

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 012434
Name on Licence: Ajay Esher Kainth
Licence Type & Class: Real Estate Associate
Conduct Brokerage: 4 Million.Ca Inc. o/a Estateview
Registered Brokerage: Grand Realty & Management Ltd. O/A Grand Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00 (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: Ajay Esher Kainth

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 21 of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 21 - A broker, associate broker, or associate as the case may be, must immediately notify the registrar in writing of any changes in the information provided to the registrar in support of the licence application that occur during the application process or after the licence is issued.

Particulars of the contravention(s):

1. Between September 2020 and September 2021 you failed to immediately notify the registrar in writing of any changes in the information you provided in support of your licence application contrary to section 21 of the *Real Estate Act* Rules:
 - a) On September 26, 2019, you submitted a License Renewal Application. In that application you represented you had not been charged with a criminal offence.
 - b) On or around August 1, 2020, criminal code proceedings were commenced against you. You failed to immediately notify the registrar of a change in the information you provided in your September 26, 2019 licensing application.
 - c) On September 25, 2020, you submitted a License Renewal Application. In that application you represented you had not been charged with a criminal offence. At this time, you had been charged with a criminal offence. You failed to immediately notify the registrar of a change in the information you provided in your September 25, 2020, licensing application.
 - d) On January 14, 2021, you submitted a License Transfer application to change brokerages. In that application you represented you had not been charged with a criminal offence. At this time, you had been charged with a criminal offence. You failed to immediately notify the registrar of a change in the information you provided in your January 14, 2021, licensing application.
 - e) On September 16, 2021, you submitted a License Renewal Application. You declared that you complied with the requirements of Section 40 of the *Real Estate Act*. At this time, you had been charged with a criminal offence. You failed to immediately notify the registrar of a change in the information you provided in your September 16, 2021, licensing application.

Aggravating Factors

- There were multiple instances where you failed to immediately notify the Registrar of changes in the information you provided in a licensing application.

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: [A.L], Investigator
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 March 21, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc. [E.W], Real Estate Broker
Grand Realty