

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013726
Name on Licence: Christine Le
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Real Broker AB Ltd. o/a Real Broker
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: Christine Le

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:*

- (b) *fulfill their fiduciary duties to their clients*

Particulars of the contravention(s):

1. In or around May 2022, you failed to fulfill your fiduciary duty to your client, contrary to section 41(d) of the *Real Estate Act* Rules:
 - a) In May 2022, you represented a Seller for the sale of the property located at [ADDRESS]. There was a hot tub on the property.
 - b) On June 2, 2022, an offer was accepted by the Seller. The Seller intended to take the hot tub with them and did not want it included as part of the sale. While you had discussions with the Buyer's agent about the Buyers not including the hot tub, the purchase contract did not document how the hot tub was being handled. You failed to adequately protect your client's intentions of excluding the hot tub when negotiating the purchase.
 - c) The Seller was unable to get the hot tub out of the property prior to possession and attempted to get the hot tub after possession. The Buyer would not allow the Seller to pick up the hot tub.
 - d) This issue led to a legal dispute between the Seller and Buyer.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your client was forced to hire a lawyer to deal with the hot tub. The fact the purchase contract did not document that the hot tub was excluded from the purchase has created significant challenges for your client.

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 November 23, 2023.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

cc [T.L], Real Estate Broker
Real Broker