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# All Licensees

### MEET YOUR NEW INDUSTRY COUNCIL MEMBERS!

The current Industry Council Member terms closed Nov. 30. Congratulations to the newest members of RECA's Industry Councils.

All elected and appointed members will begin their terms on December 1, 2023.

#### RECA BOARD OF DIRECTORS

(3 publicly appointed members & 4 licensee members, 1 from each Industry Council) Re-appointed Public Members:

- Elan MacDonald (board chair and public member) (2-year term)
- Jai Parihar (public member) (3-year term)
- Gregory Walter (public member) (2-year term)

Licensee members to be appointed by the Industry Council from among their licensee members.

## RESIDENTIAL REAL ESTATE BROKER INDUSTRY COUNCIL

Licensee Members (elected for 2-year terms)

- George Bamber (broker seat)
- Bill Briggs (broker or associate seat)
- Jason Bamlett (associate seat) Re-appointed Public Members
- Erika Ringseis (3-year term)
- Brad Hamdon (2-year term)

## RESIDENTIAL PROPERTY MANAGER INDUSTRY COUNCIL

Licensee Members (elected for 2-year terms)

- Keith McMullen (acclaimed residential property manager seat)
- Carrie Plett (condominium manager seat)
- Don Brown (condominium or residential property manager seat)

Re-appointed Public Members

- Don Newell (3-year term)
- VACANT

#### MORTGAGE BROKER INDUSTRY COUNCIL

Licensee Members (elected for 2-year terms)

- Elena Russell (mortgage licensee seat)
- Jared Morrison (mortgage licensee seat)
- Clarence Lee (mortgage licensee seat)
  Re-appointed Public Members
- <u>Nkem Onyegbula (</u>3-year term)
- Guy Ouellette (2-year term)

#### COMMERCIAL REAL ESTATE BROKER AND COMMERCIAL PROPERTY MANAGER INDUSTRY COUNCIL

Licensee Members (elected for 2-year terms)

- Laura Sharen (acclaimed commercial property manager seat)
- Ben Van Dyk (acclaimed agribusiness seat)
- Cheri Long (urban commercial seat)

#### **Re-Appointed Public Members**

- Terry Engen (3-year term)
- Brittanee Laverdure (2-year term)

Thank you to all the Industry Council Members who have served diligently on our Councils for the past term. Thank you also to all the candidates who put their names forward for election.

For this election, some candidates were the only licensees in their sector with the qualifications to fill an Industry Council seat; therefore, those licensees were acclaimed. A total of 3,620 votes were cast in the elections, with voting opening November 22, and closing on November 27.

The official Industry Council election results were announced yesterday by email and are posted on <u>reca.ca</u>.

Thank you to all RECA licensees who cast their vote and their ongoing commitment to self-regulation.

If you have any questions regarding your new Industry Council Members or the election process, please reach out to <u>RECAelection@mnp.ca</u>.

## 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.

## SURVEY CONSULTATION FOR PHASE 2 OF RULES REVIEW COMPLETE

The first part of consultation on Phase 2 of the Rules review has closed for feedback.

Phase 2, Part 1 was focused on further aligning the licensing structure with the current governance structure and licensee notification requirements. Thank you to the thousands of valued stakeholders who participated in the consultation and completed the survey that was sent to all licensees.

Part 2 of Phase 2 will begin shortly, where stakeholders will be consulted for feedback on the proposed Rule changes for Practice Standards (Rules 41-80.89). Licensee feedback will be collected via a survey just as it was in Part 1, and through a Town Hall and brokerage presentations. Part 3 will involve the consultation on the proposed changes to records, reporting, and the remaining Rules (Rule 82-118.3 plus Schedules 1-5).

Please be aware that the proposed changes are proposals only. Nothing has been decided nor implemented by RECA's Industry Councils. Each Industry Council is eager to review the feedback from licensees and stakeholders on these proposed changes, and the recommendations of the Rules Review Steering Committee, before making any decisions. Note that feedback is not limited to the survey questions. Please feel free to provide any additional feedback on any proposed changes to <u>consultation@reca.ca</u>.

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

## GRADUATED LICENSING OFF TO A GREAT START

Beginning October 1, 2023, The Residential Property Manager Industry Council launched the Graduated Licensing Program (GLP) for condominium managers.

The GLP allows those new to the industry to perform certain restricted activities, as they complete their pre-licensing education. Initially, 25 restricted licences were issued to conditionally licensed condominium managers in the GLP. These licences were issued to former conditionally licensed condominium managers who did not complete all required pre-licensing courses prior to the September 30, 2023 renewal deadline. Since October, several of these GLP licensees have completed the necessary education and been granted their full condominium manager licence. Feedback from prospective condominium managers, new to the condominium industry has been positive, as they are now eligible to work (at a restricted level) while they are at various stages of completing their pre-licensing education.

Learn more about the <u>Graduated Licensing</u> <u>Program here</u>.

#### RMS COMMITTEE UPDATE

As previously announced, the Residential Real Estate Broker Industry Council has accepted the recommended improvements to the Residential Measurement Standard (RMS) from the RMS Committee:

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 measurement improvements on <u>reca.ca</u>. The changes will take effect January 1, 2024.

#### RENEWALS REMAINED CONSISTENT

Overall, RECA saw about the same number of licensees renew their licences for this fiscal year. As of October 1, 2023, there were 18,886 RECA licensees across real estate, mortgage and condominium management, a 2.6% decrease from last year's number at the same time. Licensee numbers typically decrease upon renewals, but quickly catch back up to pre-October 1 levels within the next few months as new licensees join the industry and as individuals who did not renew by the deadline decide to re-instate their licences.

#### NEW AD-HOC COMMITTEES STRUCK

The Residential Property Manager Industry Council is responsible for setting competencies associated with the practice of condominium property management. To facilitate this, the Condominium Manager Competency Committee has been established. The Committee is made up of industry, education providers, RECA Administration and others. Their mandate is to review and provide input for the Condominium Property Management competencies.

The Residential Real Estate Education Advisory Committee was established in May and will focus on competencies, education, and exam questions for residential real estate professionals. The Committee will explore decisions on standards for pass/fail, other credentialling requirements for prospective licensees, exam answers, and enforcement actions or decisions. Membership within the committee includes all real estate education providers, Industry Council Members from the Residential Real Estate Broker Industry Council and two educational experts appointed by the committee.

#### WE WANT TO HEAR FROM YOU!

What work or projects are you interested in hearing more about from your Board and/or Industry Councils? Let us know at <u>communications@reca.ca</u>.

### P R O F E S S I O N A L I S M M A T T E R S

by James Porter, RECA Investigations Manager



Professionalism is important for licensees. After all, you are not just a representative of your client, you are also a representative of your business, brokerage, and the entire industry. It may seem like common sense, but it is important to remember what professionalism means. Professionalism means treating clients, other licensees, and third parties with civility, respect, and professional courtesy, and is part of fulfilling your obligations to your client and providing competent service under the *Real Estate Act* Rules (Rules). A failure to act professionally that brings the industry into disrepute is a breach of s.42(g) of the Rules.

This article is a reminder that it is critical to set high standards of professionalism and continually work to maintain your integrity in all your business interactions. Maintaining professionalism is crucial in building and maintaining trust not only with your clients, but with fellow licensees, their clients and all those you do business with.

One of the most important aspects of maintaining professionalism in real estate is the quality of your communication. You should always communicate clearly and effectively with your clients, as well as with other licensees and anyone else involved in the transaction. This is providing competent service and required by s.41(b) of the Rules. This means returning phone calls and emails in a timely manner, providing updates on the status of a transaction, and answering questions honestly and accurately. It is also important for real estate licensees to be knowledgeable about the market and the properties they are listing or showing.

Another key aspect of professionalism is honesty and integrity. It is important to be transparent with your clients and avoid any conflicts of interest. You should adhere to ethical standards and ensure you are practicing withing the rules and regulations of the *Real Estate Act*.

