

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 005065.001  
Process: A Hearing under Part 3 of the *Real Estate Act*  
Licensee: Sukhwinder Randhawa  
Class of License: Real Estate Associate  
Registration: Currently registered with Lampas Holdings Ltd. O/A  
Re/Max River City

Document: NOTICE OF HEARING

TO: Sukhwinder Randhawa

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

**Hearing Information**

Date: Friday, June 10, 2022  
Time: 9:30 a.m.  
Location: Virtual Hearing via Microsoft TEAMS Platform  
Hearing Panel: [J.A] - Chair, Panel Member (Public Member)  
[J.M] - Panel member (Licensee Member)  
[J.P] - Panel member (Licensee Member)

(Alternates [A.B], [S.D], [W.R])

Counsel for the Panel: N/A

It is alleged that your conduct is deserving of sanction for breaching sections of the *Act* or Rules. Here are the details:

- 1) You provided services to a client in a trade in which you had a conflict of interest without receiving the written and informed consent of that client, contrary to section 54(3) of the *Real Estate Act* Rules.
  - i. In June of 2014 you represented both sides in a purchase and sale agreement. You had a relationship with the purchaser and that was not disclosed in writing to the seller.
- 2) You failed to fulfill your fiduciary obligations contrary to section 41(d) of the *Real Estate Act* Rules.
  - i. You represented a client in the purchase of a property in June of 2014. That client required financing to complete the transaction. You failed to include a buyer's financing condition and the deal collapsed.
- 3) You failed to provide both a buyer and seller you represented on the same deal with a transaction brokerage agreement, contrary to section 59(2) of the *Real Estate Act* Rules.
  - i. You represented the same buyer and seller in two failed transactions (June and November 2014). Neither party signed or was provided with a transaction brokerage agreement.
- 4) You failed to provide your broker in a timely manner all original documentation and copies of original documents related to a trade in real estate, contrary to section 53(c) of the *Real Estate Act* Rules.

- i. In June of 2014 you represented both sides in the purchase and sale of a property. The deal collapsed and you did not provide the agreement to your brokerage.
- ii. In November 2014 you represented the same two clients in a second purchase and sale agreement. You did not provide the agreement to your brokerage.

### **Why You Should Attend the Hearing**

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

### **Learn About the Hearing Process**

Please read these guides on the RECA website:

- *Hearing and Appeal Practice and Procedures Guideline and*
- *Guide for How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal Panel*

*Both are found on the RECA Website: RECA>Complaints & Discipline>Hearing Information and Procedures*

### **What You Should Bring to the Hearing**

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

### **What Will Happen If You Don't Attend**

If you do not attend the Panel may proceed to make a decision without you.

### **What Will Happen At the Hearing**

After hearing all evidence and argument the Panel will decide whether the Executive Director has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your license
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

### **Submitting Written Arguments After the Hearing**

You can provide written arguments at the end of the hearing or after the end of the hearing

You must provide these to the **Hearings Administrator** and **Counsel for the Registrar** (contact information below) **no later than 15 days after the end of the Hearing**.

Contact the Hearing Administrator if you need more time.

### **You Can Get Legal Advice**

You may get legal advice and may be represented by legal counsel at the hearing.

If you do not have a representative please read *Information for Unrepresented Industry Members*:

<http://www.reca.ca/industry/content/publications-resources/guides.htm>.

### If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

### Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on May 12, 2022.

“Signature”

Charles Stevenson, Registrar  
of the Real Estate Council of Alberta

### Contact Information

Hearings Administrator: Email: <a href="mailto:hearingsadmin@reca.ca">hearingsadmin@reca.ca</a> Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9	Lawyer for the Registrar: Email: <a href="mailto:conductadmin@reca.ca">conductadmin@reca.ca</a> Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9
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