

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010414.001
Process: A Hearing under Part 3 of the *Real Estate Act*
Name on Licence: Mohit Seth
Licence Sector and Class: Mortgage Broker / Real Estate Associate
Current Brokerage: MAAK FINANCE LTD. o/a Ezee Mortgages
and 1800086 ALBERTA LTD. o/a FIRST
PLACE REALTY.
Conduct Brokerage: Enrich Mortgage Group Ltd. O/A Mortgage
Alliance and 1800086 ALBERTA LTD. o/a
FIRST PLACE REALTY

NOTICE OF HEARING

TO: Mohit Seth

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: Wednesday, September 27, 2023, and
Thursday, September 28, 2023
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [W.K] Chair, Panel Member
[K.M] Panel member
[C.S] Panel member

(Alternates: [A.T], [D.R], [J.D])

Counsel for the Panel: Anthony Dekens, Bishop and McKenzie, LLP

It is alleged that your conduct is deserving of sanction for breaching sections of the *Act* or Rules. Here are the details:

1. In or around February 2017, you participated in fraudulent activities in connection with the provision of services, contrary to section 42(b) of the Real Estate Act Rules **and/or** you made representations or carried on business that was reckless or intentional and that misleads or deceives persons or was likely to do so, contrary to section 42(a) of the Real Estate Act Rules.
 - i. Your personal company provided a \$10,000 loan to your brokerage clients for use as a down payment on a property. You did not disclose this loan to the bank issuing the primary mortgage on the property.

2. In or around 2017, you failed to fulfill your fiduciary obligations to your clients, contrary to section 41(d) of the Real Estate Act Rules.
 - i. You provided and/or brokered and/or organized loans to your clients they did not have the means to repay. This resulted in foreclosure of the client's property.

3. In or around 2017, you provided services to a client in a trade in which you had a conflict of interest without receiving the written and informed consent of that client, contrary to section 54(3) of the Real Estate Act Rules.
 - i. You represented clients as a real estate and mortgage associate on the same purchase. Further, you provided loans from your own company to finance the purchase. You failed to get written and informed consent from your clients regarding the inherent conflicts of interest.

Virtual Hearings

Hearings at RECA are conducted virtually. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive help in participating in the virtual process.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal*
- *RECA Self-Represented Program*

Before the Hearing

You will receive full disclosure of all evidence gathered by the Registrar relevant to the allegations in this Notice of Hearing for your review. This disclosure is for use in the conduct proceedings only and you may not use it for any other purpose.

You are also invited to meeting with Counsel for the Registrar prior to the hearing to consider entering agreement on non-contested matters such as:

- An admission of conduct deserving of sanction
- An agreement on facts
- An agreement on breaches
- An agreement on a finding of conduct deserving of sanction
- An agreement on sanction and/or costs.

Admissions or agreements can reduce the time and costs of the hearing.

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen At the Hearing

After hearing all evidence and argument the Panel will decide whether the Registrar has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your authorization
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Evidence

You can ask the Panel to allow you to provide written arguments at the end of the presentation of evidence. The Panel will give directions on how this may be done.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing. If you do not have a representative, please read information for unrepresented Licensees here:

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on July 31, 2023.
(date)

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

Contact Information:

Hearings Administrator:	Administrator for Counsel for the Registrar:
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