

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 016709
Person: Amit Dutta
Licence Type & Class: Not licensed
Process: Section 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$5000 (see Schedule 2 of the Bylaws)

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: Amit Dutta

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 17(a) of the *Real Estate Act***.

Section 17 - Licence Required

17 No person shall

(a) trade in real estate as a real estate broker,

(b) deal as a mortgage broker,

(c) act as a property manager, or

(d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or property manager

unless that person holds the appropriate licence for that purpose issued by the Industry Council.

Particulars of the contravention(s):

In May 2023, you traded in real estate in Alberta without the required licensing contrary to s. 17(a) of the *Real Estate Act*:

- a) In or around May 2023, you worked with and facilitated the sale of [ADDRESS]. (Property). The Property was owned by your relatives, [J.L & K.L], ([J.L & K.L]) who both resided outside of Alberta. The [J.L & K.L] relied on your experience as a licensed Real Estate Broker in Ontario.
- b) In or around May 2023, you contacted your close friend [V.D] ([V.D]) a licensed Mortgage Associate in Alberta. The property was sold to [V.D]'s client for under market value. The [J.L & K.L]'s believed [V.D] was their real estate associate.
- c) You provided the [J.L & K.L]'s personal identification, property information including lease agreements, and property management information to [V.D]. You further assisted [V.D] in facilitating showings, reviewing residential purchase contracts, including negotiating the price down with pictures of the property. You were trading in real estate, and your activities required a licence.
- d) You received \$11,000 from the [J.L & K.L]'s at the time for your services.
- e) The property was sold to [V.D]'s client for \$488,000, completing on May 31, 2023. The property was re-listed on June 1, 2023, and sold for \$600,000, for a difference of \$112,000.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Unlicensed persons who provide services that require a licence put consumers at risk. Often, unlicensed persons do not have the required education or errors and omissions insurance. There must be general deterrence of unlicensed activity.
- The unlicensed activity facilitated a consumer being taken advantage of
- You were a licensed Real Estate Broker in Ontario and as such ought to have known you require a license in Alberta to trade in real estate.
- You were not forthcoming with RECA during the investigation.

Mitigating Factors

- You returned the \$11,000 to the [J.L & K.L.]'s.

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: [H.C], Senior 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 May 30, 2025.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta