THE REAL ESTATE COUNCIL OF ALBERTA

Case Number:	012296
Name on Licence:	Vincent Leroy Boyles
Licence Type & Class:	Real Estate Broker
Brokerage Name on Licence:	Montcalm Properties Ltd.
Process:	Section 39 & 83 of the *Real Estate Act*
Document:	ADMINISTRATIVE PENALTY
Penalty:	$1,500.00

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: Vincent Leroy Boyles

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 91(4) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

91(4) A brokerage's accounting shall be filed with the Council not later than 3 months after the end of the brokerages fiscal year and shall cover the fiscal year or, where the brokerage did not carry on business for the entire fiscal year, that part of the fiscal year for which the brokerage carried on business.

Particulars of the contravention(s):

1. You failed to file your brokerage accounting within 3 months of your fiscal year end contrary to section 91(4) of the *Real Estate Act* Rules:
    a) Your brokerage fiscal year end was July 31, 2021.
    b) You were sent numerous reminder emails to the brokerage email address and your personal email address reminding you that the required accounting forms must be filed by November 1, 2021.
    c) 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 November 1, 2021, could result in an administrative penalty
    d) You have stated you have provided the necessary reports but have not provided any evidence to support that.
    e) To date, RECA has not received your brokerage accounting fiscal year end reports. Paying this penalty does not remove the responsibility of filing your outstanding brokerage accounting forms with RECA.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- RECA has made clear that we have not received your brokerage accounting reports. While you appear to believe you filed your accounting forms, you have failed to take sufficient steps to get RECA the accounting forms since becoming aware we did not receive them.

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:	[C.S], 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 4, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta