

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Verna MacKay

In accordance with section 39 and section 83 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "Act") and the Bylaws of the Act (the "Bylaws"), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Verna Mackay, at all material times an agent registered with Directline Real Estate Inc. and most recently registered with South Country Real Estate Services Ltd., in order to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

- On or about December 2, 2004, a Judge of the Provincial Court of Alberta found that you, Verna Mackay contravened section 48(2) (as it then was) of the *Residential Tenancies Act* by failing to deliver a security deposit to a former tenant within the timeframes contemplated under the legislation.
- You were convicted of committing an offense contrary to section 60(1) of the *Residential Tenancies Act* and were ordered to pay a fine in the amount of \$460.00.
- You failed to notify the Executive Director of this conviction.

The Executive Director believes that this conduct was in contravention of Rule 15(3)(f) (as it then was) of the Rules made pursuant to the Act which provided that:

A licensee must immediately notify, in writing, the Executive Director when

...

- (f) *the licensee is convicted of any criminal offence or any other offence under any law of any country, province or state, excluding provincial or municipal highway traffic offences resulting in monetary fines only.*

The Executive Director believes that this contravention is conduct deserving of sanction.

In accordance with section 39 and section 83 of the Act and Part 5 of the Bylaws, an Administrative Penalty in the amount of **\$1000** has been assessed against you. Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the Act will be taken against you in respect of the contravention.

The sum is payable to the Real Estate Council of Alberta within thirty (30) days of the date of issuance of this Notice of Administrative Penalty. If you fail to pay the amount set out in this notice, the Executive Director may commence legal action against you to recover the amount owing in respect of the Administrative Penalty as a debt due to the Real Estate Council of Alberta.

If you dispute this Notice of Administrative Penalty, in accordance with section 35 of the Bylaws, you may appeal it to a Hearing Panel. You will be given a full opportunity, consistent with the rules of procedural fairness and natural justice, to present evidence before the Hearing Panel and to make representations in relation to the contraventions.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Jemison Jackson, Conduct Enforcement Counsel, at the Real Estate Council of Alberta.

DATED this 12th day of October 2006.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"
Bob Myroniuk
Executive Director

cc: W.O. Broker
Royal LePage South Country