

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011237  
Name on Licence: Jason Michael Duncan  
Licence Type & Class: Real Estate Broker  
Brokerage Name on Licence: RentPerks Alberta LP  
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY  
Penalty: \$1,000.00

**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: Jason Michael Duncan**

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 43(1) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

*43(1) – Subject to these rules, a licensee who establishes a client relationship when trading in residential real estate, engaging in property management, or when dealing in mortgages must enter into a written service agreement with that prospective client.*

### Particulars of the contravention(s):

1. In or around December 2019 you failed to enter into a written service agreement with a client contrary to section 43(1) of the *Real Estate Act* Rules:
  - a) In December 2019 you purchased the book of business from Picasso Properties. Consequently, several property owners became clients of RentPerks Alberta LP.
  - b) You failed to enter into a written service agreement with clients. This created confusion on your obligations to a client and what authority the brokerage had to act on the client's behalf.

A written service agreement outlines the roles and responsibilities of the parties, clarifies the expectations of each party, and helps to ensure the client understands their relationship with the brokerage. Clarity of roles, responsibilities, and expectations is essential to consumer trust and confidence.

The Registrar considered the following aggravating and mitigating factors:

#### *Aggravating Factors*

- Your failure to present and discuss the written service agreement when establishing the client relationship led to confusion on your obligations with a client.

#### **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 May 5, 2022.

**"Signature"**

Charles Stevenson, Registrar  
Real Estate Council of Alberta