

The Hearing Panel Decision for the Gerald Dank Hearing

October 21, 2003

The case presenter/hearing panel has established there was conduct deserving of sanction.

Issues:

The Panel was provided with the Notice of Hearing, wherein Mr. Dank is charged with the following conduct deserving of sanction in relation to:

1.
 - a) You were involved in the creation of a contract, the Property Management Agreement, that was confusing, misleading or did not reflect actual agreements in place between the parties, contrary to s. 6(c) of the Code of Conduct;
 - b) You failed to fully inform L. of the fees for providing services under the Property Management Agreement, contrary to s. 5(a) of the Code of Conduct; and
 - c) You failed to act in your client's best interests, contrary to s. 2(a) of the Code of Conduct.
2.
 - a) You failed to provide L. with a proper accounting of the utilities on the property in question, and thereby failed to render competent service to L., contrary s. 6(a) of the Code of Conduct.
3.
 - a) You mismanaged damage deposits held in trust for the benefit of the downstairs tenant, breached the terms of trust under which the damage deposits were held, and failed to

keep proper records of the damage deposits held in trust,
contrary to s. 25 of the Act and s. 21(1) of the Rules.

4.

- a) You failed to deal with the downstairs tenant fairly, honestly and with integrity, contrary to s. 7(b) of the Code of Conduct; and
- b) You failed to act in your client's best interests, contrary to s. 2(a) of the Code of Conduct.

The Hearing Panel hereby orders the following sanction:

In respect of all of the aforementioned breaches Mr. Dank shall pay a fine of **\$4,000.00.**

In respect of hearing costs, the Panel orders Mr. Dank to pay **\$8090.65.**

The Panel also orders Mr. Dank to successfully complete the Real Estate Property Management course of the Real Estate Broker Course, through the Alberta Real Estate Association, before re-licensing as an agent or broker with the Real Estate Council of Alberta.

Dated at the City of Calgary, in the Province of Alberta, this 21st Day of October, 2003.

Hearing Panel of the
Real Estate Council of Alberta

"Ted Zaharko"

Ted Zaharko, Hearing Panel Chair

"Cheryl King"

Cheryl King, Hearing Panel Member

"Ken Green"

Ken Green, Hearing Panel Member