

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014520
Name on Licence: Tao Jiang
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Homecare Realty Ltd.
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$3,000.00

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: Tao Jiang

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 duties to their clients

Particulars of the contravention(s):

1. In or around March 2023, you failed to fulfill your fiduciary duty to your clients, contrary to section 41(d) of the *Real Estate Act Rules*:
 - a) In March 2023, you represented Buyers that were interested in purchasing [ADDRESS 1]. This property was a condominium and had an age restriction.
 - b) The MLS listing for the property did not mention an age restriction. This was an estate sale where there was minimal information available about the property.
 - c) Prior to placing an offer and when viewing the property, the Buyers specifically asked you if the property had any age restrictions, as they had a nine-year-old living with them. You told the Buyers there were no age restrictions.
 - d) You reviewed the current and past listing for the property and reviewed a similar property listing in the complex and did not find an age restriction. While you took some steps to determine whether an age restriction applied, you did not contact the listing agent or the condominium manager to inquire whether there was an age restriction for the property. This was a failure to take reasonable steps in looking out for your clients' interests and gathering information about an important aspect of a potential purchase.
 - e) You advised the Buyers to place a condition in their offer to review the condominium documents and the Buyers decided not to. You failed to explain that a condominium document review was necessary to verify any information around age restrictions in the property. Instead, the Buyers relied on your representation that there were no age restrictions for the property.
 - f) The Buyers purchased the property and found out there was an age restriction in place.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your clients made clear that an age restriction on a property was important. You were asked a direct question about age restriction and gave an answer without doing sufficient due diligence.
- Your misconduct had significant impact on your clients.

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 6, 2024.

“Signature”

Warren Martinson, Registrar
Real Estate Council of Alberta

cc [M.W], Real Estate Broker
Homecare Realty Ltd.