

THE REAL ESTATE COUNCIL OF ALBERTA

IN THE MATTER OF a Hearing under Part 3 of the *Real Estate Act*,  
RSA

AND IN THE MATTER OF a Hearing regarding the conduct of **Anwar  
Al-Hamidi**, in his capacity as a Real Estate Associate who is not  
currently licensed

Hearing Panel Members: [W.K], Chair,  
[J.L]  
[H.Y]

Hearing Date: June 19, 2025, via video conference

Counsel for the Registrar: T. Leonardo

Counsel for the Licensee: Self Represented

**DECISION OF THE HEARING PANEL**

**ISSUES:**

The issues before this Hearing Panel convened on June 19, 2025, are:

- (i) Shall the Hearing Panel accept the Licensee's Admission of Conduct Deserving of Sanction in case 012545.001?
- (ii) Does the Hearing Panel accept the Joint Submission on Sanction in case 012545.001?

**DECISION:**

1. On June 19, 2025, this Panel conducted a Hearing, under Part 3 of the *Real Estate Act*, RSA 2000, c. R-5 (the "**Act**"), into allegations of Conduct Deserving of Sanction regarding the conduct of Anwar Al-Hamidi ("**Al-Hamidi**" or the "**Licensee**"), for conduct engaged in by the Licensee in his capacity as a Real Estate Associate. Al-Hamidi is not currently licensed to practice as a Real Estate Associate.

2. Al-Hamidi and the Registrar entered into an Agreement of Conduct Deserving of Sanction (Schedule 1) and provided a Joint Submission on Sanction and costs (Schedule 2).
3. Upon review of the Agreement of Conduct Deserving of Sanction, and the Joint Submission on Sanction, it is the unanimous decision of the Hearing Panel that the facts agreed to are accepted as findings of fact and constitute conduct deserving of sanction. Furthermore, the sanctions proposed, in each case, were reasonable and within an appropriate and acceptable range. Accordingly, this case presents no factors that warrant deviation from the sanctions jointly agreed to.
4. Pursuant to its powers under section 43 of the Act, the Hearing Panel imposes the following sanctions in relation to Al-Hamidi's conduct:

Breach	Fine
Rule 42(b) of the Real Estate Act Rules	\$7,500
Rule 42(a) of the Real Estate Act Rules	\$4,000
Rule 46(2) of the Real Estate Act Rules	\$3,000
<b>TOTAL</b>	<b>\$14,500</b>

5. **Ineligibility to re-apply:** Al-Hamidi's licence is currently expired, and he shall not be eligible to apply to RECA for any licence for a period of one (1) year following receipt of payment, in full, for the fines articulated in paragraph 4. Prior to being eligible to re-apply, Al-Hamidi must successfully complete all education requirements to apply for a new licence from RECA as though he had never previously been licensed.
6. As articulated in greater detail below, the Licensee shall pay no costs.

#### **ANALYSIS & REASONS:**

7. Part 3 of the Act contemplates a two-stage process. First, the Hearing Panel must find that the Licensee engaged in conduct deserving of sanction. Second, if the Hearing Panel determines that the conduct of a Licensee is deserving of sanction, the Hearing Panel must determine the appropriate sanction.
8. The Agreement of Conduct Deserving of Sanction was reviewed at the Hearing with the Licensee present. The Licensee made no corrections or submissions to the Agreement. The Panel accepts this agreed to and uncontradicted evidence as its findings of fact, and agrees with the parties that the facts constitute conduct deserving of sanction. Specifically, the panel finds, based on facts, that the Licensee breached

- a. Section 42(b) of the *Real Estate Act Rules* by participating in fraudulent or unlawful activities in connection with the provision of services or in any dealings when he created a false offer to purchase [ADDRESS 1] and provided that to a mortgage broker with knowledge it would be relied on for a mortgage application;
  - b. Section 42(a) of the *Real Estate Act Rules* by making representations or carrying on conduct that was reckless or intentional and that misleads or deceives or was likely to mislead or deceive people when he told potential buyers [ADDRESS 2] was a foreclosure sale which was not true; created an offer to purchase [ADDRESS 1] with false information; and told the prospective buyers that the offer to purchase [ADDRESS 1] was only for them to get a pre-approval of a mortgage which was not true;
  - c. Section 46(2) of the *Real Estate Act Rules* by delegating, assigning, requesting, directing or in any way allowing an unlicensed or unregistered assistant to perform tasks that must only be performed by a licensee when he gave his father and the prospective buyers access to [ADDRESS 2] and allowed his father to show the property to the prospective buyers; when he allowed his father to negotiate the purchase price of [ADDRESS 2]; and when he allowed his father to create or provide the purchase contract to the potential buyers.
9. The Joint Submission on Sanction referred the Hearing Panel to and applied the oft-cited “Jaswal Factors” found in the seminal decision of *Jaswal v Newfoundland (Medical Board)*, 1996 CanLII 11630 (NL SC) (“*Jaswal*”), at para a35, to Al-Hamidi’s conduct. The Jaswal Factors include:
  - (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 age and mental condition of the Licensee;
  - (e) The number of times the offence was proven to have occurred;
  - (f) The role of the Licensee in acknowledging what occurred;
  - (g) Whether the Licensee had already suffered serious financial or other penalties as a result of the allegations having been made;
  - (h) The impact of the incident on the victim, if any;
  - (i) Mitigating circumstances;
  - (j) Aggravating circumstances;
  - (k) The need to promote specific and general deterrence and thereby protect the public and ensure the safe and proper conduct of the profession;

- (l) The need to maintain the public's confidence in the integrity of the profession;
  - (m) 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
  - (n) The range of sentence in other similar cases.
10. It is well established law that an administrative hearing panel in these circumstances should not depart from a joint submission on sanction unless the proposed sanction would bring the administration of justice into disrepute: *R v Anthony Cook*, 2016 SCC 43 ("**Anthony Cook**") at para 32.
11. In assessing the Jaswal Factors, in light of the Joint Submission on Sanction, it is the unanimous decision of the Hearing Panel that the assessment by the Registrar and Licensee, in each case, was reasonable and within the appropriate and acceptable range.
12. Of specific note, the Hearing Panel considered, as mitigating factors:
- a. Al-Hamidi had engaged in no previous misconduct under the Act;
  - b. There was 1 incident that breached sections 42(b), 42(a), and 46(2) of the Rules;
  - c. The incident occurred in 2021;
  - d. No subsequent misconduct has been identified;
  - e. Al-Hamidi has not been registered with a brokerage since September of 2022;
  - f. Al-Hamidi cooperated with the Hearing process; and
  - g. Al-Hamidi did not engage in any Hearing misconduct.
13. While the Hearing Panel acknowledges aggravating factors including the significant nature of the breaches and the need to maintain confidence in the industry, those factors do not ultimately deter the Hearing Panel from finding that the jointly proposed sanctions, which include fines, a one year ineligibility to re-apply and an education requirement on re-application, fall within a reasonable, appropriate, and acceptable range.
14. With respect to costs, which the parties have agreed to forego, the Hearing Panel must similarly undertake the same *Anthony Cook* analysis on joint submissions and the Hearing Panel should only depart from the proposed sanction if it may "bring the administration of justice into disrepute:" *R v Anthony-Cook*, 2016 SCC 37 at para 32.

15. No such findings have been made, and this case presents no factors that warrant deviation from the proposals jointly agreed to with respect to sanction and costs.

This decision was signed in the City of Calgary and in the Province of Alberta on the 22nd day of August 2025.

**"Signature"**

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[W.K], Hearing Chair