

# THE REGULATOR

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# ARTICLES

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- 04 WHAT'S HAPPENING AT RECA
- 06 FROM COMPLAINT TO HEARING PANEL  
SANCTION AND EVERYTHING IN BETWEEN:  
UNDERSTANDING RECA'S DISCIPLINE PROCESS
- 08 CHANGES TO REAL ESTATE ACT RULE SHOULD  
MAKE LIFE EASIER FOR BROKERAGES
- 09 COMMUNICATING EFFECTIVELY AND  
ACCURATELY VIA TEXT MESSAGE
- 12 ENSURING BUYERS OF HOMES BUILT AFTER  
FEBRUARY 2014 ARE PROTECTED
- 15 UNDERSTANDING THE ROLE AS AN AGENT  
FOR A PRIVATE LENDER
- 18 CONDOMINIUM MANAGER GRADUATED  
LICENSING PROGRAM LAUNCHES OCTOBER 1
- 19 NEWS BYTES

The image features a set of keys hanging from a wooden surface. The keys include a standard metal key and a large, flat, house-shaped keychain. An orange semi-transparent rectangle is overlaid on the image, centered over the keys. Inside this rectangle, the text "All Licensees" is written in a white, sans-serif font. The background is a light-colored, textured surface, possibly a wall or a wooden board.

# All Licensees



# WHAT'S HAPPENING AT RECA

RECA's modernized governance model consists of a Board of Directors and four Industry Councils representing each industry RECA regulates.

This general summary includes the key activities of the Board and all Industry Councils over the last quarter.

## RUN FOR A POSITION ON YOUR INDUSTRY COUNCIL THIS FALL

This Fall, the current Industry Council Member terms will close, and the nominations and elections for those wishing to serve as Industry Council Members for the next term will take place. **All eligible RECA licensees are encouraged to consider running for a position on their respective Industry Council.**

The Nomination Period will open at the end of September and run to the end of October. Voting will occur in November. Candidate and endorsement forms will become available when the nomination period opens.

For more information, including candidate eligibility information, [visit reca.ca](https://reca.ca).

## RULES DRAFTED FOR PHASE 2 OF RULES REVIEW

The Rules Review Committee is pleased to announce they have developed several proposed Rule changes based on the feedback received in Phase 1. Phase 2 of the review will be broken into three parts. The first part of Phase 2 of the review will focus on further aligning the licensing structure with the current governance structure, and licensee notification requirements.

As a valued stakeholder, we will seek your opinion on these Rule changes this Fall. RECA's Stakeholder Engagement Team will

host town halls and presentations, and send out a comprehensive discussion paper and survey.

Phase 3 will be a final stakeholder consultation on potential issues that could arise should the final proposed Rule changes come into force. The Rules Review consultation will continue until Fall 2024.

## GRADUATED LICENCE MODEL FOR CONDOMINIUM MANAGERS LAUNCHES OCTOBER 1

The Residential Property Manager Industry Council has approved a Graduated Licensing Program for condominium managers. This will allow licensees in the Graduated Licensing Program to perform certain restricted activities, as they complete their pre-licensing education.

Condominium managers have told RECA about the difficulty in attracting new condominium managers to the industry, and that the length and cost of the pre-licensing education required before they can begin work are a major obstacle. Under the Graduated Licensing Program, new managers can join a condominium management brokerage with a graduated licence, allowing them to be hands-on in the industry for certain tasks and with heavy supervision, and make a living as they complete their required education. The Graduated Licensing Program will also be available to existing conditionally licensed condominium managers who do not complete their required education before September 30, 2023. These individuals will have their licence downgraded into the Graduated Licensing Program.

Learn more about the [Graduated Licensing Program](#).





## RMS COMMITTEE UPDATE

After careful consideration, a meaningful review of industry experience with the RMS, and discussions with various trade associations, the RMS Committee has made recommendations to the Residential Real Estate Broker Industry Council for minor improvements to how semi-detached and townhouse properties are measured using the RMS, and to introduce a standard for measuring below grade. The Residential Real Estate Broker Industry Council has accepted the recommended improvements, and they will take effect on January 1, 2024.