Recently we have received complaints where licensees acted unprofessionally or failed to demonstrate professional courtesy, particularly during home showings. We have seen examples where licensees have:

 disrespected a seller and their licensee by failing to provide notice when they can't make a showing or don't adhere to the showing time agreed upon.
 Professional courtesy is communicating that you can't make the showing once that is known.



- not sought appropriate permission to access a property. e.g., assumed permission was not required when accessing a vacant property. Whether or not a property is occupied does not change the fact that permission is required. Competent service means a licensee must have permission to enter a property.
- disrespected the seller's privacy and personal space. e.g., leaving lights on and doors open and unlocked after they have left. Competent service requires a licensee properly secures a property when they leave.
- not supervised their clients while showing them a home, e.g., allowing clients to take items from refrigerators, look in dresser drawers, touch personal items, and play a piano. A licensee entrusted with the care and control of a property, must properly supervise all occupants.

After a deal is complete, it's your professional image that will linger in the minds of your clients and anyone you have encountered while doing business. Ensure you are putting your best foot forward each time you do business.

## WHAT DOES PROFESSIONALISM MEAN TO YOU?

The above examples were situations that consumers and licensees were upset about and were reported to RECA, proving every interaction matters. If the people you are doing business with don't like how you behave, you won't be the one they contact or refer to their friends or family the next time they need guidance in a real estate transaction. Worse yet, a lack of professionalism can result in violations of the *Real Estate Act*, and you could wind up under investigation and potentially disciplined.

Hold yourself accountable for your words, and actions. By doing so you will ensure our industry standards are kept high and you are representing yourself in the best possible way professionally.

## Residential Real Estate

## A NOTE FROM YOUR RESIDENTIAL REAL ESTATE BROKER COUNCIL:

Sano Stante, Chair, Residential Real Estate Broker Council

I sincerely hope everyone in our industry has been enjoying another successful year, and is well into planning for 2024.

Like you, I am in the industry on a daily basis, listing and selling properties to valued clients. I know we all have legal responsibilities to our clients and those must be taken very seriously. But sometimes I think we forget about acting courteously and honestly with our fellow industry members, who after all, are out there working as hard as we are. Remember your legal duties to your client, of course, but this business is hard enough – we should at least respect our relationships within the industry. There will probably come a time to do business again with the same person. What a more pleasant experience that will be if we got along well together the first time!! Or, for many of us, the second time, or the third time. We're all in this together.

The golden rule is a great way to ensure if we ever happen to meet on a beach in Hawaii, the reaction will be "let's have a beer together", not "may you fall off your surfboard"!

Best wishes!

Sano

## DOES THE SELLER KNOW YOU'RE POSTING THEIR HOME ONLINE?

by Kristian Tzenov, Stakeholder Engagement Manager

The rise of social media has revolutionized the way we communicate and share information. One area that has seen growth in the real estate industry is the use of short-form video to market homes for sale. With video, oftentimes shared on TikTok or Instagram Reels, potential buyers can get a quick virtual look of a property without ever leaving their couch. This convenience has made video a go-to asset for real estate licensees, home sellers, and potential buyers alike.

But there are a lot of things to keep in mind when it comes to selling and marketing homes online and through social media. Licensees should always make sure that any home marketing adheres to <u>RECA's</u> <u>Advertising Guidelines</u>.

It's particularly important to remember that posting videos of a home for sale should only be done with the permission of the seller. Without proper consent, sharing videos could be a breach of the *Real Estate Act* Rules, the seller's privacy, and could lead to legal consequences. If your intent is to film and post a video of a property listed for sale, it is essential to obtain written permission from the seller through their licensee.

Overall, the use of social media and shortform video has opened new opportunities for home marketing. But it's still important to use these tools responsibly, with the necessary



permissions and respect for the privacy of the seller.

Your posts must also accurately represent the property and not make any false claims.

Any content posted needs to easily identify your brokerage, as all licensee advertising is on behalf of the brokerage with which you are registered. RECA expects all licensees to know, understand, and comply with RECA's Advertising Guidelines

Licensees must also only use a property for the purpose for which the seller has granted them permission. For example, you can't request permission to access a property for a home inspection and take some quick video to post on social media while there. The homeowner (through their licensee) needs to be made aware of exactly why you are accessing their home.

Overall, posting home videos to social media can be a wonderful way to market a property. Not only does it highlight the particular property but it's also great content to share (who isn't interested in looking at a home for sale?).

Have fun with your online video content but make sure you are doing so responsibly, within the guidelines of *Real Estate Act* Rules, RECA's Advertising Guidelines and with the homeowner's permission.

## BROKERS NEED TO INCLUDE RMS INFORMATION IN PRACTICE REVIEW CHECKLIST

#### by Kehinde Ige, Practice Review Manager



By now, licensees should be aware that they must use the <u>Residential Measurement</u> <u>Standard (RMS)</u> when measuring residential properties.

#### But did you know this information also needs to be documented for when RECA conducts a Practice Review of your brokerage?

This RECA Information Bulletin outlines a broker's responsibility when it comes to ensuring licensees of the brokerage are following the RMS. Measurement documentation needs to be a part of the brokerage file. It's important to note that because all real estate trading activity of a brokerage licensee is carried out on behalf of the brokerage, any property measurement companies hired by licensees are actually providing service to the brokerage. Establishing policies surrounding brokerage employee use of property measurement companies protects the brokerage and helps you ensure measurements are being taken correctly.

#### Why does RECA need this information?

When RECA's Practice Review team performs a brokerage practice review, they need to be able to see documentation that the RMS was used correctly for any residential property size measurements and that it corresponds with the property size included in the listing.

Please see the <u>Information Bulletin</u> for more information on your responsibilities as a broker.

#### INCLUDE THE RMS IN YOUR CHECKLIST

Your Real Estate Broker 'Records Required' checklist for file reviews should include the requirement to include RMS information for each residential property listing, where applicable. This provides assurance that you, as the broker, have reviewed and are satisfied that the measurement was competently calculated.

If you have any questions on RECA's practice review process, what's included, or the requirement to provide RMS information specifically, please contact <u>kige@reca.ca</u>

## Mortgage

## GET UP TO SPEED: FINTRAC ACT WILL SOON APPLY TO MORTGAGE SECTOR

by Gary Siegle, RECA Regulatory Compliance Advisor, Mortgage Brokers

To protect consumers and lessen instances of fraud, the mortgage industry is regulated in Canada, with both provincial and federal laws governing industry conduct. RECA licensees are not only required to abide by the *Real Estate Act*, its Rules, and its Regulations, but must also comply with federal legislation, including those administered by the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), and other federal regulators.

FINTRAC currently requires financial institutions and other businesses (including real estate brokers) to report certain financial transactions, such as large cash deposits, international electronic fund transfers, and suspicious activities. This information is used to support law enforcement investigations and to protect the integrity of Canada's financial system.

In October, FINTRAC announced that the mortgage sector will also now be subject to the same obligations under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (the Act). The Act is designed to combat money laundering and the financing of terrorism in Canada. The following information is a summary of the obligations mortgage brokers and associates will have under the Act. Please read the information that is linked carefully as mortgage licensees have 12 months to become familiar with and implement the new requirements.

As of October, 2024, all mortgage licensees will be responsible for the following:

 establish and <u>implement a compliance</u> program



- there are several elements that must be included in your compliance program, including the appointment of a compliance officer, the documentation of a risk assessment of your business and compliance training for employees
- report transactions, including the submission of the following reports to FINTRAC:
  - <u>Suspicious Transaction Report</u>
  - <u>Terrorist Property Report</u>
  - Large Cash Transaction Report
- <u>keep records</u>, including those above, mortgage loan records, information records, receipt of funds record, large virtual currency records and others
- know your client by verifying their identity using the methods listed in the Act
- apply any additional ministerial directives when/if informed by FINTRAC

FINTRAC has stated that they plan to engage with the mortgage sector before and after the new obligations come into force on October 11, 2024, so please watch out for any added information that may circulate in the coming months.

Avoid penalties for non-compliance and ensure you are up to date by learning more <u>here</u>.

If you have any questions on how the obligations under the Act will apply to mortgage licensees, please reach out to <u>gsiegle@reca.ca</u>.



## Be Aware of Recent Private Lending Fraud

RECA recently <u>warned consumers</u> who are private lenders about recent fraudulent activity. RECA is currently investigating instances where private entities and related businesses have presented fraudulent and/or altered documents to secure mortgages from private lenders. Please be aware of these situations if you work with consumers who wish to become private lenders.

In the cases under investigation, private lenders have been approached by an unlicensed third-party who then connects them to borrowers looking for a private loan. The private lender is presented with altered and/or incomplete Land Title Certificates that list the borrowers incorrectly as the property owners, and no encumbrances or liens on the property title. The unlicensed third-party assures the private lender their mortgage will appear in second position on title to protect them if the borrower defaults on the mortgage.

In fact, RECA has found that there were numerous caveats and liens on the property used for collateral and the borrower, in some cases, was not the owner, leaving the private lender in jeopardy of their loan being unsecured.

#### PROTECT YOUR CLIENTS

Consumers who lend private funds, with property used as collateral, are always urged to use a licensed mortgage brokerage and licensee to connect them with a borrower.

This unlicensed third party has been known to approach mortgage brokers looking for borrowers needing private loans.

- 1. Always check your referral sources (Google is your friend). Why did they approach you? Who else have they worked with (talk to them)?
- 2. Do not accept documents from third parties. Get them from the source (e.g., Land Titles search, borrower and/or private lender)

Dealing in private mortgages is considered a specialized area of mortgage brokering and licensees brokering these types of transactions need to ensure they have the proper skills and training to provide a competent service.

If you have any questions or concerns regarding a private lending situation, please reach out to: Gary Siegle <u>gsiegle@reca.ca</u> Regulatory Compliance Officer, Mortgage

## Residential Property Management

### MASTERING COMMUNICATION IN CONDOMINIUM MANAGEMENT

by Doug Dixon, RECA Regulatory Compliance Advisor, Condominium Managers



For condominium managers, effective communication with the condominium board and the owners is arguably one of your most important roles. You are the bridge between these two important groups.

RECA has recently issued *Advisory Notes* to condominium manager licensees regarding communication issues. In one instance, communications for the Board that the manager received were not passed on promptly. In another example, the condominium manager neglected to provide important updates to owners on the status of unit repairs after a flood.

Advisory Notes are meant to guide licensees to take corrective action. They provide education on an issue that has been identified and the steps licensees can take to ensure they do not end up with disciplinary action in the future. In these examples, the licensees were instructed on the importance of timely and clear messages to their stakeholders.

Regular and clear communication helps keep everyone in the loop, ensuring decisions are understood and accepted. It also helps to eliminate many unnecessary questions and the need for future communications.

#### CRISIS MANAGEMENT

In times of crisis, clear communication becomes even more critical. Whether it's a sudden maintenance issue or an unforeseen financial challenge, condominium managers need to communicate promptly and efficiently. Timely and detailed communication helps provide reassurance to owners and the Board that you have matters under control and are in-front of any issues. Clear communication also helps mitigate panic and maintains a sense of order.

#### ENHANCED COMMUNICATION METHODS Have you considered using alternative forms of communication to communicate with your condominium community?

In today's digital age, leveraging technology is an asset to help improve communication.

Consider exploring platforms that may streamline your communication efforts such as a dedicated website, monthly blog, or email newsletter. Embracing technology can help facilitate a more organized flow of information and may prevent unnecessary misunderstandings from occurring.

Remember, it is your duty and responsibility to ensure your condominium community has the information they require and is always kept informed of the latest news.

If you have any questions on how to streamline your communication practices or what kind of information needs to be passed on to your condominium boards and owners, please reach out to me at <u>ddixon@reca.ca</u>.



