

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013647
Name on Licence: Mary Virginia Walker
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Tempo Real Estate Ltd. o/a Royal LePage
Benchmark. Currently registered with 2042599
Alberta Ltd. o/a Royal LePage Mission Real Estate.

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: Mary Virginia Walker

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(d) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(d) *fulfill their fiduciary obligations to their clients*

Particulars of the contravention(s):

1. In or around June 2022, you failed to fulfill your fiduciary obligation to your client, contrary to section 41(d) of the *Real Estate Act* Rules:
 - a) In June 2022, you represented your Buyer client for the purchase of the property located at [ADDRESS].
 - b) The listing for the property advertised the property as having a titled parking stall and noted that it was a smaller stall suitable for a motorcycle.
 - c) Upon viewing the property, you did not view the space that was represented as a parking stall to understand whether the stall met your client's needs. Had you viewed the parking stall, you would have noticed it was not a standard parking stall and something that needed to be brought to your client's attention.
 - d) You drafted an offer to purchase that included a titled parking stall. It was not a titled parking stall, but rather classified as titled storage space. You failed to adequately review title and the condo plan prior to drafting the offer which would have caught this error. This was a failure to look out for the best interests of your client.
 - e) The purchase contract was accepted and closed. The buyer then found out they did not receive a titled parking stall in the sale.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your misconduct impacted your buyer client. A titled parking stall has significant value. Had your client known the property did not come with a titled parking stall, it would have changed how the buyer valued the property and what they were prepared to offer.

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 October 26, 2023.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

cc [C.L], Real Estate Broker
Royal LePage Benchmark

[M.B], Real Estate Broker
Royal LePage Mission Real Estate