

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011848
Name on Licence: Mohammad Mussa Khan
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Urban Real Estate Services Ltd. O/A Urban-Realty.ca
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: Mohammad Mussa Khan

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 46(2) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

46(2) A licensee must not delegate, assign, request, direct or in any way allow an unlicensed or unregistered assistant to perform tasks that must only be performed by an licensee.

Particulars of the contravention(s):

1. Between February 2021 and May 2021, you allowed an unlicensed assistant to perform tasks that can only be performed by a licensee, contrary to section 46(d) of the *Real Estate Act* Rules:
 - a) In February 2021, your father, [R.I], contacted a potential client and informed her that you and your father could represent them in a real estate transaction.
 - b) Between February and March 2021, [R.I] collected confidential information from your client, provided advice on properties and transactions, arranged showing of listed properties and obtained instructions from your client about specific transactions.
 - c) [R.I] was not licensed during the time he was performing these tasks. These tasks required a licence and could only be performed by a licensee. You did not believe these tasks required a licence.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- It is important for the protection of consumers that only licensed individuals provide advice during a real estate transaction

Mitigating Factors

- You have admitted to the conduct and have stated that it will not be repeated

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: [B.T], 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 26, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [S.P], Real Estate Broker
Urban-Realty.ca