

THE REAL ESTATE COUNCIL OF ALBERTA

IN THE MATTER OF a Hearing under Part 3 of the *REAL ESTATE ACT* (the "Act")

AND IN THE MATTER OF a Hearing regarding the conduct of **Ramanjit Si Dhaliwal**, Real Estate Associate, currently registered with The Real Estate Company Ltd. o/a TREC The Real Estate Company and at the time of the alleged conduct registered with Royal LePage Mission Real Estate.

Hearing Panel: [R.D] - Chair
[D.T]
[B.W]

Appearances: G. Zha, Counsel for the Registrar of the Real Estate Council of Alberta

Ramanjit Si Dhaliwal, Licensee – self-represented

Hearing Date: June 17, 2025, by video conference

HEARING PANEL DECISION

Background:

On May 30, 2025, a Notice of Hearing (Exhibit 1) was issued to Ramanjit Si Dhaliwal (the "Licensee"). On May 31, 2025, the Notice of Hearing was served on the Licensee (Exhibit 1). The hearing was scheduled for June 17, 2025, at 9:30a.m. Mountain Time, and proceeded on that date virtually.

The Notice of Hearing outlined alleged conduct deserving of sanction when:

1. In April of 2019 the Licensee failed to provide their broker all original documents and copies of original documents provided to the parties to a trade in real estate, contrary to section 53(c)(i) of the *Real Estate Act Rules*:
 - a. The Licensee failed to submit to their brokerage the Exclusive Sellers Representation Agreement and other documentation regarding the listing of a property located at [ADDRESS].

The Hearing:

On June 17, 2025, the hearing of this matter proceeded virtually. The Registrar was represented by legal counsel and the Licensee was self represented. Neither the Registrar nor the Licensee objected to the composition of the Hearing Panel and there were no preliminary applications.

Phase 1 – Conduct Deserving of Sanction

At the request of the Registrar, and with no objection from the Licensee, the Agreement of Conduct Deserving of Sanction (the "Agreement"), dated April 14, 2025, was admitted into evidence (Exhibit 2) as the agreed facts and breaches in the hearing of this matter. The parties agree to the facts admitted and that the breaches constitute conduct deserving of sanction.

On May 27, 2025 the RECA Board of Directors accepted the Agreement in accordance with section 46 of the *Real Estate Act* (Exhibit 2).

The parties presented no additional evidence.

This Hearing Panel makes its findings of fact, determinations of breach, and conclusions regarding conduct deserving of sanction based on the Agreement and the relevant provisions of the *Real Estate Act* and *Real Estate Act Rules*. During the hearing, the Panel accepted the following agreed upon facts, on a balance of probabilities:

1. The Licensee was licensed as a Real Estate Associate with the Real Estate Council of Alberta (RECA) from 2006 to 2020. From 2021 to present, they have been licensed as a Real Estate Associate Broker.
2. The Licensee is currently registered with The Real Estate Company Ltd. o/a TREC The Real Estate Company.
3. During the time the misconduct occurred, the Licensee was registered with 2042599 Alberta Ltd. o/a Royal LePage Mission Real Estate.
4. On April 4, 2019, the Licensee had their seller clients, [T.D], sign an Exclusive Sellers Representation Agreement (the "Listing Agreement") post dated to April 16, 2019, with a termination date of June 29, 2019. Other documentation signed on April 4, 2019 included a Consumer Relationship Guide, and a Dower Consent and Acknowledgement form.

5. On April 16, 2019, the Licensee advertised the property on a Multiple Listing Service® database and indicated that the expiration of the Listing Agreement was June 30, 2019.
6. The Licensee possessed copies of [T.D] driver licenses and a copy of the land title certificate for the property.
7. The Licensee never submitted the Listing Agreement or any other documentation regarding the trade in real estate to their brokerage.

Admitted Breaches

This Hearing Panel also accepts the following agreed upon breaches:

1. In April of 2019, the Licensee failed to provide their broker, in a timely manner, all original documents and copies of original documents, provided to the parties related to a trade in real estate, contrary to section 53(c)(i) of the *Real Estate Act Rules* when:
 - a. The Licensee did not submit the Listing Agreement and related documentation for the property at [ADDRESS], to their brokerage.

Phase 2 – Sanction and Costs

Sanction

On June 17, 2025, during Phase 2 of the hearing, the Registrar and the Licensee put forward a Joint Submission on Sanction (the “Joint Submission”), that was entered into evidence (Exhibit 3), and that jointly proposed the following sanctions for breaches of the *Real Estate Act Rules*:

Rule 53(c)	<u>\$2,000</u>
Total	\$2,000

This Hearing Panel has authority to impose sanction pursuant to its authority set out in the *Real Estate Act* (“the Act”), s.43(1) that provides, among other things that:

If a Hearing Panel finds that the conduct of a licensee was conduct deserving of sanction, the Hearing Panel may make any one or more of the following:

- (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 a 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.

The Joint Submission meets RECA's mandate to set and enforce standards of professional conduct and to protect the public; and while not binding upon this Hearing Panel, this Hearing Panel accepts that it should not deviate from the Joint Submission unless the Joint Submission on sanction would bring the administration of justice into disrepute or otherwise be contrary to the public interest¹.

The proposed sanction for the breach is within the appropriate range that this Hearing Panel can accept and that would not cause an informed and reasonable public to lose confidence in RECA as an institution.

This Hearing Panel also accepts the Joint Submission because it meets the relevant factors in deciding an appropriate sanction, as outlined in *Jaswal v Newfoundland (Medical Board)*².

Admitted Factors on Sanction

The following is relevant as a mitigating factor agreed to by the parties:

1. The Licensee has no disciplinary history.

The following is relevant as an aggravating factor:

1. The Licensee failed to follow brokerage policy stating that all listing documents are to be provided to the brokerage as soon as possible and therefore the brokerage was unaware of that trading services were being provided to [T.D]

Additional aggravating factors cited in the Joint Submission were that the Licensee met with [T.D], pulled title to the subject property, and signed "listing documentation" on April 4, 2019, while [T.D] were still represented by, and their property listed with another brokerage. It also noted that the Licensee copied the property description from the previous listing brokerage, rather than drafting a new description based on their own knowledge and assessment of the property.

While the panel agrees that using a previous brokerage's property description without verifying its accuracy can raise concerns, it could not establish a sufficient connection between that conduct and the admitted breach to consider it an aggravating factor for the breach in question. Despite RECA's attempts to clarify the relevance, the panel found that the conduct did not directly relate to the Licensee's failure to submit documents to their brokerage as required under the *Real Estate Act Rules*. Similarly, the panel was unable to connect the Licensee's actions in pulling title and signing post-dated "listing documentation" to the admitted breach in a way that would justify treating those actions as aggravating factors.

The Joint Submission is accepted as this Hearing Panel's decision on sanction. The Hearing Panel did consider whether the proposed amount was severe enough and whether an education component was required, however, the question is not whether the Joint Submission matches the sanction the Hearing Panel would have ordered. The question is whether accepting the Joint Submission would put the administration of justice into disrepute. The Joint Submission proposing a total of \$2,000 in fines aligns with precedents citing the similar breaches. After considering the *Jaswal* factors, this Joint Submission proposing a total of \$2,000 in fines is sufficient to demonstrate the seriousness with which this Hearing Panel regards the Licensee's conduct, and in particular, the nature of the offences. A total of \$2,000 in fines provides general deterrence to other members of the real estate profession and should instill confidence in the public. The Joint Submission of a total of \$2,000 is not so unreasonable that it puts the administration of justice into disrepute.

Costs

No costs were included in the joint submission. As such the panel agrees no costs shall be awarded.

Signed this 4th day of July 2025 at the City of Calgary in the Province of Alberta.

"Signature"

[R.D], Hearing Panel Chair