

THE REAL ESTATE COUNCIL OF ALBERTA

IN THE MATTER OF a Hearing under Part 3 of the *REAL ESTATE ACT*, R.S.A. 2000,
c.R-5 (the "Act")

AND IN THE MATTER OF a Hearing regarding the conduct of **HENRY CHU**, Real
Estate Associate, currently unlicensed, formally licensed with EXP Realty of Canada
operating as EXP Realty

Hearing Panel: [A.T], Chair
[J.P], Panel Member
[C.R], Panel Member

Appearances: I. Nazir, Counsel for the Real Estate Council of Alberta
Henry Chu, Licensee

Hearing Date: February 18, 2025, by video conference

HEARING PANEL DECISION

OVERVIEW AND DECISION SUMMARY

These are the written reasons of the Hearing Panel of the Real Estate Council of Alberta on:

- (i) conduct deserving of sanction; and
- (ii) sanction

with respect to the conduct of Henry Chu, a former real estate associate who is currently not licensed ("the Former Licensee").

After reading the parties' joint written submissions and hearing the parties' submissions at the hearing held on February 18, 2025, the Panel orally delivered its decision and advised the parties that these written reasons would follow.

The Former Licensee was self-represented. The Former Licensee advised that he was aware of his ability to retain legal counsel to represent him at these proceedings and confirmed that he wished to proceed without the assistance of legal counsel.

Neither the Registrar nor the Former Licensee objected to the composition of the Hearing Panel.

The Registrar and the Former Licensee jointly submitted:

- 1) An agreement of conduct deserving of sanction pursuant to Part 3, Section M (d) of the *Hearing and Appeal Practice and Procedure Guidelines*, setting out:
 - Agreed facts;
 - Agreed breaches; and
 - Agreed factors on sanction; and
- 2) A joint submission on sanction.

The Hearing Panel accepted the parties' agreement of conduct deserving of sanction, including the agreed facts, the agreed breaches and the agreed factors on sanction and found that the Former Licensee breached Rules 42(a) and 42(b) of the ***Real Estate Act Rules***, which provide that:

42 Licensees must not:

- (a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;
- (b) participate in fraudulent or unlawful activities in connection with the provision of services or in any dealings.

The Panel further found that the breaches of Rules 42(a) and 42(b) of the ***Real Estate Act Rules*** were conduct deserving of sanction.

The Hearing Panel accepted the parties' joint submission on sanction and imposed the following sanctions:

- 1) The Former Licensee, who is presently not licensed, is barred from reapplying for a license for a period of 5 years commencing from February 18, 2025;

2) The Former Licensee must successfully complete all education requirements before being eligible to apply for a new license from RECA as though he had never previously had a license from RECA.

3) The Former Licensee shall pay the following fines 30 days from the date of this written decision:

Rule 42(a)	\$2,000
Rule 42(b)	<u>\$3,000</u>
Total	\$5,000

4) The Former Licensee shall pay no costs.

BACKGROUND

The Notice of Hearing, Exhibit 1, alleged as follows:

1. Between May 24 and 25, 2023, the Former Licensee made representations that were reckless or intentional and that mislead or deceived or were likely to do so, contrary to section 42(a) of *the Real Estate Act Rules*:
 - a. He conveyed to [C.K.], another real estate associate, that multiple offers were present on a property he was selling. This assertion was false and triggered an escalation clause to come into effect, potentially resulting in [C.K.]’s client paying a higher price for the property had the transaction completed.
2. In or around May 25, 2023, the Former Licensee participated in fraudulent or unlawful activities in connection with the provision of services contrary to section 42(b) of *the Real Estate Act Rules*:
 - a. He created a fraudulent purchase contract and sent this contract to [C.K.].

HEARING PANEL’S REASONS FOR DECISION

1) Conduct Deserving of Sanction- Phase 1

At the request of the Registrar and the Former Licensee, the Agreement of Conduct Deserving of Sanction pursuant to Part 3, section M (d) of the *Hearing and Appeal*

Practice Procedure Guidelines dated January 20, 2025 (the "Agreement of Conduct Deserving of Sanction"), Exhibit 3, was entered into evidence as evidence of agreed facts, breaches, and conduct deserving of sanction.

Agreed Facts

The Hearing Panel accepted the following agreed facts as set out in Schedule A to the Agreement of Conduct Deserving of Sanction:

1. Henry Chu was first licensed as a Real Estate Associate with the Real Estate Council of Alberta ("RECA") in January 2021.
2. He is currently unauthorized to practice in real estate.
3. At the time of the conduct deserving of sanction, the Former Licensee was registered with EXP Realty of Canada Inc. O/A EXP Realty.
4. On May 17, 2023, the Former Licensee entered into an Exclusive Seller Representation Agreement with [J.L.] to sell her property located in Edmonton, Alberta (the "Property").
5. On May 24, 2023, [C.K.] at [A.R.I.] created a Residential Resale Condominium Purchase Contract. The buyer listed on the contract was [W.P.].
6. An escalation clause signed by [W.P.] was added as an addendum that formed part of the purchase contract. The escalation clause stated the following:
 - a. Escalating Factor: In the event that the seller receives one or more bona fide offers to purchase the property with terms acceptable to the Seller, but which result in net proceeds of the sale payable to the Seller under this offer, then the sales price stated in this offer shall automatically increase to an amount which generates net proceeds of the sale to the Seller equal to \$1,000.00 in excess of the highest net proceeds of sale generated in such offers.
 - b. Cap: The sales price under this offer shall not exceed \$108,000.
 - c. Documentation: in the event that other offers cause the escalation of the sales price in this offer, the Seller will provide the Buyer with sufficient documentation to justify the sales price increase.

d. Multiple Escalations: The Buyer acknowledges that the escalating factor of this offer and the escalating factors of other offers may result in multiple escalations and, in some cases, escalation to the cap.

7. The Former Licensee advised [C.K.] that [K.R.], an associate also sent him an offer for the property.

8. [K.R.] did not send the Former Licensee any written offer to purchase.

9. Based on the Former Licensee's representations of being in a multiple offer situation, the escalation clause came into effect, raising [C.K.]'s clients offer from \$103,000 to \$108,000.

10. On May 25, 2023, the Former Licensee informed [C.K.] that the seller had accepted her client's offer.

11. [C.K.] requested that the Former Licensee send her the offer from [K.R.]'s client that triggered the escalation clause.

12. The Former Licensee advised [C.K.] that he only received a text message from [K.R.] stating the offer details.

13. [C.K.]'s client was hesitant to proceed without having proof of a written offer to purchase and The Former Licensee stated that he could have [K.R.] send a written offer to him later that day.

14. The Former Licensee created a fraudulent offer to purchase dated May 24, 2023, and listed [K.R.] as the buyer's representative.

15. The Former Licensee fabricated a fictitious buyer and redacted the buyer's name on the document. The Former Licensee added the initials "J.C" on each page beneath the buyer's initials. On Page 7 of the document, the Former Licensee created a signature. He then sent a photo of this offer to [C.K.].

16. [C.K.] informed the Former Licensee that her client decided not to proceed with the purchase of the property. This decision was influenced by the discovery that the Former Licensee had created a fraudulent offer to purchase, resulting in a deceptive multiple-offer scenario.

Agreed Breaches

The Hearing Panel accepted the following agreed breaches jointly submitted by the parties as being conduct deserving of sanction:

- 1) Between May 24 and 25, 2023, the Former Licensee made representations that were reckless or intentional and that mislead or deceive a person or were likely to do so, contrary to section 42(a) of the *Real Estate Act Rules*:
 - a. The Former Licensee gave the impression that multiple offers existed, intending to mislead [C.K.]. These claims were false and triggered an escalation clause, which would have caused [C.K.]'s client to pay a higher price for the property had the transaction proceeded.
- 2) In or around May 25, 2023, the Former Licensee participated in fraudulent or unlawful activities in connection with the provision of services contrary to section 42(b) of the *Real Estate Act Rules*:
 - a. The Former Licensee created a fraudulent purchase contract and sent this contract to [C.K.].

Agreed Factors on Sanction:

The Hearing Panel accepted the following agreed factors on sanction jointly submitted by the parties.

The Hearing Panel accepted that the following jointly submitted facts were relevant as mitigating factors:

- a. The Former Licensee has agreed to forgo the time and expense of a hearing by making these admissions.
- b. The Former Licensee has no previous history of misconduct and has complied with the investigation conducted by RECA.
- c. The Former Licensee has taken full responsibility for the breaches and has expressed remorse for the conduct in question.

The Hearing Panel further accepted that the following jointly submitted facts were relevant as aggravating factors:

- a. The Former Licensee intentionally committed forgery. This is misconduct of deliberate dishonesty.

- b. The Former Licensee engaged in two breaches in one transaction.

Oral Submissions at the Hearing

At the hearing, counsel for the Registrar presented the Agreement of Conduct Deserving of Sanction.

The Registrar submitted that the Hearing Panel did not have to accept the Agreement of Conduct Deserving of Sanction, but that the Hearing Panel would need to have a compelling reason not to do so.

The Former Licensee made oral submissions at the hearing. He submitted that he was very sorry for what he had done. He explained that this transaction was the first time he had dealt with the escalation clause, and that he should have asked his broker to assist him but didn't.

Decision on Conduct Deserving of Sanction - Phase 1

The Hearing Panel accepted the parties' agreement of conduct deserving of sanction, including the agreed facts, the agreed breaches and the agreed factors on sanction.

The Panel accepted the Former Licensee's oral submissions that he was very sorry for what he had done and that this was his first time dealing with an escalation clause.

The Panel found that the Former Licensee breached Rules 42(a) and 42(b) of the *Real Estate Act Rules*, which provide that Licensees must not:

- (a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;
- (b) participate in fraudulent or unlawful activities in connection with the provision of services or in any dealings.

The Panel further found that the breaches of Rules 42(a) and 42(b) of the *Real Estate Act Rules* were conduct deserving of sanction.

Phase 2 – Sanction and Costs

Sanctions

The Registrar and the Former Licensee submitted a Joint Submission on Sanction dated January 20, 2025, which was entered into evidence as Exhibit 4.

The Registrar and the Former Licensee proposed the following sanctions:

a. Re-Applying for a License

The Former Licensee is unauthorized to practice in real estate and does not possess a license that can be suspended or cancelled.

The parties proposed that the Former Licensee be barred from reapplying for a license for a period of 5 years. The Former Licensee shall successfully complete all education requirements before being able to apply for a new license from RECA as though he had never previously received a license from RECA.

b. Monetary Fines

The parties proposed that the Former Licensee pay the following fines for the breaches:

Breach	
Rule 42(a)	\$2,000
Rule 42(b)	<u>\$3,000</u>
Total	\$5,000

c. Costs

The parties proposed that the Former Licensee shall pay no costs.

Panel Authority on Sanction

The parties jointly submitted that sanction is within the discretion of the Hearing Panel.

The Hearing Panel's authority to impose sanction is set out in section 43 of the *Real Estate Act*:

Decision of Hearing Panel

43(1) If a Hearing Panel finds that the conduct of an industry member was conduct deserving of sanction, the Hearing Panel may make any one or more of the following orders:

- (a) an order cancelling or suspending any authorization issued to the Licensee by the Council;
- (b) an order reprimanding the Licensee;
- (c) an order imposing any conditions or restrictions on the Licensee and on that Licensee's carrying on of the business of an Licensee that the Hearing Panel, in its discretion, determines appropriate;
- (d) an order requiring the Licensee to pay to the Council a fine, not exceeding \$25,000, for each finding of conduct deserving of sanction;
- (d.1) an order prohibiting the Licensee from applying for a new authorization for a specified period of time or until one or more conditions are fulfilled by the Licensee;
- (e) any other order agreed to by the parties.

Factors to Consider

The parties jointly submitted that the Hearing Panel must consider the specific facts of the case when deciding on a sanction.

The parties submitted that in determining the sanction, the Hearing Panel should consider following the factors set out in *Jaswal v Newfoundland (Medical Board)*, 1996 CanLII 11630 (NLSC):

- a. the nature and gravity of the proven allegations;
- b. the age and experience of the Licensee;
- c. the previous character of the Licensee and, in particular, the presence or absence of prior complaints or convictions;
- d. the number of times the offence was proven to have occurred;
- e. the role of the Licensee in acknowledging what occurred;
- f. whether the Licensee had already suffered serious financial or other penalties as a result of the allegations having been made;

- g. impact of the incident on the victim, if any;
- h. mitigating circumstances;
- i. aggravating circumstances;
- j. the need to promote specific and general deterrence and thereby protect the public and ensure the safe and proper conduct of the profession;
- k. the need to maintain the public's confidence in the integrity of the profession;
- l. the degree to which the offensive conduct that was found to have occurred was clearly regarded, by consensus, as being the type of conduct that would fall outside the range of permitted conduct; and
- m. the range of sentences in other similar cases.

The parties jointly submitted that general deterrence refers to the effect a sanction will have on others in the future: will it dissuade others from the same conduct? General deterrence is also about how the public and industry would consider a reasonable response to the conduct.

The parties submitted that specific deterrence refers to the effect a sanction will have on the subject of the sanction: will it dissuade them from repeating the conduct? The Hearing Panel can weigh factors like the subject's current work, social or financial circumstances, their remorse or lack of remorse, and what impact a sanction will have on them personally.

The parties submitted that in addressing specific deterrence, the Hearing Panel should address the person in front of them and make an order that speaks to them. Mitigating and aggravating refers to facts which make the conduct less or more serious. These will indicate a lower or higher sanction.

The parties submitted that the factors are based on facts. The facts come from the hearing evidence or from additional evidence entered in the second phase of the hearing.

Licence Cancellation Principles

The parties jointly submitted that there is no specific test for license cancellation as a sanction. However, there are principles that can be derived from relevant real estate industry cases. The parties submitted that the Hearing Panel should consider these principles when considering if license cancellation is a fit and just sanction:

- a. License cancellation is appropriate for misconduct that is of a serious or severe character (*Behroyan (Re)*, 2018 CanLII 50247 (BC REC) ("*Behroyan*"), *Inglis (Re)*, 2019 CanLII 53386 (BC REC) at para. 42 ("*Inglis*"); *Aulakh (Re)*, 2019 ABRECA 121 ("*Aulakh*").
- b. License cancellation is not reserved for only the most serious of misconduct. Cancellation is a spectrum, where the degree of seriousness of misconduct can be reflected in the length of cancellation. Individuals can re-apply for a license after the cancellation period is over (*Behroyan* at para. 27; *Inglis* at para. 42);
- c. The most severe penalty of lifetime license cancellation is reserved for the "most serious of misconduct" akin to disbarment for a lawyer or removal of a physician from the register (*Behroyan* at para. 27; *Inglis* at para. 42);
- d. The standard cancellation period under RECA legislation is 3 years. A Hearing Panel may use its discretion to impose a lesser or greater cancellation period (*Aulakh*);
- e. A lack of previous disciplinary history is not a bar to license cancellation (*Merchant (Re)*, 2019 RECA ("*Merchant*") at p. 53; *Dhaliwal (Re)*, 2023 RECA ("*Dhaliwal*") at p. 6;
- f. License cancellation is appropriate for certain classes of misconduct:
 - i. Intentional criminal acts such as forgery even where there is no financial loss to any party (*Voth (Re)*, 2023 RECA ("*Voth*") at p. 7;
 - ii. Mortgage fraud (*Aulakh* at para. 5.5(5)) i.e. breach of trust and acts of dishonesty (*Aulakh* at para. 6.5);
 - iii. Acts of dishonesty and serious lack of judgement, compounded by making false statements (*Inglis* at para. 43);
 - iv. Misappropriation of monies (*Behroyan* at para. 27).

Application of the *Jaswal* Factors

The parties jointly submitted that in analyzing the *Jaswal* factors, the Hearing Panel should consider the following mitigating factors:

- 1) The Previous Character of the Licensee
 - a) The Former Licensee has no previous disciplinary history.
- 2) The Role of the Licensee in Acknowledging What Occurred
 - a) The Former Licensee has taken full responsibility for the breaches. He

- has entered into an agreement of conduct deserving of sanction and a joint submission on sanction, thus saving the resources of all parties.
- b) The Former Licensee is remorseful.

The parties jointly submitted that the following are aggravating factors:

- 1) Age and Experience of the Licensee
 - a) The Former Licensee is currently 36 years old and was first authorized as a real estate associate in 2021. Having obtained his license recently, the Former Licensee is presumed to be fully up to date on education, training and understanding of professional standards. Therefore, he ought to have been fully aware that his actions in this matter were improper and unacceptable.
- 2) The Number of Times the Offence was Proven to have Occurred.
 - a) The Former Licensee engaged in two breaches while providing services to his client.
- 3) The Nature and Gravity of the Proven Allegations
 - a) The Former Licensee intentionally committed forgery in the course of his dealings. This is misconduct of deliberate dishonesty.
 - b) The mandate of RECA includes protecting against, investigating, detecting, and suppressing fraud. The Former Licensee's misconduct strikes at the heart of this mandate.
 - c) The Former Licensee made misrepresentations that deceived other real estate associates.
 - d) These breaches are very serious in nature. The Former Licensee's misconduct falls well outside the acceptable range of conduct.
- 4) The Need to Maintain Public Confidence in the Industry
 - a) The Alberta Court of Appeal in *Adams v Law Society of Alberta*, 2000 ABCA 240, held that:

A professional misconduct hearing involves not only the individual and all the factors that relate to that individual, both favorably and unfavorably, but also the effect of the individual's misconduct on both the individual client and generally on the profession in question. This public dimension is of critical significance to the mandate of professional disciplinary bodies.
 - b) The parties submitted that RECA must be able to demonstrate to the public that it is investigating, detecting, and suppressing fraud and other crimes of dishonesty perpetrated by licensees.
 - c) In this case, there is a need to maintain public confidence that RECA will meet serious breaches such as forgery and making deceiving misrepresentations with an effective and appropriate sanction.

5) Specific and General Deterrence

- a) The parties submitted that the need for specific deterrence in this case is moderate. The Former Licensee has admitted his misconduct and expressed remorse. This reduced the likelihood of recidivism.
- b) The parties agreed that the need for general deterrence is high. The public deserves confidence that real estate associates will not engage in fraudulent and deceptive behavior. Licensees must be strongly deterred from engaging in such acts.

RECA decisions

Although past RECA decisions are not binding on this Hearing Panel, the parties submitted RECA decisions for the Panel to consider when determining the sanction.

Rule 42(a)

The parties submitted the following RECA decisions for the Panel to consider when determining the sanction for the breach of Rule 42(a):

- *Long (Re)*, unreported, Case File: 012488
- *Nimji (Re)*, 2019 ABRECA 036
- *Armeneau (Re)*, unreported, Case File: 003969
- *Shumaker (Re)*, 2019 ABRECA 131
- *Aery (Re)*, 2022 ABRECA 18.

The sanctions in the decisions above ranged from a letter of reprimand to fines up to \$20,000.

The parties submitted that the Licensee's conduct was more severe than that of the licensees in *Long* and *Nimji*, given that in both of those cases, the licensees did eventually receive written competing offers to purchase. The parties submitted that the Former Licensee's actions were comparable to those of the licensee in *Shumaker*, where, as in this case, the licensee deliberately deceived or misled an associate and buyer into believing false information which would result in financial gain for the licensee.

Taking the above noted decisions into consideration, the parties jointly submitted that a fine of \$2,000 was appropriate for the Former Licensee's breach of Rule 42(a).

Rule 42(b)

The parties submitted the following RECA decisions for the Panel to consider when determining the sanction for the breach of Rule 42(b):

- *Merchant (Re)*, unreported, case 005064
- *Dhaliwal (Re)*, 2023 ABRECA 29;
- *Aulakh (Re)*, 2019 ABRECA 121;
- *Voth (Re)*, 2023 ABRECA 23;
- *Taschuk (Re)*, unreported, file 2332-08;
- *Wolf (Re)*, unreported,
- *Adel (Re)*, 2010 ABRECA 289

The parties jointly submitted that these decisions indicate that sanctions for the breach of Rule 42(b) range from a license cancellation with an ineligibility to re-apply for a period from 1 to 10 years.

The parties submitted that the low to mid end of the range is appropriate where licensees enter into joint submissions with the Registrar, acknowledging their breaches and taking responsibility for their actions. In contrast, the mid to high range is appropriate where licensees do not take responsibility for their breaches and have more than one instance of fraud, with the upper end of the range reserved for individuals who have a wide breadth and depth of fraudulent activity and who have caused significant financial loss.

The parties agreed that the following *Jaswal* factors applied to the Former Licensee:

- 1) Mitigating factors:
 - a) Former Licensee had no previous misconduct;
 - b) The conduct was an isolated incident;
 - c) The Former Licensee took responsibility for his actions and entered into an agreement of conduct deserving of sanction.
- 2) Aggravating factors:
 - a) The nature and gravity of intentional criminality;
 - b) The need to maintain confidence in the industry; and
 - c) General deterrence.

The parties jointly submitted that the breaches committed in *Dhaliwal* and *Voth* were most similar to the breaches committed in this case. Both *Dhaliwal* and *Voth* involved forgery of documents, and in both cases the licensees took responsibility for their actions and entered into agreements of conduct deserving of sanction. The parties agreed that the Former Licensee's breach was more serious in that it involved a fraudulent offer to purchase which triggered an escalation clause. If C.K.'s client had not become aware that the offer was fraudulent, he would have paid a higher price for the property, thereby causing financial harm to C.K.'s client. Moreover, if the fraud had not been discovered, the Former Licensee would have received a higher commission.

The parties jointly submitted that based on the cases and factors set out above, the appropriate sanction for the breach of Rule 42(b) in this case was an order

prohibiting the Former Licensee from applying for a license for a period of 5 years with a fine of \$3,000.

The Former Licensee's oral submissions to the Panel

At the hearing, the Former Licensee made oral submissions to the Panel.

The Former Licensee expressed that he was very sorry for what he had done. He explained that this was the first time he had dealt with an escalation clause, and that in retrospect, he should have asked his broker for help, but that he chose not to do so.

With respect to sanction, the Former Licensee advised that he does not wish to be a real estate agent again. He stated that he would be happy to extend the ban to 10 years if that made things easier for everyone involved.

The Test for Accepting a Joint Submission

The Panel considered the decisions cited above, and the aggravating and mitigating factors jointly presented by the parties.

The Panel also considered the oral submissions of the Former Licensee including that he did not wish to be a real estate agent again and would be happy to extend the ban to 10 years if that made it easier for everyone involved.

In light of these facts and submissions, the Panel had to decide whether to accept the parties' proposed sanction, or whether the Panel should substitute its own sanction.

The test for whether a decision maker should depart from a joint submission has been set out by the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC 43 ("*Anthony-Cook*") at paras. 32-35.

In *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 the Ontario Superior Court of Justice held that the public interest test set out in *Anthony-Cook* applies to professional disciplinary tribunals. We note that the public interest has been applied by other RECA panels.

In *Anthony-Cook*, the Supreme Court of Canada set out the public interest test as follows:

[32] Under the public interest test, a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. But, what does this threshold

mean? Two decisions from the Newfoundland and Labrador Court of Appeal are helpful in this regard.

[33] In *Druken*, at para. 29, the court held that a joint submission will bring the administration of justice into disrepute or be contrary to the public interest if, despite the public interest considerations that support imposing it, it is so “markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the criminal justice system”. And, as stated by the same court in *R. v. B.O.2*, 2010 NLCA 19, at para. 56, when assessing a joint submission, trial judges should “avoid rendering a decision that causes an informed and reasonable public to lose confidence in the institution of the courts”.

[34] In my view, these powerful statements capture the essence of the public interest test developed by the Martin Committee. They emphasize that a joint submission should not be rejected lightly, a conclusion with which I agree. Rejection denotes **a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold** — and for good reason, as I shall explain.

(emphasis added)

The Panel’s Findings and Acceptance of the Joint Submission on Sanction

The Hearing Panel found that the Joint Submission on Sanction is not so unhinged from the circumstances of the breaches and the licensee that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.

The Hearing Panel was satisfied that the parties have provided “a full description of the facts relevant to the offender and the offence” in order to give the Hearing Panel “a proper basis upon which to determine whether [the joint submission] should be accepted”: *Anthony-Cook* at para. 54.

Conclusion

The Hearing Panel accepted the parties' agreement of conduct deserving of sanction and the parties' joint submission on sanction.

Pursuant to section 43 of the *Real Estate Act*, this Panel imposed the following sanctions:

- 1) The Former Licensee is barred from reapplying for a license for a period of 5 years commencing from February 18, 2025;
- 2) The Former Licensee must successfully complete all education requirements before being eligible to apply for a new license from RECA as though he had never previously had a license from RECA.
- 3) The Former Licensee shall pay the following fines 30 days from this written decision being issued:

Rule 42(a)	\$2,000
Rule 42(b)	<u>\$3,000</u>
Total	\$5,000
- 4) The Former Licensee shall pay no costs.

Signed and dated this 6th day of March 2025 at the City of Edmonton in the Province of Alberta.

"Signature"

[A.T],
Hearing Panel Chair