

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 012342
Name on Licence: Fatima Mian
Licence Type & Class: Real Estate Associate Broker
Brokerage Name on Licence: Walsh Real Estate 2010 LTD. O/A Re/Max Fort
McMurray
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: Fatima Mian

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around November 2021 you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) November 15, 2021, you were arranging an inspection for your Buyer clients. You asked the seller's agent if it was okay to have the Buyer and inspector alone in the property. In a text message from the listing associate, you were told this was not okay.
 - b) November 17, 2021, you attended the property for the inspection. You had asked a colleague to attend the property for you as you had an obligation that conflicted with the inspection. That colleague was unable to attend. You made no attempts to contact the seller's agent to notify them of your situation and discuss options. You decided to disregard the seller's restriction and left the property leaving the Buyers and inspector alone in the property. This was a failure to provide competent service.
 - c) You returned to the property before the inspection finished.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You were specifically told that the seller was not allowing you to leave the buyer and the inspector unattended in the property during the inspection.

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 June 16, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [K.E], Real Estate Broker
Re/Max Fort McMurray