These improvements include:

- beginning January 1, 2024, licensees will measure semi-detached and townhouse properties using the exterior wall at the foundation. If the thickness of the demising wall(s) cannot be determined, the thickness of an exterior wall should be used.
- beginning January 1, 2024, and to help consumers and licensees compare properties more accurately, the Industry Council accepted the recommendation from the Committee to set a Below Grade Measurement Standard (BGMS). The BGMS is not a mandatory measurement, nor part of the RMS, but it will be the standard by which licensees must measure below-grade space should their client agree to advertise it in addition to the RMS.

Please familiarize yourselves with the details of both of these measurement improvements [on reca.ca](https://www.reca.ca). The changes do not take effect until January 1, 2024.

## RENEWALS UPCOMING

A reminder that we are approaching the end of another fiscal year for RECA, which means it is time for licensees to renew their licence by the September 30, 2023, deadline. The [myRECA system](#) is currently open for renewals for all licensees, but a reminder that brokers need to review the licence of the brokerage before associates of the brokerage can begin to renew their licence. There is no increase in renewal fees for the 2023/2024 licensing year.

## WHAT DO YOU WANT TO KNOW?

What work or projects are you interested in hearing more about from your Board and/or Industry Councils? Let us know at [communications@reca.ca](mailto:communications@reca.ca).

# FROM COMPLAINT TO HEARING PANEL SANCTION AND EVERYTHING IN BETWEEN: UNDERSTANDING RECA'S DISCIPLINE PROCESS



As an independent governing authority, RECA sets, regulates, and enforces regulatory standards for real estate, property management, condominium management, and mortgage brokerage licensees across the province. One of RECA's critical responsibilities is ensuring licensees adhere to the *Real Estate Act* and its Rules. This ensures Alberta consumers who use a licensee's services are protected. To achieve this, RECA has a thorough and fair discipline process.

It is important for all RECA licensees to understand how the disciplinary process works. All licensees play a part in RECA's self-regulation process, and should report any suspicious real estate activity or mortgage fraud to RECA.

Here is an outline of RECA's disciplinary procedures:

## 1. COMPLAINT SUBMISSION

The discipline process begins with a complaint submitted against a licensee by a concerned party, such as a client, another licensee, or a member of the public. Complaints can pertain to a wide range of issues, including professional misconduct and ethical violations. Complaints are submitted in writing and must include relevant details and supporting documents.

When RECA receives a complaint, RECA undertakes a preliminary assessment to determine whether the complaint falls within RECA's jurisdiction (i.e., is it a violation of the *Real Estate Act* or Rules), and if it raises credible concerns.

## 2. INVESTIGATION INITIATION

Upon acceptance of the complaint, RECA initiates a formal investigation. This phase involves gathering evidence, conducting interviews, and reviewing relevant documents. RECA's investigators are experienced professionals, well-versed in real estate practices and the legislation. The investigation aims to establish the accuracy of the complaint, and to determine whether any breaches of the *Real Estate Act* or Rules occurred.

## 3. INVESTIGATION FINDINGS

Once the investigation is complete, and if it is found that there is sufficient evidence of conduct deserving of sanction, the Registrar has three options:

1. refer the matter to a Hearing Panel
2. issue a letter reprimanding the licensee
3. impose an administrative penalty on the licensee

If the findings are inconclusive or show no violation, the complaint may be dismissed.



#### 4. SANCTION CONSIDERATION

If the investigation yields evidence of serious wrongdoing, the matter is referred to an appointed Hearing Panel, composed of licensee and public representatives. The Hearing Panel reviews the evidence and has the authority to recommend sanctions based on the severity of the violation and its potential impact on the public, the industry, and any other stakeholders.

#### 5. SANCTION IMPOSITION

Sanctions can range from fines of up to \$25,000 to license suspension or cancellation, depending on the severity of the offense. RECA's objective is not only to hold the individual who has committed the offense accountable, but also to allow their actions to serve as a deterrent against future misconduct. Sanctions are designed to maintain the highest standards of professionalism and protect the interests of clients and the public.

#### 6. LIFETIME WITHDRAWAL FROM INDUSTRY

Lifetime Withdrawal from Industry is considered the severest form of discipline that could be imposed. RECA licensees can apply to their respective Industry Council to voluntarily withdraw from industry membership under section 54 of the *Real Estate Act*. If the Industry Council approves an application for a licensee to withdraw their licence, RECA will discontinue all disciplinary proceedings regarding that licensee, as the highest form of discipline has already been imposed, negating the need for any other disciplinary measures. If fraud or criminal activity is suspected to have taken place, approval of a Lifetime Withdrawal from Industry can only happen after an investigation has been completed. In other words, a licensee in such a case could not have an application approved in the middle of an investigation. After the investigation is complete, the Lifetime Withdrawal from Industry could then be granted, and if any fraud or criminal activity were uncovered or remains suspected, the matter would be passed onto the appropriate law enforcement or disciplinary body.

RECA's discipline process underscores its commitment to upholding the highest standards of professionalism and ethics within the real estate industry. By diligently following each disciplinary measure outlined above, from receiving a complaint to imposing a sanction, RECA ensures that any breaches of the *Real Estate Act* or its Rules are addressed promptly and fairly. This process not only holds RECA licensees accountable but also bolsters the integrity of the industry, including public confidence for the industries RECA regulates, contributing to a thriving and trustworthy real estate landscape in Alberta.



# CHANGES TO REAL ESTATE ACT RULE SHOULD MAKE LIFE EASIER FOR BROKERAGES

by Kyle Schaub, Practice Review Manager

A recent change to section 82 of the *Real Estate Act* Rules has received Ministerial approval and should make life easier for brokerages when it comes to how your brokerage stores electronic files.

As it stood, sections 82(1) and 82(2) stipulated that brokerages must store electronic records in a physical premise accessible by the broker in Alberta.

To better align with current cloud storage practices, the rule was changed to no longer stipulate that electronic records need to be in any physical premise just accessible by the broker. This improvement should provide brokerages with more options when evaluating cloud-based storage services to retain their brokerage files, where some major cloud-storage providers may not have local servers.

Please be advised that to align with privacy laws, brokers must still obtain client permission for their personal files to be stored by a third-party service provider.

## COMMITTED TO REDUCING RED TAPE

This Rule change was made to reduce red tape and offer more options for brokerage electronic file storage. The hope would be that brokerages may also potentially realize some cost savings due to the wide availability of electronic storage products.

If you have any questions regarding the change to Rule 82 (1)(2), how this change might affect the way your brokerage stores electronic files, or any other questions regarding the storage of client information, please reach out to [practicereview@reca.ca](mailto:practicereview@reca.ca).



# COMMUNICATING EFFECTIVELY AND ACCURATELY VIA TEXT MESSAGE

by James Porter, RECA Investigations Manager



In today's digital age, communication has become quicker and more convenient than ever, and we know RECA licensees often rely on various modes of communication to interact with their clients. RECA sees examples of miscommunication often in our investigations, oftentimes in the form of text messages. While text messages have become a common means of communication, it's essential to remember that message accuracy in a text message is just as important as any other form of communication.

## THE POWER OF A TEXT

Text messages have enhanced the way we communicate, offering a swift and direct way to share information. However, the ease of texting shouldn't undermine the importance of being thorough and precise. In RECA's industries, where transactions can involve substantial investments and legal complexities, effective communication is essential to a successful client relationship.

## WHY DETAIL MATTERS

- **Avoids Miscommunication:** details regarding financing, square footage, property condition, or possession dates can lead to misunderstandings, Real Estate Act Rule violations or even legal disputes if not communicated properly.
- **Ensures Accuracy:** any information shared via text message regarding contracts, offers, negotiations, or deadlines needs to be accurate. Inaccurate or misleading information could result in sanctions, legal liabilities or financial losses.
- **Builds Trust:** if a client receives incomplete or misleading information from you via text, they may begin to question their trust in your relationship. Honest and accurate

## BEST PRACTICES

**Provide Detailed Information:** Take the time to provide complete information. If discussing property details, include specifics such as dimensions, property condition, and any potential issues.

- **Use Plain Language:** Avoid real estate jargon or technical terms that your clients might not understand. Use simple and plain language to ensure your message is interpreted correctly.
- **Double-Check Before Sending:** Before hitting the send button, review your message for accuracy and clarity. Avoid sending messages quickly, as errors can easily slip through.
- **Follow up with a Phone Call:** sometimes that's the only way to make sure your client understands important or key information is to ensure they have an opportunity to ask questions.
- **Document All Conversations:** Keep a record of text messages. This can serve as a valuable resource in case of disputes or misunderstandings.

text communication fosters trust and credibility.

- **Enhances Reputation:** sending reliable texts demonstrates you are diligent and committed to your client's best interests. This professionalism increases your reputation, which could lead to referrals and repeat business.

Your ability to communicate effectively and accurately via text is essential to providing exceptional service to your clients. Consider discussing your methods of client communication up front, then expectations are set and there are no surprises down the road. By following best practices, you demonstrate professionalism and build trust and lessen the risk of accidentally violating the *Real Estate Act* or its Rules or creating other legal issues. Every text message is an opportunity to solidify your reputation as a knowledgeable, trustworthy, and reliable RECA licensee.

If you have any questions regarding the dos and don'ts of client communication, including communication via text messages, please contact RECA's Information Services department at [info@reca.ca](mailto:info@reca.ca).



A photograph of a family running through a modern house entrance. A young boy in the foreground is running towards the camera, wearing a light blue shirt and dark pants. Behind him, a woman and a man are also running. The scene is captured with a warm, orange-toned overlay. The text "Residential Real Estate" is centered over the image in a large, white, sans-serif font.

# Residential Real Estate

# ENSURING BUYERS OF HOMES BUILT AFTER FEBRUARY 2014 ARE PROTECTED

by Kristian Tzenov, RECA  
Stakeholder Engagement Manager



Alberta's New Home Buyer Protection Act (the Act) was introduced to protect the interests of new home buyers and ensure the quality and reliability of newly constructed homes. Under this provincial legislation, all new homes with building permits issued after February 1, 2014, are required to have home warranty coverage.

Alberta real estate licensees are encouraged to check the status of home warranty coverage after February 2014 or beyond through the [Property Registry](#).

## THE NEW HOME BUYER PROTECTION ACT

The Act provides homebuyers with added peace of mind and financial protection against defects and deficiencies in homes constructed on or after February 1, 2014. The Alberta New Home Warranty covers various aspects of the property, including structural defects, defects in materials and workmanship, and major systems such as plumbing, electrical, and heating, for a specified period after the completion of construction. A New Home Warranty is attached to the home, not the owner of the home, so it remains in effect with any re-sales until the coverage has expired.

## ROLE OF RECA LICENSEES

As intermediaries between buyers and sellers, you play a pivotal role in ensuring compliance with the Act. If you are working with a client to purchase a new home from a builder, you must educate them about the importance of home warranty coverage and verify that any new homes listed for sale meet the statutory requirements. In turn, if you are working with clients to purchase a re-sale where the building permits were issued on or after February 1, 2014, it is essential that you confirm that the property has adequate new home insurance. If a licensee places a property for sale that was built on or after February 1, 2014, that does not have home warranty coverage, the Residential Protection Program can issue a Compliance Order requiring the licensee to remove the listing from the internet, remove any "For Sale" signs from the property, and cease any sales activity. Non-compliance with such an order would be an offence under the Act and may result in prosecution or administrative penalties or both from the provincial government.



## THE PROPERTY REGISTRY - REAL-TIME VERIFICATION

The [Property Registry](#) offers a real-time database that allows you to check the status of home warranty coverage for any home. By accessing this system, you can confirm whether the building permits for a particular property were issued on or after February 1, 2014, and if the property is covered under a home warranty.

## BENEFITS OF HOME WARRANTY

Home warranty coverage offers several benefits to both home buyers and builders. For buyers, it provides financial protection against unforeseen issues that may arise shortly after taking possession of the property. In case of defects or problems covered by the warranty, homeowners can have them addressed without incurring significant out-of-pocket expenses.

For builders and re-sellers, providing home warranty coverage instills confidence in potential buyers. It encourages builders to maintain high construction standards and ensures that their workmanship meets industry regulations and guidelines.

Licensees play a critical role in upholding this legislation. Be sure that you educate your clients about the importance of home warranty coverage and utilizing The [Property Registry](#) for real-time verification.

When assisting buyers or sellers with the purchase or sale of homes that should be under the Alberta New Home Warranty, ensure you are aware of the provisions of the [New Home Buyers Protection Act](#).



# Mortgage





# UNDERSTANDING THE ROLE AS AN AGENT FOR A PRIVATE LENDER

*by Gary Siegle, RECA Regulatory Compliance Advisor, Mortgage Brokers*

Mortgage brokers play a crucial role in facilitating transactions between borrowers and lenders. While the relationship between you and your borrowers is commonly understood, a relationship that often gets overlooked is when licensees act on behalf of lenders, particularly private lenders, during mortgage transactions. RECA's [Information Bulletin](#) sheds light on the vital role mortgage brokers play in these transactions and your obligations in the lending process should you choose to engage in an agency relationship representing a private lender.

## DEFINING YOUR ROLE

Mortgage brokers act as agents of the lender when representing lenders during mortgage transactions. In these types of transactions your primary function is to ensure the lending process adheres to legal and ethical standards, while protecting the lender's best interests. When a licensee chooses to represent a private lender, the mortgage brokerage may only represent the lender, while the brokerage treats the borrower as a customer. Borrower customers must sign a consent form acknowledging they are a customer and not represented by the brokerage.

## LEGAL OBLIGATIONS AND REGULATORY FRAMEWORK

As licensees, mortgage brokers must comply with both federal and provincial laws that govern mortgage transactions and ensure their lenders' interests are safeguarded. All relevant parties must sign a written service agreement that clearly shows all terms and conditions.





## KEY DUTIES AND RESPONSIBILITIES OF MORTGAGE BROKER ACTING FOR LENDERS:

- undivided loyalty: you must always act in the lender's best interest
- confidentiality: you must keep information confidential, even after your relationship with the lender ends
- disclosure: it is essential to provide clear and accurate information. This includes disclosing any potential conflicts of interest
- obedience: you need to obey all the lender's lawful instructions
- accounting: the brokerage must account for all money and property they receive while acting on the lender's behalf

## COMPENSATION AND FEES

Compensation for these types of transactions usually comes in the form of commissions, typically paid by the borrower. It is important to be transparent upfront when disclosing your compensation structures to all parties involved.

## CONCLUSION

Mortgage broker licensees play an essential role in the lending process when acting as an agent for a lender. Your duties are extremely important and ensure legal compliance, transparency, and fair dealings between lenders and borrowers. Above all, you are there to protect the lender's interests. I encourage you to familiarize yourself with, and follow, the guidelines in this Information Bulletin. Ensuring you understand your role as an agent for a private lender upholds the integrity of the mortgage industry, and fosters trust among all industry stakeholders.

If you have any questions on the Information Bulletin or any transaction where you are representing a lender, please reach out to [gsiegle@reca.ca](mailto:gsiegle@reca.ca).







# Residential Property Management



# CONDOMINIUM MANAGER GRADUATED LICENSING PROGRAM LAUNCHES OCTOBER 1

*by Doug Dixon, RECA Regulatory Compliance Advisor, Condominium Managers*



As previously announced, the Residential Property Manager Industry Council has approved a Graduated Licensing Program for condominium managers, beginning October 1. Licensees in the Graduated Licensing Program will be permitted to perform certain restricted activities as they complete their pre-licensing education.

Condominium managers have told RECA about the difficulty in attracting new condominium managers to the industry, and that the length and cost of the pre-licensing education required before they can begin work is a major obstacle. Under the Graduated Licensing Program, new managers can join a condominium management brokerage with a graduated licence, allowing them to be hands-on in the industry for certain tasks and with heavy supervision, and make a living as they complete their required education.

The Graduated Licensing Program will also be available to existing conditionally licensed condominium managers who do not complete their required education before the deadline of September 30, 2023.

These individuals will have their licence downgraded into the Graduated Licensing Program.

## GRADUATED LICENCE LEVELS

The Graduated Licensing Program will have two licence levels. Each licence level will have certain activities restricted completely, some activity that must be done under broker supervision, and some unrestricted activity the licensee can do on their own.

**Level 1 Licence:** individuals who want to join the industry and conditional licensees who have renewed their licence but still need to complete the Fundamentals of Condominium Management and the Practice of Condominium Management courses will be considered a Level 1 licensee.



**Level 2 Licence:** individuals who want to join the industry and conditional licensees who have renewed their licence but still need to complete the Practice of Condominium Management course will be considered a Level 2 licensee.

Level 1 licensees will have one year from the date they receive their licence to complete the Fundamentals of Condominium Management course, pass the exam, and have their licence upgraded to Level 2.

Level 2 licensees will have one year from the date they complete the Fundamentals of Condominium Management course to complete the Practice of Condominium Management course and pass the exam.

Level 1 or Level 2 licensees who do not complete their course(s) and exam(s) in the one-year period will have their licence cancelled. If a Level 1 or 2 graduated licence is cancelled due to failure to complete the required education on time, this licensee will no longer be permitted to hold a graduated licence and will be required to complete all required courses and exams and then re-apply for a new licence to practice condominium management.

