

## THE REAL ESTATE COUNCIL OF ALBERTA

Case: 006534  
Process: Section 39 and 83 of the *Real Estate Act*  
Industry Member: Randhawa, Mr. Sukhwinder Singh  
Authorization: Real Estate Associate  
Registration: Re/Max River City  
Document: ADMINISTRATIVE PENALTY

TO: Randhawa, Mr. Sukhwinder Singh

The Executive Director of the Real Estate Council of Alberta (RECA) is of the opinion that you have contravened the following section(s) and this is conduct deserving of sanction.

Contravention(s): Section 41(b) of the Rules

Penalty: \$1500.00

### Particulars of the contravention(s):

1. During September, 2016, you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
  - a) You represented that the property located at [{"address"}], reference [{"number"}], had a registered condominium size of 77.75 m<sup>2</sup>.
  - b) The condominium plan states the property has a registered condominium size of 71.4 m<sup>2</sup>.
  - c) You followed the builder plan to get condominium size.

When representing the size of a residential property, competent real estate industry professionals must measure the property using RMS or engage a third party to measure the property using RMS.

When applying the RMS to determine above grade size of a condo, it is extremely rare to see that measurement exceed the registered condo plan size. Competent industry professionals must understand how these different measurements are arrived at and be prepared to explain any differences to clients and consumers.

The circumstances of this matter indicate the following aggravating and mitigating factors were considered:

### ***Aggravating Factors***

- You have been an associate broker for 17 years. You should know the importance of competently measuring a property.
- RECA has issued several communications on the RMS standard and the Information Bulletin: Enforcement of the Residential Measurement Standard (RMS) clearly discusses your obligations to use RMS.
- The size of a property is often a key characteristic that consumers consider when purchasing a property. The RMS is a consistent means of representing a residential property's above grade space. Industry professionals who fail to use RMS undermine this consistency. RECA must deter this type of conduct.

### ***Mitigating Factors***

- You recently confirmed the measurements and corrected the listing information.

### **Payment**

This Penalty must be paid **within 30 days** of the date this Notice was issued.

**If you fail to pay the Penalty** the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization 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.

### **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 and make representations in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by a delegate of the Executive Director **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:

Carla Sasley, Professional Conduct Review Officer  
Email: csasley@reca.ca  
Phone: 403.228.2954; Toll Free: 1.800.425.2754  
Fax: 403.228.3065  
Address: Real Estate Council of Alberta  
350 4954 Richard Road SW  
Calgary, Alberta, T3E 6L1

Issued at Calgary, Alberta, on November 30, 2016.

*Charles Stevenson*, for  
Bob Myroniuk, Executive Director  
of the Real Estate Council of Alberta

cc: Shaminder Sandhu, Broker  
Re/Max River City