

Case Summaries

December 21, 2021 - February 17, 2022

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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. A semi-transparent blue rectangular box is overlaid on 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 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.

Gagandeep Singh,
Not licensed

- [Instance 1 - \\$25,000](#)
- Instance 2 - \$15,000

Total Fines: \$40,000

- on November 30, 2020, Singh's licence was suspended by order of the Administrator of the Real Estate Council of Alberta
- between August–September 2021, Singh represented buyers with their purchase of a property and assisted them in obtaining a mortgage
- activities performed in relation to this transaction were:
 - showing clients properties for sale
 - negotiating the terms of a contract
 - communicating with the builder's representative that was selling the property on behalf of the client
 - providing advice to the clients in relation to the transaction
 - sending these clients DocuSign transaction documents and directing them to sign them
 - sending No Fee Fiduciary Agreements to multiple clients in order to enter into a client relationship for the purpose of obtaining a mortgage for the clients
- the documentation in place for these services suggested a different individual (a licensed associate), not Singh, was representing the buyers
- at no time did Singh inform the clients that their real estate and mortgage licenses had been suspended

Learning Opportunity

Unlicensed persons who provide services that require a licence put consumers at serious risk. 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, Singh represented themselves as being authorized to trade in real estate and broker mortgages while their licence in each industry was suspended.

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

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

Real Estate Act Rules s.38(4)

A person who is required to answer the questions of an investigator must cooperate.

[Gurpreet Singh Saggu and Chhamandeep Kaur Saggu,](#)

Members of the Public

- on November 12, 2021, Saggu and Saggu were contacted by a RECA investigator via email to discuss an ongoing investigation
- on November 16, 2021, Saggu and Saggu responded to this email stating that they would respond to questions provided via email
- on November 16, 2021, the investigator informed Saggu and Saggu that a recorded, in-person interview was necessary, so that Saggu and Saggu could speak to specific documents and allow the investigator sufficient opportunity to explore any information provided
- Saggu and Saggu did not respond to this email or contact the investigator
- on December 2, 2021, the investigator sent Saggu and Saggu a Demand Letter via email and the postal service requesting they present themselves for an interview on provided dates
- on December 7, 2021, Saggu and Saggu responded to this email stating they would not attend RECA offices to be interviewed and refused to answer any questions by the investigator
- on December 7, 2021, the investigator emailed Saggu and Saggu advising that refusal to cooperate could lead to the Registrar issuing an administrative penalty
- on December 8, 2021, Saggu and Saggu responded to this email stating they would only answer questions via email and would not present themselves at RECA offices to be interviewed
- \$5,000

Learning Opportunity can be found on page 13.

- on December 2, 2021, a RECA investigator contacted Virk and Virk by the phone regarding an investigation
- Virk and Virk indicated they would attend RECA offices for an interview and provided their email address
- on December 2, 2021, the investigator sent an email to the email address provided asking Virk and Virk to provide a date and time that was convenient for them to attend RECA's offices for an interview
- Virk and Virk did not respond to the email
- on December 8, 2021, the investigator sent another email requesting Virk and Virk provide an answer to the December 2, 2021 email
- again, Virk and Virk failed to respond to the email
- on December 9, 2021, the investigator sent a Demand for Information Relevant to an Investigation under the Real Estate Act via email and the postal service
- this Demand requested Virk and Virk select a date to appear for an interview and had a due date of December 14, 2021
- Virk and Virk were also provided a copy of the legislation supporting the Demand
- on January 2, 2022, Virk and Virk collected and signed for this demand from a Canada Post Office
- on January 11, 2022, Virk and Virk sent an email to the Investigator indicating they would not cooperate with the investigation
- \$5,000

Learning Opportunity

Individuals are required by the *Real Estate Act* to cooperate with an investigation. Cooperation means providing truthful and complete responses in a timely and constructive manner. In these cases, the individuals failed to cooperate with an investigator to meet to answer questions regarding an open investigation. Multiple requests to meet were sent to the individuals. The individuals continually failed to respond to these requests. This was a failure to cooperate with the investigator.

Guide to Investigations for Licensees

Real Estate Act Rules s.41(d)

A real estate licensee must fulfill their fiduciary obligations to their client.

