

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013833.001
Name on License: Elilarasy Sivalingam
License Sector and Class: Real Estate Associate
Current Brokerage: Real Estate Professionals Inc.
Conduct Brokerage: Real Estate Professionals Inc.
Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: Elilarasy Sivalingam

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

Hearing Information

Date: Friday, April 11, 2025
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [R.D], Chair, Panel Member
[C.R], Panel member
[D.T], Panel member
(Alternates: [I.D], [M.B])

Counsel to the Panel: Rita Aggarwala

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

1. In or around June and July 2022, you failed to provide competent services to your clients contrary to Rule 41(b) of the *Real Estate Act Rules*:

- a. You failed to draft amendments to extend critical contract conditions which could have resulted in the seller cancelling the transactions and your client's losing the contract.
 - i. The initial deposit was submitted a day after the required deadline. You did not draft an amendment to the contract for your clients to sign to present to the seller.
 - ii. You informed your clients and their lawyer that an extension was required to move the closing date from July 15, 2022, to July 28, 2022. You did not draft an amendment to formalize this change.
 - b. You presented documents to your clients for signature without adequately explaining the documents and the consequences that would ensue should conditions not be met.
2. In or around June and July 2022, you failed to fulfil your fiduciary obligations to your clients, contrary to Rule 41(d) of the *Real Estate Act Rules*:
- a. You did not confirm with your clients whether they had a mortgage commitment prior to drafting and having them sign a waiver of financing conditions when you knew or ought to have known they did not have financing in place.
 - b. You advised your clients to waive all financing conditions, making the transaction firm.
 - c. You did not discuss the possibility of drafting an amendment to extend the financing condition date, which could have prevented your clients from forfeiting their \$10,000 deposit.
 - d. You referred your clients to an unlicensed individual regarding financing.
3. You made a referral to your clients without taking reasonable steps to ensure the person is in fact authorized to carry out the activities for which the referral is made, contrary to s. 45(3) of the *Real Estate Act Rules*.

- a. You referred your clients to a mortgage associate in Ontario who was not licensed to deal mortgages in Alberta.
4. You elicited confidential information from your clients without disclosing to your clients in writing the nature of services you will provide, contrary to s. 55(1)(a) of the *Real Estate Act Rules*.

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 March 26, 2025
(date)

"Signature"
Warren Martinson, Registrar
Real Estate Council of Alberta

Contact Information:

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