## **NEWS BYTES**

#### REAL ESTATE ACROSS THE COUNTRY

#### INTERPROVINCIAL LICENSING

Did you know that throughout Canada, each province sets its own rules and guidelines when it comes to real estate regulation?

This means all real estate and mortgage professionals are required to be licensed within the specific province where they conduct business. Each provincial licensing requirement ensures the licensee possesses the localized knowledge and proficiency to do business in the specific jurisdiction. In Alberta, our licensees know, understand, and practice in strict accordance with the *Real Estate Act* of Alberta. Licensees of other provinces are educated, understand, and operate within the guidelines of their unique provincial legislation. An individual licensed to trade in real estate in Ontario cannot sell a home in Alberta or vice versa. The same goes for those licensed to deal in mortgages in British Columbia, or anywhere else. Their licence to do so in that province does not automatically grant them the right to practice in Alberta, or anywhere else across the county.

#### LABOUR MOBILITY

RECA will facilitate what is called "labour mobility" to real estate and mortgage brokers licensed in other jurisdictions and looking to conduct business in Alberta. This means, an individual who holds a real estate or mortgage licence from another Canadian province, who wishes to move to Alberta, or simply wishes to do real estate or mortgage business in Alberta, can apply to have their current alternative provincial licence applied towards being licensed in Alberta. Depending on the original jurisdiction and the licence they hold, additional education may be required before their Alberta licence application is accepted. Any past disciplinary action in other jurisdictions would also be reviewed. Only licensees from certain jurisdictions are eligible for labour mobility with Alberta. Please check eligible labour mobility jurisdictions on <u>reca.ca</u>.

Those interested can request a review of their eligibility for labour mobility by completing an online application and paying the \$350 application fee.

Learn more about RECA's Labour Mobility Policy here.

#### SHORT TEAM RENTAL RESTRICTIONS

<u>New restrictions in British Columbia</u> and additional restrictions across Canada through the <u>Canada Revenue Agency</u> have sparked questions regarding the regulation of Alberta's short term rental market. A short-term rental is considered rental accommodation in a private residence that lasts for 30 consecutive days or less. An individual can rent a portion or all the property. Popular platforms that administer short-term rentals include Airbnb and VRBO.

In Alberta, the *Residential Tenancies Act* (RTA), governed by the province, provides a framework for long-term landlord and tenant relations in Alberta, setting minimum standards of conduct for both landlords and tenants. Currently, short term rentals in Alberta do not fall under the RTA. Short term rental hosts in the province of Alberta must follow the rules and regulations of the specific municipality where the short-term rental is located. Many municipalities stipulate that eligible short-term rental hosts must obtain a business licence from their local municipality (currently required in both Calgary and Edmonton).

While not within our jurisdiction, RECA plans to watch closely as the Alberta rules evolve for short-term rentals.

#### **RECA MANAGEMENT**

RUSS MORROW Chief Executive Officer

JANICE HARRINGTON Chief Operating Officer

WARREN MARTINSON Registrar

#### **STACY PAQUIN**

General Counsel & Corporate Secretary

#### **CONTACT RECA**

Phone (403) 228-2954 Toll-free 1-888-425-2754 Fax (403) 228-3065

#### GENERAL QUESTIONS

Call or email an Information Officer at: <u>info@reca.ca</u>

#### **BROKER ADVICE**

Call or email one of our Compliance Advisors:

Mortgage: gsielgle@reca.ca

Real Estate: <u>ktzenov@reca.ca</u>

Condo: ddixon@reca.ca

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

Board of Directors: board@reca.ab.ca

Mortgage Broker Industry Council: <u>mortgageic@reca.ab.ca</u>

Residential Real Estate Broker Industry Council: <u>resic@reca.ab.ca</u>

Residential Property Manager Industry Council: <u>respmic@reca.ab.ca</u>

Commercial Real Estate Broker and Commercial Property Manager Industry Council: <u>commic@reca.ab.ca</u>

WATCH RECA.CA FOR CURRENT ENGAGEMENT EVENTS, BROKER FORUMS, AND MORE.