

## THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: MMS-02421  
Name on Licence: Brett Binnie  
Licence Type & Class: Condominium Management Broker  
Brokerage Name on Licence: 2207170 Alberta Inc. o/a AV8 Solutions  
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY  
Penalty: \$1,500.00 (see Schedule 5 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* 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: Brett Binnie**

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened section 41(h) of the *Real Estate Act* Rules and this is conduct deserving of sanction.

Rule 41 – Licensees must:

- (h) cooperate fully with, and provide any information requested to, any representative of the Council carrying out their duties and responsibilities under the Act;

### Particulars of the contravention(s):

1. Between January 2025 and April 2025, you failed to act in accordance with the *Real Estate Act*, contrary to section Rule 41(h) of the *Real Estate Act* Rules:
  - a) On or around January 10, 2025, you stated to an investigator that you had additional information regarding an investigation that you would provide by the end of that month.
  - b) On or around February 4, 2025, an investigator sent you a follow-up email. You replied February 11, 2025, and said you would provide the information the following day (February 12, 2025).
  - c) On or around February 12, 2025, after no additional information had been received by the end of the workday, a follow-up email was sent with a response deadline of February 14, 2025.
  - d) On or around February 24, 2025, a formal information request letter was sent with a response deadline of February 28, 2025.
  - e) No response to this letter was received and a Failure to Cooperate letter was sent on March 7, 2025, with a response deadline of March 28, 2025.
  - f) A follow-up email regarding the Failure to Cooperate letter was sent to you on April 7, 2025. Still no response was received.
  - g) A phone call to your office was made on April 28, 2025, and a message was left as you were unavailable. The investigator asked you to either respond to the previous emails or call back. No response was received as of May 6, 2025.
  - h) This failure to co-operate with an investigator contravenes section 38(4)(a) of the *Real Estate Act*, which breaches section 41(h) of the *Real Estate Act* Rules.

All licensees are subject to the *Real Estate Act* and are required to conduct their business in accordance with the *Real Estate Act* and its associated regulations.

The Registrar considered the following aggravating factors:

### ***Aggravating Factors***

- Brokers are held to a higher standard, as they are responsible for ensuring that all of their brokerage's operations follow the *Real Estate Act*.
- RECA's ability to effectively investigate complaints depends on co-operation from licensees.

## 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: [N.Z], 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 22, 2025.

**"Signature"**

---

Warren Martinson, Registrar  
Real Estate Council of Alberta