

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011848  
Name on Licence: Mohammad Mussa Khan  
Licence Type & Class: Real Estate Associate  
Brokerage Name on Licence: Urban Real Estate Services Ltd. O/A Urban-  
Realty.ca  
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY  
Penalty: \$1,500.00

**Payment**

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

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

**TO: Mohammad Mussa Khan**

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 54(1)(d) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

*Rule 54(1) – A real estate broker, associate broker or associate, as the case may be, must not:*

*(d) directly or indirectly advertise, communicate or offer to any person an incentive except an incentive that is provided by and on behalf of the brokerage with which he is registered.*

## Particulars of the contravention(s):

1. Between February 2021 and June 2021, you directly or indirectly offered an incentive that was not offered on behalf of your brokerage contrary to section 54(1)(d) of the *Real Estate Act* Rules.
  - a) During a conversation with a potential client, [M.K], at a showing she asked if you were willing to use some of the commissions you earned from a transaction to purchase new appliances for a property she bought. You agreed to this arrangement. This was an incentive. This incentive was not authorized by your brokerage.
  - b) On May 9, 2021, you entered into a written service agreement with [M.K].
  - c) In June of 2021, you sent \$2,000 via e-transfer from your account to [M.K] after she had purchased a property.

Licensees must not directly or indirectly, advertise, communicate or offer to any person their own incentives whose sole purpose is to attract business to them personally. A brokerage incentive must be available to all clients or potential clients of a brokerage.

The Registrar considered the following aggravating and mitigating factors:

### *Aggravating Factors*

- You failed to follow brokerage policy and get brokerage approval prior to communicating this incentive.
- RECA has received multiple complaints related to incentives. There is a need for general deterrence of this conduct.

### *Mitigating Factors*

- You have admitted to this conduct and have stated it will not be repeated

## 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 in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by the Registrar **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:

Name: [B.T], Investigator  
Email: [EMAIL]  
Phone: 403.228.2954; Toll Free: 1.888.425.2754  
Fax: 403.228.3065  
Address: Real Estate Council of Alberta  
Suite 202, 1506 11 Avenue SW  
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on May 26, 2022.

**“Signature”**

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Charles Stevenson, Registrar  
Real Estate Council of Alberta

cc: [S.P], Real Estate Broker  
Urban-Realty.ca