

## THE REAL ESTATE COUNCIL OF ALBERTA

File No	MMS-02816
Process	Disposition by Registrar section 39 & 83 of the Real Estate Act
Name	Jahbar Jahmal Tomlinson
License	Real Estate Associate
Industry Council	Residential Real Estate Broker
Conduct Brokerage	Elite Ownership Group Ltd. O/A Re/Max Elite
Current Brokerage	Elite Ownership Group Ltd. O/A Re/Max Elite
Document	ADMINISTRATIVE PENALTY
Penalty	\$2,000
Decision Date	January 19, 2026

TO: Jahbar Jahmal Tomlinson

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 42(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 42 – *Licensees must not:*

*(a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so*

**Particulars of the contravention(s):**

1. In or around February 2024, you made representations that were reckless and misleading, contrary to section 42(a) of the *Real Estate Act Rules*:
  - a) On January 27<sup>th</sup>, 2024, a buyer made an offer on a property you had listed located at [ADDRESS] (Property). The offer was sent to you via email the following morning.
  - b) On January 28<sup>th</sup>, 2024, the Property received an additional offer. You contacted the initial buyer's licensee and asked if the buyer would like to revise their offer, which was submitted and accepted later that day.
  - c) On February 7<sup>th</sup>, 2024, the buyer's licensee contacted you over the phone to negotiate an extension of the condition date from February 9<sup>th</sup>, 2024, to February 13<sup>th</sup>, 2024.

- d) On February 8<sup>th</sup>, 2024, you text messaged the buyer's licensee and asked if the buyer would consider waiving the condominium document condition and only extend the home inspection condition. You also informed the buyer's licensee that your client was reluctant to give an extension as you were in multiples and had a back-up offer on the Property. This representation was false as there was no back up offer on the Property.
- e) The buyer's licensee had the home inspection scheduled for the following day (Condition Day).
- f) On February 9<sup>th</sup>, 2024, a home inspection was completed on the Property. The buyer's licensee provided you with an amendment to fix an issue at the sellers' expense. You informed the buyer's licensee you would get it signed. This amendment was never signed.
- g) The buyer's licensee followed up with you multiple times regarding the amendment as the conditions would need to be waived by 9 PM that evening. You did not respond to the buyer's licensee.
- h) At 8:15 PM, the buyer waived conditions as she was concerned the back-up offer you mentioned may be higher than her offer, and she did not want to risk losing the Property.

The Registrar considered the following aggravating and mitigating factors:

### ***Aggravating Factors***

- Buyers are often vulnerable in back-up offer situations since the seller does not have to disclose details of that offer. This makes it difficult for a buyer to verify the existence of these offers and increases the importance that representations about these situations are accurate.
- Your misrepresentation that there was a back-up offer created a false sense of pressure and influenced the Buyer's decision to waive conditions prior to getting the amendment signed.
- You did not accept responsibility for the misconduct.

### ***Mitigating Factors***

- The Buyer was aware of the risks associated with waiving conditions before the amendment was signed by the sellers.

### **Appeal**

You have the right to appeal this Administrative Penalty to a Hearing Panel. Make sure to read the following important information if you intend to appeal

- **Section 83.1 of the *Real Estate Act***
- The attached Information Sheet and

- The *Hearing and Appeals Practice and Procedure Guidelines*

The Hearing and Appeals Practice and Procedure Guidelines are posted here:

<https://www.reca.ca/wp-content/uploads/2018/07/Hearing-and-Appeal-Practice-and-Procedures.pdf>

Read the following sections of the Guidelines relating to specific appeals:

- Part 8 for Penalty appeals

**If you fail to take steps to initiate your appeal required by section 83.1, within 30 days of receiving this penalty you will lose your right to appeal.**

### **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 section 56 of the *Real Estate Act* and may suspend your licence under section 38.1 of the Rules.

### **On Payment of 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 section 81 of the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

Dated January 19, 2026, at Calgary, Alberta.

**"Signature"**

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Warren Martinson, Registrar  
Real Estate Council of Alberta

cc. [P.S], Real Estate Broker  
Re/Max Elite