

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: \$1,000

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 43(1) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

43 (1) Subject to these rules, a licensee who establishes a client relationship when trading in residential real estate, engaging in property management, or when dealing in mortgages must enter into a written service agreement with that prospective client.

Particulars of the contravention(s):

1. In or around February 2021, you failed to enter into a written service agreement with a prospective client, contrary to section 43(1) of the *Real Estate Act* Rules:
 - a) In February of 2021 you met with [Z.K] and agreed to represent her in a real estate transaction. You showed her multiple properties between February 2021 and May 2021 and collected confidential information about her and her real estate needs during this time frame.
 - b) A written service agreement was not signed by [Z.K] until May 9, 2021.

A written service agreement outlines the roles and responsibilities of the parties, clarifies the expectations of each party, and helps to ensure the client understands their relationship with the industry professional. Clarity of roles, responsibilities, and expectations is essential to consumer trust and confidence. The service agreement must be discussed and presented to a prospective client prior to acting on their behalf in a real estate transaction.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your failure to present and discuss the written service agreement when establishing the client relationship led to confusion on your obligations to the client. Your client believed that your father and you were representing her during this transaction

Mitigating Factors

- You have admitted to the conduct and have stated that 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"

Charles Stevenson, Registrar
Real Estate Council of Alberta

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