

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

**To: Wanda Egilsson, Agent
c/o Re/Max Real Estate
#105, 4245 – 97th Street
Edmonton, Alberta
T6E 5Y7**

In accordance with s. 39 and s. 83 of the *Real Estate Act*, R.S.A. 2000 c. R-5 and the Bylaws of the *Real Estate Act* (hereinafter "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 Wanda Egilsson, agent, registered to Re/Max Edmonton Real Estate Ltd. o/a Re/Max Real Estate when the described events occurred, in order to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

That on or between the dates of July 2004 until at least August 2004, you were involved in the listing for sale of a residential property located at 8841 – 92 Street in Edmonton, Alberta [hereinafter "property"]. This property was the subject of foreclosure proceedings, and as such any Offers to Purchase submitted had to be presented to the Alberta Court of Queen's Bench by way of an Application in Masters' Chambers for selection and approval.

That on or about August 23, 2004, real estate agent R.B. contacted you and advised that his client wished to make an Offer to Purchase on this property. You advised him that the Application to determine which offer would be accepted was set for the following day, August 24, 2004, and as such, he would need to fax the offer to you immediately. He did fax you his client's Offer to Purchase on August 23, 2004 and he called you that same day to advise you of this. You indicated to him that you would fax this Offer to the lawyer, E.Y. , that same day so that he would have it for court the next day.

That you maintain that you did fax this offer to purchase to E.Y. that same day from your home office. You also maintain that you called E.Y.'s office after you faxed the Offer to Purchase and left a message advising that you had sent another Offer to Purchase to be presented at the August 24, 2004 Application in Masters' Chambers at the Court of Queen's Bench of Alberta. You did not call E.Y.'s office prior to the court application in order to ensure that it had been received.

This Offer to Purchase was in fact not presented at the Application on August 24, 2004 as E.Y. never received it.

The Executive Director believes the above noted conduct is in contravention of s. 23(a) of the *Real Estate Act Rules* made pursuant to the *Real Estate Act*, R.S.A. 2000 c. R-5 which provides that:

- 23 An associate broker and agent must
- (a) comply with the Code of Conduct in Schedule 1 to these Rules

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

This contravention of the *Real Estate Act Rules* relates to the following excerpt taken from section 6 of the *Code of Conduct*:

- 6 An industry member must render a competent service

In accordance with ss. 39 and 83 of the *Real Estate Act* and Part 5 of the Bylaws of the *Real Estate Act*, 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 penalties and no further proceedings under Part 6 of the *Real Estate 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 s. 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 contravention.

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

DATED this 31st day of July 2006.

REAL ESTATE COUNCIL OF ALBERTA

Per: 
"K.B."

Bob Myroniuk
Executive Director

cc

P.R. , Broker, Re/Max Real Estate
R.B., Agent, Century 21 A.L.L. Stars Realty