Al-Nawaz Mohamed Dharamsi,

Real estate associate registered at the time of conduct with 1601407 Alberta Ltd. o/a Re/Max Complete Realty. Currently registered with Bryken Investments Ltd. o/a Re/Max Complete Realty

- on August 7, 2019, Dharamsi entered into an Exclusive Seller Representation Agreement with clients for the sale of their home
- on August 9, 2019, Dharamsi left the country for approximately 11 days
- Dharamsi had a fiduciary obligation to ensure their clients' interests were protected in their absence
- Dharamsi failed to make appropriate arrangements or follow their brokerage policy of appointing another licensee in the brokerage during their absence
- Dharamsi verbally informed their seller clients that another agent would be assisting them to ensure no showing opportunities were missed
- the licensee referred by Dharamsi was registered with a different brokerage and was not an appropriate point of contact on their behalf
- the sellers and buyer entered a purchase contract
- on August 14, 2019, Dharamsi sent their clients a copy of a blank amendment to the purchase contract for them to sign
- the amendment was to change the buyer's name on the purchase contract, however that portion was left blank
- on September 23, 2019, this transaction collapsed
- \$3,000

Learning Opportunity

Licensees must always fulfill their fiduciary obligations to their clients. In this case, the licensee should have made appropriate arrangements of appointing another licensee at their brokerage during their absence. The licensee appointed was not part of the same brokerage and was not a suitable representative. In addition, having clients sign blank documents is not in their best interest and does not fulfill a licensee's fiduciary obligation to them.

[Trading in Real Estate – Residential Real Estate](#)

[Service Agreements - Real Estate Brokerage](#)

Real Estate Act Rules s.53(a)

A real estate associate or associate broker must only trade in real estate in the name that appears on their license, and in the name of the brokerage to which they are registered.

Jessica Hang Chan.

Real estate associate broker registered with Mountain View Real Estate Inc. o/a Re/Max Real Estate (Mountain View)

- on August 17, 2020, a Residential Tenancy Agreement was completed in Chan's company name, Jessica Chan Real Estate Inc, listing them as the landlord for a property
- Chan was not the owner of the property
- Chan's responsibilities included signing leases, which is a service that requires a licence
- Chan was registered with Re/Max Real Estate (Mountain View) during this time
- Chan was trading in real estate in a name other than their registered brokerage name
- \$1,500

Learning Opportunity

Licensees must trade under the brokerage that appears on their licence. In this case, the licensee listed their own branded company name and not their brokerage name. Listing their own company name can lead to confusion for consumers about who is representing them.

Advertising – Licensed Name

Real Estate Act Rules s.91(4)

A real estate brokerage's accounting must be filed with RECA no later than 3 months after the brokerage's fiscal year end.

[Abid Rasheed](#),

Real estate broker registered with RAI Realty Ltd. o/a Bluepoint Realtors

- Rasheed's brokerage fiscal year end was June 30, 2021
- RECA sent numerous reminder emails to Rasheed's brokerage email address and their personal email address reminding them that the required accounting forms must be filed by September 30, 2021
- each email reminder gave clear instructions on what forms were required, a link to RECA's website that explained how to access the forms, and a warning that failure to complete the required forms by September 30, 2021, could result in an administrative penalty
- RECA received the forms on October 18, 2021
- \$1,500

Learning Opportunity

Brokerages provide accounting reports to RECA to ensure trust funds are being properly administered to protect the public and the integrity of the industry. A brokerage must file its accounting with RECA no later than three months after the end of the brokerage's fiscal year. In this case, the broker failed to file the forms by the deadline despite RECA sending numerous reminders.

[Real Estate Fiscal Year End](#)

Real Estate Act Rules s.41(b)

A real estate licensee must provide competent service.

Denis Gregory Rowley,

Real estate associate registered with Elite Ownership Group Ltd. o/a Re/Max Elite

- Rowley was representing buyers interested in viewing a property
- the seller of the property required anyone viewing the property to wear a mask
- this requirement for showing the property was on the Feature Sheet and stated masks were to be worn inside the property
- on September 23, 2021, Rowley had permission to bring their potential buyers to view the property
- Rowley and the buyers failed to wear masks for the duration of the showing
- \$1,500

Janelle Alvaro Santarina,

Real estate associate registered with Real Estate Professionals Inc.

- Santarina represented buyers interested in viewing a property
- the protocols for showing the property were listed on ShowingTime notes, which stated masks were to be worn and only two adults plus the agent were allowed in the property at one time
- the property also had a sign stating that face coverings were required in the house
- on August 14, 2021, Santarina had permission to bring their potential buyers to view the property
- Santarina and the buyers failed to wear masks for the duration of the showing
- \$1,500

Learning Opportunity can be found on page 11.

Michael James Sheret,

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

- Sheret was representing buyers interested in viewing a property
- there were several conditions put in place on viewing this property, including a maximum of two adults with their real estate representative in the property at a time
- these conditions were put in a form and anyone accessing the property had to sign this form acknowledging the conditions
- Sheret signed and initialed the form in several places
- on October 7, 2021, Sheret had permission to bring their potential buyers to view the property
- Sheret's two clients also brought an extra person
- Sheret allowed the extra person to enter the property
- this extra person had not signed the required form prior to entering the property and this extra person exceeded the allowable number of people in the property
- \$1,500

Learning Opportunity

Licensees must exercise reasonable care and skill when a property is under their care and 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 Information for Real Estate Consumers](#)

Real Estate Act Rules s.40

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

[Maria Medester Dey](#),

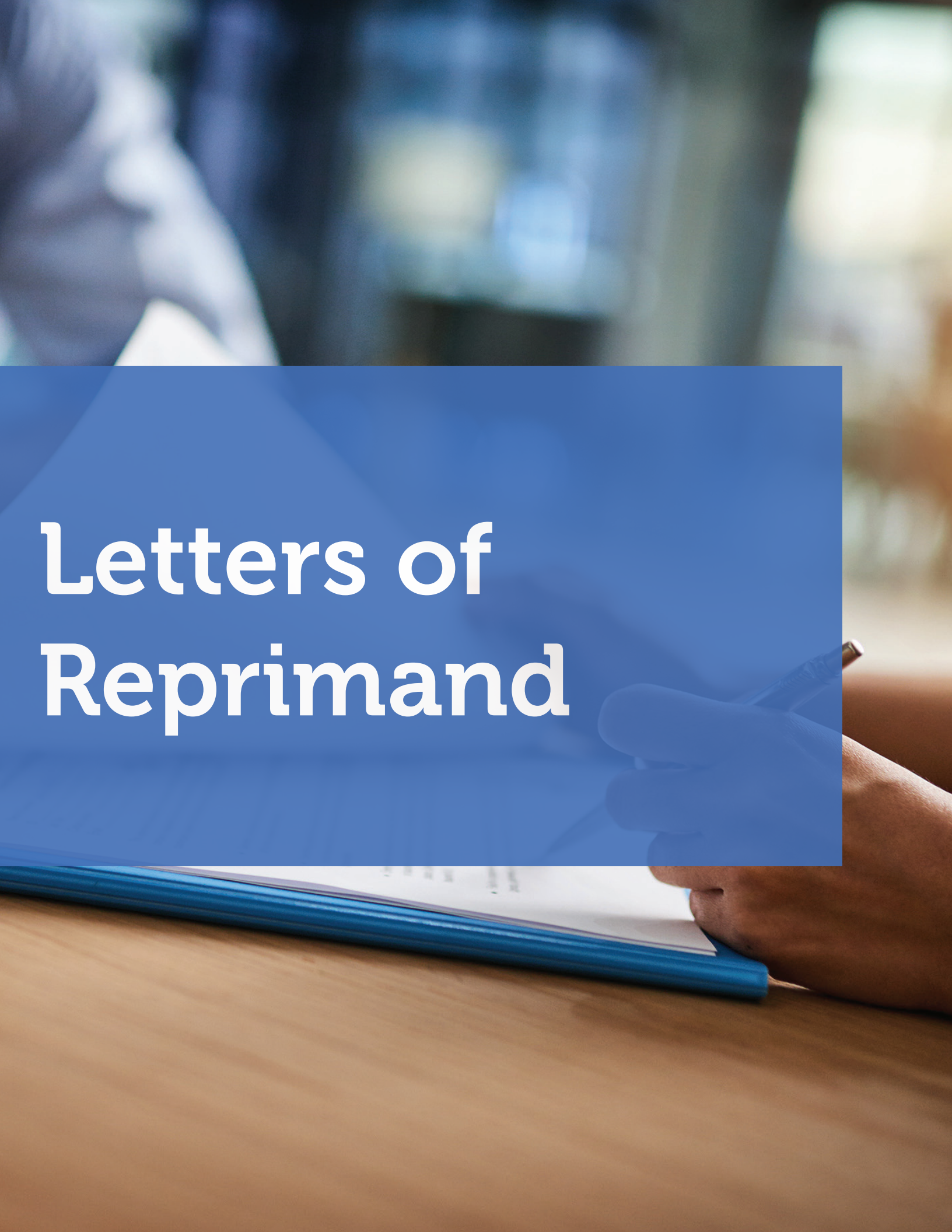
Real estate associate registered with Polaris Realty (1995) LTD. o/a Maxwell Polaris

- Dey failed to immediately notify the registrar of a prescribed event, 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](#)



Letters of Reprimand

Real Estate Act Rules s.41(b)

A real estate licensee must provide competent service.

Mortgage Associate

- between August 2016 and July 2017, the associate was approached by three separate clients for their assistance in obtaining financing for three separate properties
- the associate's clients engaged the associate to act as their mortgage broker to obtain financing for the purchase of the properties and provided the associate with documents relating to their employment and finances to assist with the applications
- the associate failed to review the documents presented and in turn missed inconsistencies relating to employment and income

Learning Opportunity

Licensees must be competent in all areas in which they provide services. In this case, the licensee should have ensured they were reviewing all documents they were provided by their clients to ensure accuracy. The licensee failed to review the documents and in turn missed inconsistencies related to the documents. Failing to note the inconsistencies put both the clients and the lenders interests at risk.

Competent Service



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

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