

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 004292-CM
Name on Licence: Rajneesh Aery
Licence Sector and Class: Mortgage Associate
Conduct Brokerage: 1170245 Alberta Ltd o/a Dominion Lending
Centres
Process: A Hearing under Part 3 of the *Real Estate Act*

Document: NOTICE OF HEARING

TO: Rajneesh Aery

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: Wednesday, January 26, 2022
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [J.C], Chair (Public Member)
[M.G], Panel Member (Licensee)
[K.M], Panel Member (Licensee)

(Alternates: [A.B], [D.R])

Counsel to the Panel: Shanna Hunka, Bishop & McKenzie LLP

It is alleged that your conduct is deserving of sanction for breaching sections of the *Act* or Rules. Here are the details:

1. In or around May 2014 you made representations or carried on conduct that was reckless or intentional and that misled or deceived any person or is likely to do so contrary to section 42(a) of the *Real Estate Act* Rules:
 - a) On January 16, 2014, [H.B] entered into a purchase contract with Mattamy Homes, the builder for the Property. The purchase price was \$416,940.00 with total deposits of \$30,000.00. This offer was open until January 21, 2014 and was accepted on that date. The possession date for the Property was May 29, 2014.
 - b) [H.B] paid the deposits in accordance with the deposit schedule, and also for extras that increased the purchase price to \$432,067.00 and the deposits to \$35,451.00 all of which were paid.
 - c) On April 28, 2014, Mr. Aery pulled [H.B]'s credit report and discovered that his credit score had decreased from 676 to 639. Based on that credit report, Mr. Aery informed [H.B] he would need a co-signer or 15% down.
 - d) [H.B] informed Mr. Aery that [P.H] would be his co-signer.
 - e) On May 8, 2014, Mr. Aery submitted a mortgage application for [H.B] and [P.H] to MCAP, the mortgage lender.
 - f) On May 9, 2014, a Mortgage Commitment was provided by MCAP (the "Lender") for [H.B] and [P.H] with conditions.
 - g) On or around May 12, 2014, Mr. Aery received a false employment letter from [J.D] confirming that [P.H] was permanently employed with his company [ALBERTA LTD] as a class 1 truck driver, earning \$3500.00 a month and under no probation.
 - h) Mr. Aery also received a paystub for [P.H] supporting his employment at [ALBERTA LTD] that he knew was falsified.

2. On or around May 2014, you participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings contrary to Rule 42(b) of the *Real Estate Act* Rules:
 - a) On January 16, 2014, [H.B] entered into a purchase contract with Mattamy Homes, the builder for the Property. The purchase price was \$416,940.00 with total deposits of \$30,000.00. This offer was open until

January 21, 2014 and was accepted on that date. The possession date for the Property was May 29, 2014.

- b) [H.B] paid the deposits in accordance with the deposit schedule, and also for extras that increased the purchase price to \$432,067.00 and the deposits to \$35,451.00 all of which were paid.
- c) On April 28, 2014, Mr. Aery pulled [H.B] credit report and discovered that his credit score had decreased from 676 to 639. Based on that credit report, Mr. Aery informed [H.B] he would need a co-signer or 15% down.
- d) [H.B] informed Mr. Aery that [P.H] would be his co-signer.
- e) On May 8, 2014, Mr. Aery submitted a mortgage application for [H.B] and [P.H] to MCAP, the mortgage lender.
- f) On May 9, 2014, a Mortgage Commitment was provided by MCAP (the "Lender") for [H.B] and [P.H] with conditions.
- g) On or around May 12, 2014, Mr. Aery received a false employment letter from [J.D] confirming that Mr. Hans was permanently employed with his company [ALBERTA LTD] as a class 1 truck driver, earning \$3500.00 a month and under no probation.
- h) Mr. Aery also received a paystub for [P.H] supporting his employment at [ALBERTA LTD] that he knew was falsified.
- i) On or around May 26, 2014, Mr. Aery submitted the false employment letter and paystub to MCAP, a mortgage lender.

Virtual Hearings

Hearings at RECA are conducted virtually. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive help in participating in the virtual process.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal*
- *RECA Self-Represented Program*

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen At the Hearing

After hearing all evidence and argument the Panel will decide whether the Registrar has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your authorization
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Evidence

You can ask the Panel to allow you to provide written arguments at the end of presentation of evidence. The Panel will give directions on how this may be done.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing. If you do not have a representative please read information for unrepresented Licensees here:

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on December 16, 2021.

“Signature”

Charles Stevenson
Registrar of the Real Estate Council of Alberta

Contact Information:

<p>Hearings Administrator:</p> <p>Email: hearingsadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>	<p>Administrator for Counsel for the Registrar:</p> <p>Email: conductadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>
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