

CONDUCT DESERVING OF SANCTION

Purpose: To explain conduct deserving of sanction.

This bulletin applies to all industry professionals.

When conduct of an industry professional falls below expected standards, it is conduct deserving of sanction.

Conduct deserving of sanction includes one or more of the following:

- a breach of the *Real Estate Act*, Rules or Regulations
- a lack of knowledge, skill or judgment in the practice of an industry professional
- a lack of adherence to industry standards of practice
- conduct not in the best interests of the public or industry
- actions that are harmful or potentially harmful to the public
- undermining consumer trust and confidence in the industry
- damaging the integrity of the industry
- a failure to cooperate with the Real Estate Council of Alberta (RECA)
- conduct outside of the business of an industry professional, if it is harmful to the best interests of the public or industry

A RECA hearing panel determines whether an industry professional's conduct is deserving of sanction and, if so, what sanction applies.

There is a wide range of sanctions available to address the conduct of industry professionals. Sanctions may include a letter of reprimand, administrative penalty, fine, licence condition or restriction, and suspension or cancellation of one's licence.

Industry professionals confront many challenging situations. When the Act or Rules are unclear or silent on an issue, follow the spirit and intent of the legislation. Best practices include:

- act ethically and morally
- seek advice of a colleague or your broker
- if you're a real estate broker, contact RECA's Practice Advisor
- research and comply with provincial or federal legislation
- seek legal advice

Industry professionals should maintain competence in their chosen areas of practice and stay current with industry standards set out in the legislation. They should maintain the highest standards of conduct in their personal and professional lives. Not only will this help them gain and retain consumer and colleague trust, respect and confidence, it will also reduce the risk of complaints to RECA and potential sanctions.

Related information

Legislation

- *Real Estate Act* - sections 38, s.39, s.40, s.43, s.46, s.47
- *Real Estate Act Rules* - section 41(b)
- Bylaws - section 28