

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 015197
Process: Section 83 of the *Real Estate Act*
Person: Simerjit Singh Warraich
Document: ADMINISTRATIVE PENALTY
Penalty: \$5000.00

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*.

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: Simerjit Singh Warraich

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 38(4)(a) of the *Real Estate Act***.

Section 38 - Investigation

38(2) *A person conducting an investigation may*

- by notice in writing demand that any person produce to the investigator*
- (a) *any books, documents, records and other things in that person's possession or under that person's control that are relevant to the investigation,*
 - (b) *demand that any person answer any questions that are relevant to the investigation,*

38(4) *A person who is required under subsection (2) to answer the questions of a person conducting an investigation*

- (a) *shall co-operate with the investigator and promptly respond to the questions*

Particulars of the contravention(s):

1. In or around February 2023, you applied for a mortgage with Computershare Trust Company of Canada C/O CMLS Financial Ltd for the property located at [ADDRESS]. Information was received regarding concerns with the documentation presented with the application of this mortgage. Attempts to speak with you regarding the mortgage application and documents have gone unanswered.
 - a) On May 14, 2024, a letter requesting you contact the investigator prior to May 24, 2024, was sent via Canada Post to [PERSONAL ADDRESS]. You failed to contact the investigator.
 - b) On June 28, 2024, the investigator attended your residence at [PERSONAL ADDRESS] left a demand letter for you at the door. The letter stated you were to contact the investigator prior to July 5, 2024, to arrange an interview time and date. You failed to contact the investigator.
 - c) On July 15, 2024, Simerjit Singh Warraich was hand delivered a demand letter that stated you were to contact the investigator prior to July 25, 2024, to arrange an interview time and date. You failed to contact the investigator.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You have intentionally ignored the requests of the investigator in his attempts to interview you.
- Non-cooperation impedes RECA's ability to effectuate the consumer protection mandate.

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: [R.B], 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 **August 1, 2024**.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta