

**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 Judy Al-Dayeh, currently unlicensed as a  
Real Estate Associate, and was formerly registered with Insider Realty Ltd. o/a  
Realty One Group and with Arteam Realty Inc. o/a Royal LePage Arteam Realty  
and with Elite Ownership Group Ltd. o/a Re/Max Elite

Hearing Panel Members: [G.F], Chairperson  
[M.B]  
[J.M]

Counsel for the Registrar: T. Leonardo, Barrister & Solicitor

Counsel for the Licensee: Licensee self-represented

Hearing Date: September 24, 2025, via video conference

**Hearing Panel Decision**

**Background**

On June 2, 2025, a Notice of Hearing (Exhibit 1) was issued and according to the Affidavit of Service (Exhibit 2), on June 17, 2025, the Notice of Hearing was served by registered mail on Judy Al-Dayeh, (the "Licensee"). The hearing was scheduled for July 28, 2025 and July 29, 2025.

The Notice of Hearing alleged that the Licensee engaged in conduct deserving of sanction when:

1. Between April 2022 and June 2022, the Licensee participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings, contrary to s.42(b) of the Real Estate Act Rules, when the Licensee:
  - a. drafted a false employment letter;
  - b. forged the signature of the Operations and Account Manager at your brokerage on the false employment letter;
  - c. drafted false T4 documents for the 2020 and 2021 tax years;
  - d. provided the false employment letter and T4 documents to the Bank of

Montreal to obtain a credit limit increase on your personal line of credit.

## **Decision**

Pursuant to the *Act*, s. 43, it is the unanimous decision of this Hearing Panel that the Licensee engaged in conduct deserving of sanction when she participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings, contrary to s.42(b) of the Real Estate Act Rules, and as described in the Notice of Hearing. The Licensee shall be ineligible to apply for an industry license for 2 years from the date of this decision, and the Licensee shall pay \$0 in fines and no costs of the investigation and hearing.

## **The Hearing**

On July 9, 2025, the Licensee made a written adjournment request, on compassionate grounds. On July 14, 2025, counsel for the Registrar issued the Registrar's adjournment request response (Form T), agreeing to the application for adjournment. On July 14, 2025, the Hearing Panel unanimously agreed that the hearing be adjourned to September 24, 2025, and September 25, 2025.

On September 24, 2025, the hearing proceeded. The Registrar was represented by legal counsel. The Licensee was self-represented. Both the Registrar and the Licensee accepted the composition of the Hearing Panel.

## **Phase 1 – Conduct Deserving of Sanction**

The parties agreed to proceed by an Agreement of Conduct Deserving of Sanction under Part 3, Section M(d), of RECA's Hearing and Appeal Practice and Procedures Guidelines, rather than by a contested hearing or admission.

## **Findings of Fact, Breaches and Conduct Deserving of Sanction**

Based upon the Agreement of Conduct Deserving of Sanction (Exhibit 1), this Hearing Panel finds the following facts:

1. The Licensee was first registered as a real estate associate on July 3, 2015.
2. At all material times the Licensee was registered with Arteam Realty Inc o/a Royal LePage Arteam Realty ("Royal LePage"). The Licensee was registered with Royal LePage from July 3, 2015, to December 4, 2018, as well as the period of April 4, 2022, to June 6, 2022.
3. The Licensee has not been registered with a brokerage since January 23, 2023.
4. On Friday, April 8, 2022, the Licensee sent an email to [S.H] ("[S.H]"), Operations & Account Manager at royal LePage, requesting a letter of employment. The Licensee indicated in the email that she needed it by 12:30 p.m. that day and advised that she

needed "Just a quick letter stating that I'm a realtor affiliated with Royal LePage Arteam with your signature".

5. On April 8, 2022, [S.H] replied to the Licensee, advising that she was not in the office, but that she would provide it to her first thing on Monday morning.
6. On April 8, 2022, the Licensee responded, "I really needed it today its time sensitive Can the girl who answered the office phone do it?" [S.H] did not reply to that email.
7. On April 11, 2022, [S.H] provided a letter of employment to the Licensee. The letter was printed on Royal LePage letterhead and was signed by [S.H]. The letter was brief and merely confirmed that the Licensee was currently employed as an independent contractor at Royal LePage.
8. On or about April 11, 2022, the Licensee attended the Bank of Montreal ("BMO") [BRANCH] in Edmonton, Alberta, to ask for an increase on her first limit for her line of credit. The Licensee was seeking to increase the limit from \$35,000 to \$70,000. The licensee discussed the application with personal banker, [S.M] ("[S.M]").
9. [S.M] created the application for the limit increase. The Licensee was told by [S.M] that she would have to provide a letter of employment, as well as two years of T4's and notices of assessment to support her application.
10. The Licensee provided [S.M] with an employment letter (the "Letter") from royal LePage. The Letter was not dated and was not on Royal LePage letterhead. It included the following:
  - a) The Licensee was employed as a full-time real estate agent with Royal LePage;
  - b) The Licensee started an affiliation with the team on June 2, 2016;
  - c) The Licensee is paid a commission-based remuneration;
  - d) Royal LePage pays the Licensee 5% GST on top of her commissions to her GST account number; and
  - e) The Licensee earned \$36,608.45 in commissions between the period of January 1, 2022, to March 31, 2022.

(The Licensee has not been affiliated with Royal LePage since 2016, she is not paid 5% GST to a GST account number, and she did not work with Royal LePage between January 1, 2022 and March 31, 2022).

11. The Licensee created the false employment letter and forged the signature of [S.H].
12. Approximately four weeks later, the Licensee re-attended the branch and provided another copy of the Letter from Royal LePage and the requested T4's to [S.M]. The T4's were for the 2020 and 2021 tax. Year. They were both issued by Royal LePage and provided an income of \$118,325.78 for 2020 and \$142,875.50 for 2021.

13. After speaking with her manager, [S.M] sent an email to the Licensee asking for two years of notices of assessment as well to support her application for the limit increase.
14. On May 31, 2022, the Licensee emailed [S.M] with the subject line "2020 docs". Attached to the email was a 2020 Notice of Assessment from the Canada Revenue Agency issued April 15, 2021. The document lists a total income of \$118,326. The 2020 T4 from Royal LePage was also included as an attachment.
15. On May 31, 2022, the Licensee emailed [S.M] with the subject line "2021 docs". Attached to the email was a 2021 Notice of Assessment from the Canada Revenue Agency issued May 6, 2022. The document lists a total income of \$142,875. The 2021 T4 from Royal LePage was also included as an attachment.
16. The Licensee forged the Notices of Assessment and T4's provided to BMO.
17. [S.M] provided the documents from the Licensee to Assistant Branch Manager, [L.W] ("[L.W]"), for review and approval of the application.
18. On or around May 31, 2022, [L.W] contacted [S.H] to ask for a dated employment letter as the one that had been provided did not have one.
19. [S.H] advised [L.W] that the letter of employment she had provided to the Licensee was dated. [L.W] told [S.H] that the Licensee had provided an undated letter, Notices of Assessment and 2020 and 2021 T4's from Royal LePage as part of her application. [S.H] advised [L.W] that the brokerage does not issue T4's, only T4A's, to real estate associates that are independent contractors. Also, the Licensee did not work for their brokerage during that time.
20. On June 3, 2022, [L.W] emailed a copy of the Letter provided to BMO by the Licensee to [S.H], to determine whether it was the same one that she had drafted and signed.
21. On June 6, 2022, [S.H] confirmed with [L.W] that the employment letter that she emailed to her was not the one that she had issued to the Licensee. She also reiterated that the T4's that had been provided to BMO were not issued by their brokerage.
22. On June 6, 2022, the Licensee was terminated from Royal LePage because of these events.

### **Agreed Breaches**

This Hearing Panel accepts the Agreement, and agrees with the parties that the Licensee engaged in conduct deserving of sanction, and specifically:

- a) The Licensee participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings contrary to Rule 42(b) of the Real Estate Act Rules, when the Licensee:

- i. Drafted a false letter of employment from Royal LePage;
- ii. Forged the signature of [S.H] on the letter of employment;
- iii. Drafted false T4 documents for the 2020 and 2021 tax year; and
- iv. Provided the false letter of employment and T4 documents to the Bank of Montreal in an effort to obtain an increase in credit limit on her personal line of credit.

## Phase 2 – Sanction and Costs

### Sanction

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 orders:

- (a) cancelling or suspending any license issued to the Licensee by an Industry Council;
- (b) reprimanding the Licensee;
- (c) 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) requiring the Licensee to pay to the Council a fine, not exceeding \$25,000, for each finding of conduct deserving of sanction;
- (d.1) prohibiting the Licensee from applying for a new license for a specified period of time or until one or more conditions are fulfilled by the Licensee; and
- e) any other order agreed to by the parties.

This Hearing Panel adopts the facts set out in the Agreement (Exhibit 1) at Paragraph 23, as relevant mitigating factors:

- a. The Licensee agreed to forego the time and expense of a hearing, saving witnesses the inconvenience and stress of appearing, by entering into this Agreement.
- b. The Licensee has no disciplinary history.

The Agreement (Exhibit 1) at Paragraph 24 sets out the following facts as relevant aggravating factors:

- c. The Licensee denied her involvement in drafting the false documents throughout the investigation;
- d. The Licensee tried to blame the BMO employees for drafting false documents, and insisted that her email was hacked, as an explanation for the events; and

- e. The Licensee did not take responsibility for her actions nor show any remorse during the investigation.

The Joint Submission on Sanction (Exhibit 4) was that the Licensee's license is currently expired, and the Licensee has not been registered since January 23, 2023; and the Hearing Panel should issue an Order that:

- a) the Licensee shall not be eligible to apply to RECA for any authorization of a license for a period of two (2) years. The Licensee's license is currently expired;
- b) the Licensee must successfully complete all education requirements before being eligible to apply for a new authorization from RECA, as though she had never previously received authorization from RECA;
- c) for sanction, there shall be no fine (\$0) for Breach of Rule 42(b); and
- d) for costs, the Licensee shall not pay costs for the investigation and proceedings.

In addition to reviewing the agreed mitigating and aggravating factors, the Joint Submission on Sanction (Exhibit 4) emphasized that the Hearing Panel must consider the specific facts of the case and this Licensee in particular, when deciding on sanction.

In determining sanction, this Hearing Panel considered the aggravating and mitigating factors set out in the Agreement (Exhibit 1), in the context of the relevant factors outlined in *Jaswal v Newfoundland (Medical Board)*<sup>1</sup>:

- a. The nature and gravity of the proven allegations

The Licensee's breach of s.42(b) is serious in both nature and gravity because the Licensee used her knowledge of the industry to engage in fraud. It is especially serious that the Licensee created false documents that were represented to come from her own brokerage and from the Canada Revenue Agency. This factor is aggravating.

- b. The age and experience of the Licensee

The Licensee is currently 37 years old. The licensee was first authorized as a real estate associate in July 2015. The Licensee had enough experience to have been aware that her conduct was unacceptable. This factor is aggravating.

- c. The previous character of the Licensee and the presence or absence of prior complaints

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<sup>1</sup> 1996 Can LII 11630 (NLSC) at paragraph 36

The Licensee has no previous disciplinary history. This factor is mitigating.

- d. The number of times the offence was proven to have occurred.

There was one incident that breached section 42(b) of the Real Estate Act Rules. This factor is slightly aggravating.

- e. The role of the Licensee in acknowledging what occurred.

The Licensee lied to the investigators by telling them that she had not created the false employment letter. The Licensee blamed the BMO employees for creating the false documents that were included in her application for a credit limit increase. The Licensee insisted that her email had been hacked when she was presented with evidence showing that the false documents had been sent from her email address to BMO. It was only close to the hearing that the Licensee took responsibility for her conduct, and during closing remarks at the hearing, the Licensee expressed remorse. On balance, this factor is aggravating.

- f. Whether the Licensee had already suffered serious financial or other penalties as a result of allegations having been made

No submission was made on this factor. This factor is neutral.

- g. Impact of the incident on the victim, if any

No submission was made regarding impact on the victim. This factor is neutral.

- h. Mitigating circumstances

No submission was made regarding mitigating circumstances. This factor is neutral.

