

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 009742.001  
Name on Licence: John Edward Rudyk  
Licence Sector and Class: Real Estate Associate  
Current Brokerage: Real Broker AB Ltd, o/a Real Broker  
Conduct Brokerage: GRANDE PRAIRIE ASSOCIATES REALTY LTD.  
O/A RE/MAX GRANDE PRAIRIE  
Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: John Edward Rudyk

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

Hearing Information

Date: Tuesday, August 27, 2024;  
Wednesday, August 28, 2024; and  
Thursday, August 29, 2024  
Time: 9:30 a.m.  
Venue: Virtual Hearing  
Hearing Panel: Anna Turcza-Karhut  
Junaid Malik  
Aron Scraba  
(Alternates: Jennifer Galarnreau, Bradley Woodward,  
Heather Yates)  
Counsel to the Panel: Shanna Hunka, Bishop & McKenzie, LLP

**It is alleged that the following conduct is deserving of sanction:**

1. Between March 1, 2016, and October 1, 2016, Mr. Rudyk made representations that were reckless or intentional and misled or deceived any person or was likely to do so contrary to *Rule 42(a)* of the Real Estate Act Rules.
  - a. Mr. Rudyk was representing Ms. Dietzen as the Buyer's real estate agent. Mr. Rudyk attended a meeting with Ms. Dietzen and Ms. Stinger, the mortgage broker assisting his client, where Mr. Rudyk misled Ms. Stinger into believing that he was there just as buyer's agent/family friend to Ms. Dietzen.
  - b. In the meeting with Ms. Dietzen and Ms. Stinger, Mr. Rudyk failed to communicate to Ms. Stinger that it would be he who would reside at the subject Property being purchased by his client.
  
2. Between March 1, 2016, and October 1, 2016, Mr. Rudyk participated in fraudulent or unlawful activities in connection with the provision of services, contrary to *Rule 42(b)* of the Real Estate Act Rules.
  - a. Mr. Rudyk advised his client, Ms. Dietzen, to mislead her mortgage broker, Ms. Stinger, by stating that Ms. Dietzen would reside at the Property as her principal residence.
  - b. Mr. Rudyk did not advise his client, Ms. Dietzen, that if she did not reside at the Property as her principal residence, she would need to provide a 20% down payment.
  - c. Mr. Rudyk transferred the downpayment amount to his client, Ms. Dietzen, while knowing the downpayment must come from the client or her immediate family.
  - d. Mr. Rudyk advised his client, Ms. Dietzen, to provide her mortgage broker, Ms. Stinger, with a fabricated story about where the downpayment came from.
  - e. Mr. Rudyk failed to disclose his interest in the property to any party in the subject transaction until 2019, when he was questioned by his Real Estate Broker after a civil claim was initiated between the parties.

**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 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 \_\_\_\_\_  
(date)

\_\_\_\_\_  
Warren Martinson, Registrar  
Real Estate Council of Alberta

Contact Information:

<p>Hearings Administrator:</p> <p>Email: <a href="mailto:hearingsadmin@reca.ca">hearingsadmin@reca.ca</a></p> <p>Fax: 403 228 3065</p> <p>Direct: 403 685 7913</p> <p>Toll Free: 1 888 425 2754</p> <p>Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>	<p>Administrator for Counsel for the Registrar:</p> <p>Email: <a href="mailto:conductadmin@reca.ca">conductadmin@reca.ca</a></p> <p>Fax: 403 228 3065</p> <p>Direct: 403 685 7944</p> <p>Toll Free: 1 888 425 2754</p> <p>Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>
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