

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 012231
Name on Licence: Korey Leigh McIntosh
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: RE/MAX REAL ESTATE (EDMONTON) LTD. O/A
RE/MAX REAL ESTATE
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: Korey Leigh McIntosh

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around August 2021, you failed to provide competent service while accessing an acreage property (Property), contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) On August 23, 2021, you had permission to access the Property for a home inspection with the Buyers, the home inspector, and yourself.
 - b) You attended the Property with the home inspector and Buyers.
 - c) After providing access to the Property, you left the Property, leaving the home inspector and Buyers at the Property alone.
 - d) While you were away from the property, additional family members arrived. You discovered this when you returned to the Property.
 - e) You did not get permission from the sellers to leave these individuals unattended in the Property.
 - f) You did not get permission for additional people to attend/stay at the property. This was a failure to exercise competent service when in the care and control of a property.

Consumers expect licensees granted access to their property will remain in the care and control of that property at all times. Leaving anyone in a property unattended requires permission from the seller or the seller's agent.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- RECA has received multiple complaints from sellers about licensees failing to follow seller requirements or brokerage expectations when accessing or viewing a property. We must deter this conduct.
- The buyers allowed other individuals to attend the property in your absence.

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: [C.S], 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 January 14, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [B.B], Real Estate Broker
Re/Max Real Estate