

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 004578
Process: Section 39 and 83 of the *Real Estate Act*
Industry Member: Yvonne Sylvianne Valdes
Authorization: Real Estate Associate
Registration: Re/Max Real Estate (Edmonton) Ltd. O/A Re/Max Real Estate
Document: ADMINISTRATIVE PENALTY

TO: Yvonne Valdes

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 42(a) of the Rules

Penalty: \$1500.00 (see Schedule 2 of the Bylaws)

Particulars of the contravention(s):

1. During February of 2014 you made a reckless representation contrary to section 42(a) of the *Real Estate Act* Rules:
 - a) You represented that 418-7909 71 St. in Edmonton had a registered condominium size of 102.8 m².
 - b) The condominium plan states the property has a registered condominium size of 100.1 m².

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

Aggravating Factors

- Your brokerage has a policy that clearly states that the registered size for a condominium is to come from the registered condo plan.

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:

Ryan DeLuca, Professional Conduct Review Officer
Email: rdeluca@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 December 1, 2014.

Charles Stevenson, for

Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta

cc: Patrick Rudiger, Real Estate Broker
Re/Max Real Estate (Edmonton) Ltd. O/A Re/Max Real Estate