

December 05, 2016

**Private and Confidential**

**Case: 005324 005512 005591 006751  
005526 005529 006505 005975**

Lorna MacNeil  
204, 9908 Franklin Ave  
Fort McMurray, AB  
T9H 2K5

Real Estate Council of Alberta  
Suite 350, 4954 Richard Rd SW  
Calgary, Alberta T3E 6L1

E info@reca.ca  
T (403) 228-2954  
TF (888) 425-2754  
F (403) 228-3065

Dear Ms. MacNeil:

**Suspension of Authorization**

Pursuant to section 38(4.2) of the *Real Estate Act* (Act), the Executive Director of the Real Estate Council of Alberta (RECA), has suspended your authorization to trade in real estate as a real estate associate broker pending your co-operation with all requests made relating to investigation file 005324, 005512, 005526, 005529 and 006505.

On October 14, 2016, you were sent written correspondence requiring you to provide the following documentation by October 19, 2016.

1. Copies of the deposit into Bev Hearn's account as reimbursement of utilities from the City of Medicine Hat in the amount of \$492.79, remitted by the city by way of cheque #00296364 dated March 25, 2015.
2. Copy of the appliance replacement invoice for 828A Braemar Street SE, Medicine Hat, in or around December 2015 and April 2016.

On November 16, and 17, 2016 a formal in person request was made for you to provide the following documentation

1. A copy of the lease agreement between Real Canadian Property Management Elite, Lorna MacNeil and Robert Brookman for the 2-81 Collins Crescent, Medicine Hat.
2. Contact information for Robert Brookman, including but not limited to telephone number, email address, and mailing address.

3. Documentation from the government (provincial and or federal) demonstrating commitment to pay all of or a portion of the rent for 517A Woodman Ave, Medicine Hat, on behalf of the tenant Jenessa Smith, beginning December 17, 2014 until the end of her tenancy.
4. Documentation verifying and describing the \$591.38 "bad debt" as charged to 1074 Queen Street, Medicine Hat, Alberta on the November 2015 owner statement of Bev Hearn.
5. Copies of the invoice for yard service in the amount of \$548.63 for Queen Street as charged to the November 2015 owner statement of Bev Hearn.
6. Confirmation including bank statements showing re-imbusement of the utility payment to Angela Lennie in the amount of \$1823.23 and \$1036.48, paid on February 12, 2015, for the Hearn and Gas City Realty properties.
7. Copies of the cheque and/or electronic transfer in the amount of \$1006.27 paid to the City of Medicine Hat for utilities as charged to the February 2015 owner statement of Bev Hearn.

A second request was made to provide the October 14, 2016 requested documentation.

On November 18, 2016 a formal demand for information letter was sent to you on the email address that you provided to RECA, and by registered letter, confirmed delivered on November 23, 2016 requesting again the documentation of November 16, and 17 2016. The demand letter response date was November 25, 2016.

The written correspondence included instructions to you that if you were unable to locate and provide a particular item listed above, you must clearly describe all efforts taken to obtain the item and/or her determination as to whether or not the item does in fact exist.

On November 25, 2016, you provided a response to the demand letter; however request #3 was not complete. No supporting documentation was provided regarding rent of Jenessa Smith and/or confirmation of government commitment to remit rental payments. You did not clearly describe all efforts taken to obtain the item and/or your determination as to whether or not the item did in fact exist.

Request #4 was not addressed and you did not provide the appliance replacement invoice for 828A Braemar Street SE Medicine Hat. You did not clearly describe all efforts taken to obtain the item and/or your determination as to whether or not the item did in fact exist. To date this information remains outstanding.

On November 28, 2016 information regarding the refund cheque #00296364 dated March 25, 2016, issued by the City of Medicine Hat for utilities was partially addressed. Your response was ambiguous and contradictory, stating the item had

been deposited, and/or had not been deposited. An email from you surrounding this state you need to confirm the deposit. To date this information remains outstanding.

On November 28, 2016, RECA emailed you requesting clarification of your response surrounding her ability to access Propertyware in order to provide the requested documentation and to answer request question#4 by 3:00pm that day. To date RECA has not received a response to this email. A delivery notice indicates that the email was successfully delivered at 12:48pm November 28, 2016. To date this information remains outstanding.

Section 38(4.2) of the Real Estate Act states:

(4.2) The executive director may by notice in writing suspend the authorization of an industry member who refuses to co-operate with a person conducting an investigation under subsection (2) until the executive director is satisfied that the industry member has co-operated

On November 18, 2016 and November 28, 2016 you were sent correspondence requiring you to co-operate with a person conducting an investigation. The letter you received included a list of all outstanding requests, a provision date for RECA's receipt of all information, and notification that if you failed to co-operate your authorization would be suspended by the Executive Director pursuant to section 38(4.2). You were also informed that failure to comply with sections 38(4)(a) and 38(4.1) is an offence under the *Real Estate Act* and can result in fines or Administrative Penalties up to \$25,000.00. To date you have not complied with RECA's requests.

Please be advised this suspension of your authorization will remain in effect until the Executive Director is satisfied you have cooperated with this investigation.

The ability to trade in real estate, deal in mortgages or carry on the activities of a real estate appraiser, as the case may be, is a right conferred by the Real Estate Council. As your authorization has now been suspended, you are no longer authorized to trade in real estate.

Effective immediately you are no longer able to engage in any activity that requires an authorization and you are considered to be unauthorized.

If you have questions, please call, Professional Conduct Review Officer Holly Childs at 403-685-7934 or by email at [hchilds@reca.ca](mailto:hchilds@reca.ca).

Yours truly,

A handwritten signature in blue ink, appearing to read 'Bob Myroniuk', is written over the printed name and title.

Bob Myroniuk  
Executive Director