

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011915
Name on Licence: Justin Morgan Edgington
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Devonshire Realty Inc. O/A Maxwell Devonshire Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$10,000.00 (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: Justin Morgan Edgington

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 17(c) of the *Real Estate Act*** and this is conduct deserving of sanction.

*Act s. 17 No person shall
 (c) act as a property manager*

Particulars of the contravention(s):

1. Between August 2020 and July 2021 you acted as a property manager while not having the appropriate class of license, contrary to section 17(c) of the *Real Estate Act*:
 - a) You advertised [ADDRESS] (Property) for rent on behalf of the owner.
 - b) From August 2020 to July 2021, you collected the security deposit and monthly rent from the tenant renting this Property. You received this money in your personal bank account and forwarded these amounts to the owner.
 - c) During the investigation, you represented you were not providing property management services except for the Property. The investigation determined this was false. You were managing several properties on behalf of three owners.
 - d) You admitted to advertising on your personal Facebook page, showing the properties, and collecting rents and security deposits for a fee.
 - e) You ceased all property management activity upon speaking to your broker on July 7, 2021.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your brokerage had a clear policy that you were not to engage in property management activities. You signed this policy.
- You were previously licensed in property management and ought to have known what property management activities required a licence.
- You provided false and misleading information in the investigation.

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], Professional Conduct Review Officer
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 October 28, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [A.W], Real Estate Broker
Maxwell Devonshire Realty