

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013464
Person: Jacky Chen
Licence Type & Class: Unlicensed
Process: Section 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$25,000 (see Schedule 2 of the Bylaws)

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: Jacky Chen

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

(c) act as a property manager unless that person holds the appropriate license for that purpose issued by the Industry Council relating to that industry.

Particulars of the contravention(s):

From around November 2021 to May 2022 your company Goodwill Property Management Ltd., was managing [ADDRESS] ([ADDRESS]) on behalf of the owner:

- a) You were the sole director and shareholder of Goodwill Property Management Ltd.
- b) On or around November 5, 2021, you negotiated a lease with a tenant to rent [ADDRESS] on behalf of the owner. This activity was acting as a property manager and required a license.
- c) On or around November 5, 2021, you collected a security deposit from the tenant and held that security deposit. This activity was acting as a property manager and required a license.
- d) From around November 2021 to May 2022, you collected rent from the tenant on behalf of the owner. This activity was acting as a property manager and required a license.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You have received Administrative Penalties from RECA in the past for unlicensed activity and yet continued to provide services that required a licence. An escalation in enforcement action is required.
- Unlicensed persons who provide services that require a license put consumers at serious risk. Often, they do not have the required education or proper errors and omissions insurance. Consumers working with unlicensed persons do not get protection under the Real Estate Assurance Fund.

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: [J.C], 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 March 16, 2023.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta