

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013242
Person: Lisa Xie
Licence Type & Class: Not licensed
Process: Section 83 of the *Real Estate Act*
Document: ADMINISTRATIVE PENALTY
Penalty: \$5000.00

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*.

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: Lisa Xie

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 17(c) of the *Real Estate Act***.

Section 17 - Licence Required

17 No person shall

(a) trade in real estate as a real estate broker,

(b) deal as a mortgage broker,

(c) act as a property manager, or

(d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or property manager

unless that person holds the appropriate licence for that purpose issued by the Industry Council relating to that industry.

Particulars of the contravention(s):

1. In or around June 2022 you acted as a property manager without having the required licence, contrary to section 17(c) of the *Real Estate Act*:
 - a) In June 2022, [B.B] approached you in response to your advertisement on RentFaster for a property she was interested in renting. You told her that property was unavailable, however you had another property she could look at located at [ADDRESS]. You were advertising properties for rent on behalf of an owner. That activity required a licence.
 - b) [B.B] met with you at the property. You showed [B.B] the property and told her you were the property manager. Showing the property to a prospective tenant on behalf of an owner was an activity that required a licence.
 - c) [B.B] stated you collected her rent application as well as other documents containing personal information.
 - d) You also stated you had 7 or 8 other properties listed on RentFaster to lease. There were multiple rental advertisements listed on RentFaster with your contact information.
 - e) You were not licensed as a property manager with RECA.
 - f) You told the investigator that you worked for a property management company that had 3 licensed staff and you followed their instructions. When requested to provide the name of the property management company and licensees you worked with, you refused to provide any information.

The Registrar considered the following aggravating factors:

Aggravating Factors

- Unlicensed persons who provide services that require a licence put consumers at risk. Often, unlicensed persons do not have the required education or errors and omissions insurance. There must be general deterrence of unlicensed activity.
- You were not forthcoming or cooperative in providing information during the investigation. RECA's ability to effectively investigate complaints depends on cooperation.

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: [R.B], 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 October 6, 2022.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta