

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 012434
Name on Licence: Ajay Esher Kainth
Licence Type & Class: Real Estate Associate
Conduct Brokerage: 4 Million.Ca Inc. o/a Estateview
Registered Brokerage: Grand Realty & Management Ltd. O/A Grand Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,000.00 (see Schedule 2 of the Bylaws)

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: Ajay Esher Kainth

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 40(1)(g) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule at time of conduct:

Rule 40 (1) An industry member must immediately notify, in writing, the registrar when:

(g) proceedings pursuant to the Criminal Code are commenced against the industry member;

Particulars of the contravention(s):

1. In or around August 2020, you failed to immediately notify the Registrar that criminal code proceedings were commenced against you, contrary to section 40(1)(g) of the *Real Estate Act* Rules:
 - a) On or around August 1, 2020, criminal code proceedings were commenced against you. You failed to immediately notify the registrar of these proceedings.
 - b) On November 10, 2021, you notified RECA you had been convicted of charges on November 9, 2021.

RECA's mandate includes consumer protection. RECA reviews certain events that may affect a licensee's suitability for licensing and the public's perception of the industry. A licensee must immediately notify the registrar in writing when any event listed under section 40(1) of the *Real Estate Act* Rules occurs.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There was a significant delay in RECA becoming aware of these criminal proceedings.

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: [A.L], 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 March 21, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc. [E.W], Real Estate Broker
Grand Realty