

THE REAL ESTATE COUNCIL OF ALBERTA

Process: Section 39 of the *Real Estate Act*
Authorization: Real Estate Associate
Document: LETTER OF REPRIMAND

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

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 an above grade size of 83.98 m².
 - b) The condominium plan states the property has a registered condominium size of 78.6 m².
 - c) You relied on builder plans to obtain condominium size

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

Aggravating Factors

- You have been an associate since 2011. 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.

Mitigating Factors

- You are now aware of RMS guidelines
- You are taking a course on RMS

Appeal

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process.

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 Letter of Reprimand.

If you have any questions regarding particulars or the appeal process, please contact:

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Issued at Calgary, Alberta, on November 23, 2016.

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