

Case Summaries

February 22 - May 23, 2023

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Case Summaries

Welcome to RECA's Case Summaries.

Inside you will find the summaries for all disciplinary and regulatory decisions occurring at the Real Estate Council of Alberta (RECA) since the previous newsletter, including any suspensions and approved lifetime withdrawals from the industry.

The Case Summaries are drafted with a focus on learning opportunities, including issues that may be relevant but not directly related to the case at hand.

RECA is authorized to carry out conduct proceedings under [Part 3](#) of the *Real Estate Act*.

Learning opportunities reflect advice for licensees under the *Real Estate Act*, including the amendments that came into force on December 1, 2020.

Questions about disciplinary information RECA publishes and why? Review [RECA's Publication Guidelines](#) online.

A wooden house model is shown in the foreground, with its roof and a window visible. The house is made of light-colored wood. In the background, a document with text is visible, but it is out of focus. A blue semi-transparent rectangle is overlaid on the image, containing the text "Lifetime Withdrawals".

Lifetime Withdrawals

Michael Emmanuel Francis - Lifetime Withdrawal from Industry

On March 14, 2023, the Residential Real Estate Broker Industry Council of the Real Estate Council of Alberta (RECA) approved an application by Michael Emmanuel Francis under s.54 of the *Real Estate Act* to permanently withdraw their licence, effective immediately.

At the time of their application, Francis was the subject of an investigation under the *Real Estate Act*, due to several complaints. A total of nine matters were under investigation. The most serious issues under investigation were:

Multiple instances of:

- failing to act competently in a transaction, contrary to s. 41(b) of the *Real Estate Act* Rules
- signing a backdated Contract for Posting Without Representation with an inflated purchase price that had been prefilled by an unlicensed third party
- listing the property on an online listing database prior to having this contract signed, and did so with an inflated purchase price, despite the broker advising the price was too high
- posting the property on an online listing database without measuring it, and relying on measurements from an unlicensed third party unfamiliar with the RMS
- failing to provide their broker in a timely manner all original documentation provided to the parties or maintained by other brokerages, contrary to s. 53(c) of the *Real Estate Act* Rules

And further instances of:

- relying on an unlicensed third party to pull title
- providing backdated FINTRAC sheet to the brokerage
- failing to provide their brokerage with the transaction record sheet or the measurements of the property
- provided the Contract for Posting Without Representation and FINTRAC sheet to the brokerage more than a month after the property was already listed
- did not inform their brokerage of this transaction yet a third party drafted forged documents from their brokerage confirming commissions.
- did not provide their brokerage with any information about the listing and transaction until the brokerage demanded it during the investigation well after the listing and sale
- inflated the purchase price on an online listing database without basis
- presented a Residential Purchase Contract to sign which was prefilled by an unlicensed third party, and falsely listed the buyer's associate

Investigation of three of the nine complaints are complete. At the time of the approval of the licensee's application the Registrar had not yet determined whether there is sufficient evidence of conduct deserving of sanction to refer any matters to a hearing panel.

Under the *Real Estate Act*, the approved withdrawal application results in Francis's lifetime prohibition as a licensee, effective immediately. Conduct proceedings are also discontinued.

Tejinder Singh Gill - Lifetime Withdrawal from Industry

On March 14, 2023, the Residential Real Estate Broker Industry Council of the Real Estate Council of Alberta (RECA) approved an application by Tejinder Singh Gill under s.54 of the *Real Estate Act* to permanently withdraw their licence, effective immediately.

At the time of their application, Gill was the subject of an investigation under the *Real Estate Act*, due to several complaints. The issues under investigation were:

- participation in Fraud in connection with services by forging client's signatures on a purchase contract, contrary to rule 42(b) of the *Real Estate Act* Rules
- failure to cooperate with investigators by not fully responding to their requests, contrary to s. 38(4) of the *Real Estate Act*
- engaging in conduct that undermines public confidence in the industry by knowingly working with unauthorized individuals providing real estate services, contrary to rule 42(g) of the *Real Estate Act* Rules

Investigation of these matters is complete. At the time of the approval of the licensee's application the Registrar had not yet determined whether there is sufficient evidence of conduct deserving of sanction to refer any matters to a hearing panel.

Under the *Real Estate Act*, the approved withdrawal application results in Gill's lifetime prohibition as a licensee, effective immediately. Conduct proceedings are also discontinued.

A close-up photograph of a person's hands typing on a laptop keyboard. The image is partially obscured by a semi-transparent blue rectangular overlay that covers the upper half. The text 'Hearing Panel Decisions' is written in white, bold, sans-serif font across the blue area. The background shows the laptop keyboard and the person's hands, with a blurred background suggesting an office or workspace.

Hearing Panel Decisions

Caren Sylvia Kelley,

Real Estate Associate, currently not registered; registered at the time of conduct with Twin Oaks Real Estate 1993 Inc., o/a REMAX House of Real Estate.

Issues

The Notice of Hearing submitted by the Registrar outlined a total of six breaches of the *Real Estate Act* and the corresponding Rules:

1. s.41(c) of the Rules, which requires licensees to disclose to their clients how they will be compensated
2. s.41(d) of the Rules, which requires licensees to fulfill their fiduciary obligations to their client
3. s.41(g) of the Rules, requiring licensees to practice in strict accordance with the *Real Estate Act*, Regulations, Rules, Bylaws and any other laws that govern trading in real estate
4. s.42(b) of the Rules, which prohibits licensees from participating in fraudulent or unlawful activities
5. s.43(3) of the Rules, which requires licensees to deliver true copies of service agreements to their clients immediately
6. s.57(a) of the Rules, which requires licensees to use their best efforts to market the property, and promote the interests of their clients

Facts

- Kelley provided blank representation agreements to an unlicensed third party which were used to create a client relationship with seller clients
- Kelley never met with the clients, did not witness their signatures, or verify their identities. Instead, the clients were left in the care of the unlicensed third party
- Kelley listed their client's property on an online listing service using the measurements and photos of a prior listing for the property
- the unlicensed third party conducted all the tasks associated with the sale of Kelley's client's property
- the unlicensed third party advised the client that their property sold for \$455,000 when in fact it sold for \$529,000. Most of the difference was kept as "commission" by the third party
- Kelley contacted their client months after the closing of the sale regarding the status of the property, which had been sold without Kelley's knowledge, and upon hearing the property had sold, demanded a commission
- the Hearing Panel found that while Kelley was not directly involved in the fraud committed by the unlicensed third party, they were a participant in fraud by being willfully blind to the unlicensed third party's activity involving their clients, to whom they owed a fiduciary duty

Outcome

On March 28, 2023, the Hearing Panel found that based on the facts, Kelley engaged in the following conduct deserving of sanction:

- a breach of s.41(c) of the Rules
- a breach of s.41(d) of the Rules
- a breach of s.41(g) of the Rules
- a breach of s.42(b) of the Rules
- a breach of s.43(3) of the Rules

On March 28, 2023, the Hearing Panel ordered:

- the cancellation of Kelley's real estate license
- Kelley be prohibited from applying for a new license for three months, beginning March 28, 2023
- Kelley to pay total fines of \$20,000
- Kelley to pay costs of \$7,642

Gagandeep Singh,

Currently not registered; registered at time of conduct with Grand Realty & Management Ltd o/a Grand Realty and Grand Realty & Management Ltd. o/a Grand Realty.

Issues

The Notice of Hearing submitted by the Registrar outlined three breaches of the *Real Estate Act* and the corresponding Rules:

1. s.42(b) of the Rules, which requires licensees not to participate in fraudulent and unlawful activities in connection with the provision of service or in any dealings
2. s.43(1) of the Rules, which requires licensees to enter a written service agreement when establishing a client relationship when trading in residential real estate and dealing in mortgages

Facts

- in three instances, Singh represented buyer clients where they did not enter into in a written service agreement
- in three instances, Singh forged documents which made it falsely appear to the sellers that their buyer clients had a mortgage pre-approval
- Singh forged a false work permit document for one of their buyers that was sent to a lender
- in order to obtain a mortgage for another licensee's client, Singh forged an employment letter, and two pay cheques under the name of their own company, despite never having employed, or spoken to the person named

Outcome

On November 2, 2022 the Hearing Panel found that based on the facts, Singh engaged in the following conduct deserving of sanction:

- five breaches of s.42(b) of the Rules
- three breaches of s.43(1) of the Rules

On February 13, 2023, the Hearing Panel ordered:

- the cancellation of Singh's real estate and mortgage licences
- Singh be prohibited from applying for new licences for 10 years, beginning December 1, 2020
- Singh be prohibited from applying for any new license until they have met the educational and examination requirements, as if they had never been licensed previously
- Singh to pay total fines of \$80,000
- Singh to pay costs of \$23,485

Anna Trojanowicz,

Real estate associate; currently registered with Century 21 All Stars Realty Ltd. Previously registered with Century 21 Platinum Realty Inc. o/a Century 21 Platinum Realty, 15721621 Alberta Ltd. o/a Century 21 Platinum Realty, 921325 Alberta Limited o/a Century 21 Platinum Realty at times relevant to the matters before the Hearing Panel.

Issues

The Notice of Hearing submitted by the Registrar outlined three breaches of the *Real Estate Act* and the corresponding Rules:

1. s.41(b) of the Rules, which requires licensees to provide competent service
2. s.41(e) of the Rule, which requires licensees to ensure their role is understood by third parties

Facts

- Trojanowicz and her counsel submitted to a Hearing Panel an Admission of Conduct Deserving of Sanction dated August 26, 2022, and a Joint Submission on Sanction, dated by both parties, on August 29, 2022
- Trojanowicz was involved in the creation of trade records by filling in parts of the forms and allowing the seller to add to the forms
- Trojanowicz faxed forms to the buyer, when they knew or should have known, that the forms were filled with errors and omissions, with no explanation or instructions
- Trojanowicz faxed forms that were confusing, not legally binding and not applicable to the sale, without any explanation
- Trojanowicz faxed an individual identification form to the buyer without providing justification
- Trojanowicz communicated with a personal contact advising that units were available from the seller
- Trojanowicz faxed trade forms to the buyer for the purpose of purchasing units in the property
- Trojanowicz faxed relationship forms to the buyer that were confusing, and not applicable. This conduct misled the buyer to believe that Trojanowicz was acting as their licensee
- Trojanowicz never clearly explained to the buyer they were not representing them as their licensee, nor that they were assisting the seller
- Trojanowicz did not disclose they were also interested in purchasing units in the property personally

Outcome

On January 18, 2023, the Board accepted Trojanowicz's admission of conduct deserving of sanction for the following breaches:

- breach of s.41(e) of the Rules
- breach of s. 42(b) of the Rules

On January 18, 2023, the Hearing Panel ordered:

- Trojanowicz to pay total fines of \$3,000

A close-up photograph of a person's hand typing on a silver laptop keyboard. The hand is wearing a blue long-sleeved shirt and a blue wristband. A semi-transparent blue rectangular box is overlaid on the image, containing the text 'Administrative Penalties' in white. In the foreground, a pair of black-rimmed glasses and a smartphone are visible on a wooden desk. A small potted plant is in the background.

Administrative Penalties

Real Estate Act Rules s.38(4)(a)

A person shall cooperate with investigators, and promptly respond to their questions.

Sabah Al-Hamidi,

Not licensed

- Sabah Al-Hamidi was not the registered owner of the property, and was not licensed as a real estate licensee
- a purchase contract was created listing Sabah Al-Hamidi as the seller of the property
- a complaint was received, and an investigation was commenced against Anwar Al-Hamidi involving the property
- Sabah Al-Hamidi had information relevant to the investigation
- an investigator requested Sabah Al-Hamidi's attendance for an interview to answer questions related to the investigation
- on November 14, 2022, Anwar Al-Hamidi, stated they would have Sabah Al-Hamidi contact the investigator to arrange an in-person interview
- Sabah Al-Hamidi did not contact the investigator
- on November 23, 2022, a second request was made through Anwar Al-Hamidi to have Sabah Al-Hamidi contact the investigator to answer their questions
- Sabah Al-Hamidi did not contact the investigator
- on December 13, 2022, a demand letter was sent to Anwar Al-Hamidi requesting Sabah Al-Hamidi's contact information for the investigator to contact Sabah Al-Hamidi
- Sabah Al-Hamidi's address and telephone number were received on December 31, 2022
- on January 16, 2023, a registered letter was sent to Sabah Al-Hamidi's home address demanding they contact the investigator to arrange an interview
- Sabah Al-Hamidi failed to pick up the letter
- on February 1, 2023, the investigator telephoned Sabah Al-Hamidi's home number and left a voice message and contact information requesting they return the call
- Sabah Al-Hamidi failed to return this call
- on March 15, 2023, a demand letter was sent to Sabah Al-Hamidi requesting they contact the investigator to arrange an interview prior to March 24, 2023
- this letter was confirmed to be delivered to Sabah Al-Hamidi personally by a process server
- the demand made clear that failing to cooperate could result in an Administrative Penalty

Learning Opportunity is
on page 10

- Sabah Al-Hamidi was also provided with a copy of the legislation supporting the obligation to cooperate
- Sabah Al-Hamidi failed to comply with the demand letter and contact the investigator
- this was a failure to cooperate with a person conducting an investigation
- on March 30, 2023, a voice message was left for Sabah Al-Hamidi to contact the investigator
- Sabah Al-Hamidi failed to return this call
- \$5,000

Learning Opportunity

All persons are required to cooperate with an investigation. Cooperation means providing truthful and complete responses in a timely and constructive manner. In this case, the individual failed to cooperate with an investigator and answer questions regarding an open investigation. The individual was sent multiple requests to provide information and failed to respond to each request. This was a failure to cooperate with the investigator.

[Guide to Investigations for Consumers](#)

[Guide to Investigations for Licensees](#)

A person is writing on a clipboard with a blue pen. The clipboard is resting on a wooden desk. The background is blurred, showing what appears to be a computer monitor and some office equipment. A blue semi-transparent rectangle is overlaid on the image, containing the text "Letters of Reprimand".

Letters of Reprimand

Real Estate Act s.41(b)

A real estate licensee must provide competent service.

Real estate associate

- the associate was representing the sellers in a transaction
- the transaction closed on May 5, 2022, and the buyers took possession
- the dishwasher was being replaced in the property and was scheduled for delivery on May 6, 2022
- on May 6, 2022, the associate received a call from the delivery company that they could not access the property to deliver the dishwasher
- the buyers were not home
- the associate contacted the buyers' associate to request permission to access the property but did not get a response
- the associate did not have written permission to allow access
- the associate went ahead and gave the delivery company the code to enter the property for the purposes of delivering the dishwasher
- this was a failure to provide competent service

Learning Opportunity

Licensees must ensure they exercise reasonable care and skill at all times when entering a property. In this case, the licensee allowed an unauthorized individual into the buyers' home after possession. The associate's brokerage had a specific policy that required written permission from the owner or their agent to allow an unlicensed person to access a property. The licensee failed to get permission from the buyers to allow the delivery company access to the property.

Access to Property

Competent Service

Real Estate Act Rules s.53(c)

Licensees must provide to their broker in a timely manner all documents relating to a trade in real estate.

Real estate associate

- the associate listed a property
- the seller and buyer entered a purchase contract, and the buyer provided a deposit, which was held in trust by the associate's brokerage
- the transaction collapsed and the buyer completed a non-waiver of conditions on April 18, 2022
- the buyer was entitled to receive their deposit back
- the associate did not take steps to ensure the transaction documentation was submitted to their brokerage in a timely manner
- the associate tasked their unlicensed assistant to send the documentation to their brokerage
- the associate did not follow up on this task despite being contacted about the status of the deposit
- the brokerage received all the required transaction documentation to process the deposit on June 1, 2022
- the brokerage then promptly returned the deposit to the buyer

Learning Opportunity

A licensee must provide to their broker in a timely manner originals or copies of all documentation related to a trade in real estate. In this case, the licensee failed to provide documentation to their brokerage ensuring the buyer received their deposit back after a transaction collapsed. It took over a month for the brokerage to receive all required documentation to process the deposit return.

Personal Trades in Real Estate



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The Case Summaries is published by the Real Estate Council of Alberta.

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