

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011888.001
Subject Licence: Anthony Philipp Schumacher
Licence Sector and Class: Real Estate Associate
Conduct Brokerage: Lampas Holding Ltd. o/a Re/Max River City
Process: A Complainant Appeal, s.40 of the *Real Estate Act*

DOCUMENT: NOTICE OF COMPLAINANT APPEAL

To: Jaimee Hobbs

A hearing is set for your appeal. Read this entire document to see what you must do.

Hearing Information

Date: Friday, April 22, 2022
Time: 9:30 a.m.
Location: The Nakiska Room, 2nd Floor
1506 11 Avenue SW, Calgary, Alberta

Hearing Panel: [K.S] (Public Member)
[J.P] (Licensee)
[W.R] (Licensee)

(Alternates: [J.A], [M.W], [S.D])

Counsel to the Panel, Marc Matras, Gowlings WLG

No Disclosure

In accordance with Part 12 of the *Hearing and Appeal Practice and Procedure Guidelines* the investigation file is only disclosed to the Panel. Evidence gathered in an investigation is confidential and includes personal information protected by privacy laws. The Panel however will receive the entire file for purpose of the appeal.

You can write your argument for the Hearing Panel

(See Part 12 of the *Hearing and Appeal Practice and Procedure Guidelines*)

Write a summary of why you are appealing for the Panel to review before the hearing. Limit the summary to 10 pages and address the following:

- Your reasons for the appeal: why is the Registrar's decision wrong?
- What evidence did you provide to the investigator that shows the decision is wrong?
- Is there legislation or case law that supports your reasons?

Send your summary by email, fax or mail to the **Hearings Administrator**, and the **Administrator for Counsel for the Registrar** (contact information below) by Friday, March 11, 2022.

The Registrar has **2 weeks** to reply. You will receive a copy of this reply.

You may reply to the Registrar's reply. You have **1 week** to send your reply to the Hearings Administrator after you receive a copy of the reply.

The Panel will receive your summary and the Registrar's reply before the hearing.

Why You Should Attend the Hearing

The hearing is your opportunity to argue your side of the case in front of the Panel and answer any questions they have.

Learn About the Hearing Process

Please read these guides on the RECA website

- *Appealing the Registrar's Decision That No Further Action be Taken*
<http://www.reca.ca/wp-content/uploads/2018/07/Appealing-ED-Decision-No-Further-Action.pdf>
- *Hearing and Appeal Practice and Procedures Guidelines PART 12*
<https://www.reca.ca/wp-content/uploads/2018/07/Hearing-and-Appeal-Practice-and-Procedures.pdf>

These are under the **Complaints and Discipline** menu -> **Hearings**

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

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 reading the arguments and hearing from you and the Registrar the Panel must make one of the following findings under **section 40(2)** of the *Real Estate Act*:

- The complaint is frivolous or vexatious
- There is insufficient evidence of conduct deserving of sanction, or
- There is sufficient evidence to warrant a hearing on the conduct.

If the Panel finds that the complaint was frivolous and vexatious, it can order you to pay the costs of the investigation into your complaint and your appeal. This is very rare however.

You Can Get Legal Advice

You can get advice from a lawyer for your appeal, and you may have a lawyer represent you in the appeal.

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, tell 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 the date set for the hearing you can ask 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, February 15, 2022.
(date)

“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 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 202, 1506 11 Avenue SW Calgary, Alberta, T3C 0M9</p>
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