#### Additional Resources

- RECA hosted a webinar earlier in August for Condominium Managers interested in learning more about the Graduated Licensing Program and how it will affect both new, existing, and conditionally licensed condominium managers. The recording is available on [reca.ca](https://reca.ca)
- Permitted Task lists for both Level 1 and 2 Licensees can be found on [reca.ca](https://reca.ca)
- [Frequently Asked Questions](#)

If you have any additional questions regarding the Graduated Licensing Program, please contact me at [ddixon@reca.ca](mailto:ddixon@reca.ca)



# NEWS BYTES

## RECA'S INVESTIGATIONS TEAM WINS AWARD FOR INVESTIGATIVE EXCELLENCE!

RECA is proud to announce that three members of our Investigations Team were awarded the CLEAR Group Award for Investigative Excellence. The award recognizes a professional regulatory investigative team for exceptional performance. The nominees needed to demonstrate exceptional performance in a particular case that results in a significant impact to the protection of the public or consumer interests.

### Case History

In 2021, RECA received a tip about potential mortgage fraud. This led to a complex investigation involving an organized fraud scheme that included 16 licensees, 50 businesses, 80 transactions, 86 consumers, and over \$100 million dollars in fraudulent mortgage applications.

The investigators assigned to the case gathered evidence to support unlicensed activity over a significant period. Their activity included:

- the issuance of \$275,000 in total Administrative Penalties (a RECA record)
- the issuance of a Real Estate Act Order to cease unlicensed trading
- seeking and successfully obtaining an injunction through the Court of Kings Bench
- the publication of multiple consumer alerts
- the presentation of critical information to law enforcement agencies across Alberta

RECA's Investigative Team's actions led to the collaboration of multiple law enforcement agencies, working together to stop the illegal enterprise. In the end, several RECA licensees involved in the fraud scheme were issued licence suspensions or applied for lifetime withdrawals from the real estate industry.

The case was the biggest and most complex investigation RECA has completed. Together, our investigators raised consumer and law enforcement awareness of the fraudsters and likely prevented dozens more consumers from being taken advantage of.

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## RENEW YOUR LICENCE BY SEPTEMBER 30, 2023

This year no re-licensing education is necessary to renew your licence.

Condominium manager licensees who have not met the education conditions on their conditional licence can renew without having completed their required education and exams, however, their renewed licence will be downgraded into the Graduated Licensing Program for condominium managers. If they complete their required education prior to September 30, their renewed licence will be upgraded to a full licence on October 1. [Read more on reca.ca](https://reca.ca).

Renewals opened for all real estate, mortgage, property management, and condominium management licensees on August 21.

**The deadline to renew your licence is September 30, 2023. For more information, please visit [reca.ca](https://reca.ca).**

## RECA MANAGEMENT

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**RUSS MORROW**

Chief Executive Officer

**JANICE HARRINGTON**

Chief Operating Officer

**WARREN MARTINSON**

Registrar

**STACY PAQUIN**

General Counsel & Corporate  
Secretary

## CONTACT RECA

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Phone (403) 228-2954

Toll-free 1-888-425-2754

Fax (403) 228-3065

### GENERAL QUESTIONS

Call or email an Information Officer  
at: [info@reca.ca](mailto:info@reca.ca)

### BROKER ADVICE

Call or email one of our Compliance Advisors:

Mortgage: [gsielgle@reca.ca](mailto:gsielgle@reca.ca)

Real Estate: [ktzenov@reca.ca](mailto:ktzenov@reca.ca)

Condo: [ddixon@reca.ca](mailto:ddixon@reca.ca)

### CONTACT RECA'S BOARD OF DIRECTORS OR INDUSTRY COUNCIL MEMBERS DIRECTLY

Board of Directors: [board@reca.ab.ca](mailto:board@reca.ab.ca)

Mortgage Broker Industry Council:  
[mortgageic@reca.ab.ca](mailto:mortgageic@reca.ab.ca)

Residential Real Estate Broker Industry Council:  
[resic@reca.ab.ca](mailto:resic@reca.ab.ca)

Residential Property Manager Industry Council:  
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Commercial Real Estate Broker and Commercial  
Property Manager Industry Council:  
[commic@reca.ab.ca](mailto:commic@reca.ab.ca)

WATCH [RECA.CA](http://RECA.CA) FOR CURRENT ENGAGEMENT EVENTS, BROKER FORUMS, AND MORE.