- i. Aggravating circumstances

The Licensee put the bank's interests at risk by providing false documents to support her application for an increased line of credit. The Licensee put her brokerage in an unfair position by providing a false employment letter. Despite multiple opportunities to stop the application for an increase in the line of credit, the Licensee persisted in pursuing the application and providing false documents. This factor is aggravating.

- j. The need to promote specific and general deterrence and protect the public

The Licensee has not acknowledged what occurred. Despite being presented with evidence that clearly shows the Licensee provided false documents to BMO, the Licensee provided unrealistic explanations for the events that

occurred. Given the Licensee has not shown any remorse or taken accountability, there is a significant need for specific deterrence.

There is also a need for general deterrence. Licensees must recognize that harm to public confidence in the reputation of the Alberta real estate industry comes with sanctions. This factor is aggravating.

k. The need to maintain public confidence in the industry

Public confidence in the real estate profession requires that real estate professionals not participate in fraud and ensure that they do not mislead the public. In *Adams*, the Alberta Court of Appeal noted that public confidence in a profession should be of utmost important to disciplinary bodies. A profession's most valuable asset is its collective reputation, and this must be considered in determining an appropriate sanction. The Licensee's breach of s.42(b) of the Rules impacts the collective reputation of the Alberta real estate industry along with the public confidence this reputation should inspire. This factor is aggravating.

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.

No submission was made on this factor. This factor is neutral.

m. The range of sentences in other similar cases.

The Registrar and the Licensee's Joint Submission on Sanction indicated that there is no specific test for license cancellation as a sanction. The Hearing Panel can look to principles derived from relevant real estate industry case law, and the Hearing Panel should consider these principles when determining if license cancellation is a fit and just sanction:

- i) License cancellation is appropriate for misconduct that is of a serious or severe character.<sup>2</sup>
- ii) Cancellation is not reserved for only "the most serious of misconduct", because cancellation is a spectrum, where the degree of seriousness of misconduct can be reflected in the length of cancellation.<sup>3</sup>
- iii) The most severe penalty of lifetime license cancellation is reserved for the "most serious of misconduct" akin to disbarment

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<sup>2</sup> *Behroyan (Re)* 2018 BC REC at paragraph 27

<sup>3</sup> *Behroyan supra* at paragraph 27



for a lawyer.<sup>4</sup>

- iv) The standard cancellation period under RECA legislation is 3 years. A Hearing Panel may use its discretion to impose a lessor or greater cancellation period.<sup>5</sup>
- v) A lack of previous disciplinary history is not a bar to license cancellation.<sup>6</sup>
- vi) License cancellation is appropriate for certain classes of misconduct, such as intentional criminal acts such as forgery even where there is no financial loss to any party;<sup>7</sup> mortgage fraud; acts of dishonesty and serious lack of judgement, compounded by making false statements<sup>8</sup>; and misappropriation of monies.

License cancellation in the precedent cases ranged from 3 months<sup>9</sup> (Licensee falsified a source of down payment) to 36 months,<sup>10</sup> (Licensee provided false information on mortgage applications). Fines in the precedent cases ranged from \$0 to \$20,000.

After weighing the factors, this Hearing Panel accepts that the Registrar's recommended 2-year sanction, that was agreed to and jointly submitted by the Licensee after receiving full disclosure of all relevant evidence in the investigation, is within the reasonable range. A two-year license suspension addresses relevant factors on sanction and is supported by precedent.

The Registrar's recommendation that the Licensee pay no fine is at the very lowest end of the range of the fines described in the precedent cases. The Hearing Panel considered that the Registrar's recommendation that the Licensee pay no fine could be perceived by industry members and the public as "light". However, the Hearing Panel also considered the Registrar's submission that it "must consider the specific facts of the case and this Licensee in particular, when deciding on sanction." The Registrar and the Licensee entered into an Agreement, that would have taken into consideration specific facts relevant to the Licensee's circumstances. Also, the Hearing Panel was unable to conclude that if the public was made aware of the "specific facts of the case and this Licensee in particular" that the public would perceive that not paying a fine would bring the administration of justice into disrepute.

The Joint Submission on Sanction (Exhibit 4) satisfies the public interest test established by

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<sup>4</sup> *Id*

<sup>5</sup> Aulakh (Re) 2019 RECA at paragraph 6.4

<sup>6</sup> *Merchant (Re)* 2019 RECA at 53

<sup>7</sup> *Voth (Re)* 2023 RECA at 9

<sup>8</sup> *Inglis (Re)* 2019 BCREC at paragraph 43

<sup>9</sup> *RECA Rajneesh Aery*, April 4, 2022, Case 004292-CM

<sup>10</sup> *Terry Michael Taschuk*, 2013 RECA 2332-08

*Anthony-Cook*<sup>11</sup>; the principles of which apply equally to administrative hearings<sup>12</sup>.

The Hearing Panel accepts the Registrar's submission, that the proposed sanction meets RECA's mandate to set and enforce standards of professional conduct and to protect the public. The Hearing Panel recognizes that the joint submission is not 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."<sup>13</sup> Nor does a two-year suspension with a \$0 fine and complete educational retraining cause an informed and reasonable public to lose confidence in the institution of the courts.<sup>14</sup>

The parties jointly proposed, and the Hearing Panel finds, given the *Jaswal* factors, both aggravating and mitigating, and the s.42(b) precedents, that a \$0 fine along with a 24-month license suspension plus complete educational training, is fair and just. This outcome provides general deterrence to other Licensees and should instill public confidence that RECA is fulfilling its mandate of appropriately regulating Licensees.

The Licensee shall be prohibited from applying for any license during the 24-month suspension.

### **Costs**

The Registrar and Licensee made no joint submission regarding costs. While the breach was serious, the Licensee is not a serial offender. The Licensee agreed to a joint submission, and by doing so, the Registrar was not required to incur the time and expense to conduct a contested hearing.

At the hearing, the Registrar's counsel was invited to make submissions relating to the impact, if any, of *Charkhandeh v College of Dental Surgeons of Alberta*, 2025 ABCA 258, upon costs. This Hearing Panel concludes that because the Licensee signed an Agreement relating to Conduct Deserving of Sanction and a Joint Submission on Sanction and Costs, the Licensee contributed to a brief and straightforward hearing. The Hearing Panel determines that no costs will be awarded against the Licensee.

### **Conclusion**

Pursuant to the *Act*, s. 42(b), it is the unanimous decision of this Hearing Panel that the Licensee engaged in conduct deserving of sanction when:

The Licensee participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings contrary to Rule 42(b) of the Real Estate Act Rules, when the Licensee:

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<sup>11</sup> *Supra* at 14

<sup>12</sup> *Bradley v Ontario College of Teachers* 2021 ONSC 2303, Para 13 - 14

<sup>13</sup> *Druken* 2006 NLCA 67 at paragraph 29, as cited by the Supreme Court of Canada in *R v Anthony Cook* (2016) SCC 243.

<sup>14</sup> *R. O. (B.J.)* 2010 NLCA 19 (N.L. C.A.) (CanLII) at paragraph 56

- i) drafted a false letter of employment from Royal LePage;
- ii) forged the signature of [S.H] on the letter of employment;
- iii) drafted false T4 documents for the 2020 and 2021 tax year;
- iv) provided the false letter of employment and T4 documents to the Bank of Montreal in an effort to obtain an increase in credit limit on the Licensee's personal line of credit; and

pursuant to the *Act*, s.43(1)(d.1), it is the Order of this Hearing Panel that:

the Licensee shall be prohibited from applying for any industry license for 24 months from the date of this decision;

pursuant to the *Act*, s.43(1)(c), it is the Order of this Hearing Panel that:

the Licensee must successfully complete all education requirements before being eligible to apply for a new authorization from RECA, as though she had never previously received authorization from RECA;

pursuant to the *Act*, s.43(1)(d), it is the Order of this Hearing Panel that:

the Licensee pay to the Council a fine of \$0; and

pursuant to the *Act*, s.43(2)

having dealt with the conduct of the Licensee under the *Act* s.43(1), this Hearing Panel orders the Licensee pay no costs associated with the investigation and hearing.

Signed this 15th day of October 2025 at the City of Calgary, in the Province of Alberta.

**"Signature"**

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[G.F], Hearing Panel Chair