

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014811
Name on Licence: Brian Andrew Fischer
Licence Sector and Class: Condominium Management Broker
Current Brokerage: KDM Management Inc.
Conduct Brokerage: KDM Management Inc.
Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: Brian Andrew Fischer

A hearing is set for your appeal. Read this entire document to see what you must do.

Hearing Information

Date: Tuesday, March 31, 2026
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: Dr. Gail Forsythe
Thomas (Tom) Bradford
Cassandra Nowak

Independent Legal Counsel: Rita Aggarwala

The Administrative Penalty issued to you is attached.

Virtual Hearings

Hearings at RECA are conducted virtually using Microsoft Teams. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive assistance to participate in the virtual process.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website <https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal*
- *RECA Self-Represented Program*

Before the Hearing

You will receive full disclosure of all evidence gathered by the Registrar relevant to the allegations in this Notice of Hearing for your review. This disclosure is for use in the conduct proceedings only and you may not use it for any other purpose.

You are also invited to meeting with Counsel for the Registrar prior to the hearing to consider entering agreement on non-contested matters such as:

- An admission of conduct deserving of sanction
- An agreement on facts
- An agreement on breaches
- An agreement on a finding of conduct deserving of sanction
- An agreement on sanction and/or costs.

Admissions or agreements can reduce the time and costs of the hearing.

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

Pursuant to **section 41(4)** of the *Real Estate Act*, if you don't attend the hearing, the Panel may:

- Proceed with the hearing in your absence
- Dismiss or reschedule the hearing.

What Will Happen At the Hearing

If the Panel finds a breach has been proven the Panel may do one or more of the things listed in **section 83.1(5)** of the *Real Estate Act*:

- Quash, vary or confirm the administrative penalty
- Order you to pay the costs of the investigation and the hearing.

Making Oral and Written Arguments to the Hearing Panel

The Hearing Panel may accept oral and/or written arguments as part of the hearing. If the Hearing Panel accepts written arguments, it will set dates for the written arguments to be exchanged before accepting them.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing. If you do not have a representative please read information for unrepresented Industry Members here:

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

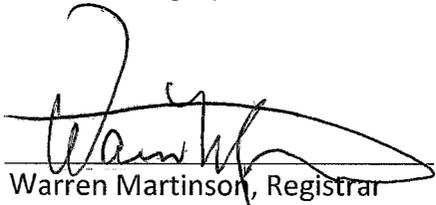
If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice. If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, February 26, 2026


Warren Martinson, Registrar
of the Real Estate Council of Alberta

Contact Information

<p>Hearings Administrator:</p> <p>Email: hearingsadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council of Alberta Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>	<p>Administrator for Counsel for the Registrar:</p> <p>Email: conductadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council of Alberta Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014811
Name on Licence: Brian Andrew Fischer
Licence Type & Class: Condominium Management Broker
Brokerage Name on Licence: KDM Management Inc.
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$3,000 (see Schedule 2 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: **Brian Andrew Fischer**

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

Rule 41 – Licensee must:

(g) practice in strict accordance with the Act, regulations, Rules, Bylaws and any other laws that govern trading in real estate, mortgage transactions or property management, or condominium management services in Alberta.

Condominium Property Regulation

Section 20.52(1) - *Subject to subsection (2), the following information and documents are prescribed for the purposes of section 44 of the Act:*

(b) an information statement that includes all of the following:

(iv) a statement setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included on the condominium plan.

Particulars of the contravention(s):

1. In or around February 24th, 2023, you failed to ensure all condominium management services and relevant documentation provided by KDM Management Inc. (KDM) met the legislative requirements found under the *Condominium Property Act* and Regulation contrary to section 80.84(1)(f) of the *Real Estate Act Rules*:
 - a) On February 22nd, 2023, [C.C] submitted an offer to purchase the property located at [ADDRESS] (Property). The purchase contract was subject to a buyer's condition of reviewing condominium documents. This included providing an Information Statement about any structural deficiencies the condominium corporation has knowledge of at the time of the request.
 - b) KDM managed the condominium complex where the Property was located. KDM provided services on behalf of the Condominium Corporation (Corporation), such as issuing Information Statements. You were the broker of KDM.
 - c) KDM received a request for an Information Statement for the Property. Section 20.52 of the Condominium Property Regulation required that an Information Statement set out any structural deficiencies the Corporation has knowledge of the time of the request.
 - d) On February 24th, 2023, KDM Management Inc. provided [C.C] an Information Statement on behalf of the Corporation which stated there were no structural deficiencies to the best of KDM's knowledge.
 - e) Five sets of meeting minutes predating the Information Statement discussed water issues or foundation leaks and cracks within the same block of units as [ADDRESS]. KDM was in attendance for each of these meetings.

- f) At the time KDM provided the Information Statement, the representation there were no structural deficiencies was not accurate.
- g) Shortly after [C.C] took possession of the Property, the Property flooded. It appeared the flooding was related to foundational leaks.
- h) On July 25th, 2023, an engineering firm provided KDM a report concerning the foundation of the units in [C.C]'s block. The report detailed the weeping tile had collapsed on the southwest corner and it was suspected to be similar throughout the perimeter of the building.

The Registrar considered the following aggravating factors.

Aggravating Factors

- An Information Statement is critical for potential purchasers of a condominium. Consumers must trust an Information Statement is accurate. There must be general deterrence of this misconduct.
- KDM's actions of providing an inaccurate Information Statement have exposed the Condominium Corporation to legal action and potential liability.

Mitigating Factors

- The Buyer had the opportunity to review meeting minutes and ask further questions. Had that been done, the foundation issues would likely have been discovered.

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: [S.W], 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 April 10, 2025.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta