-888-425-2754  
Fax (403) 228-3065

[www.reca.ca](http://www.reca.ca)