

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013215
Name on Licence: Shaun Johal
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: 2210220 Alberta Ltd. o/a One Percent Realty.
Currently registered to 2103562 Alberta Ltd. o/a
2% Realty Edge AB
Process: Section 39 & 83 of the *Real Estate Act*
Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

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* and may suspend your licence under section 38.1 of the Rules.

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: Shaun Johal

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 54(1)(e) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 54(1) – *A real estate broker, associate broker or associate, as the case may be, must not:*

- (e) make an inducement unless, at the time of making the inducement, he delivers to the person to whom the inducement is made a statement signed by*
- (i) the real estate broker, associate broker, or associate, and*
 - (ii) if applicable, the other person involved in the inducement, clearly setting out all the details of the inducement*

Particulars of the contravention(s):

1. In or around May 2022, you made an inducement and failed to provide a signed statement clearly setting out all the details of that inducement contrary to section 54(1)(e) of the *Real Estate Act* Rules:
 - a) You represented clients purchasing the property located at [ADDRESS]. You also represented these clients in the sale of their property located at [ADDRESS 2]. Issues arose with trying to coordinate matching possession dates for the purchase and sale.
 - b) During May 2022, when negotiating a possession date change with the buyer of [ADDRESS 2], you paid the Buyer money to cover additional rent expenses. This was an inducement. As part of the inducement, your clients paid you money to contribute towards the rent expenses.
 - c) You failed to provide a signed statement to the Buyer or your clients clearly setting out the details of the inducement. You failed to provide any details in writing to the brokerage about the inducement and the brokerage did not approve this inducement.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You paid the money directly to the Buyer and you accepted money from your clients directly. It did not flow through your brokerage.
- You failed to inform your brokerage about the inducement or seek written approval from your brokerage.

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: [C.S], 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 June 26, 2023.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

cc [N.A], Real Estate Broker
2% Realty Edge AB

[C.T], Real Estate Broker
One Percent Realty