

IN THE MATTER OF THE REAL ESTATE ACT, R.S.A. 2000, c. R-5

AND IN THE MATTER OF GURMINDER SINGH BHATTI  
(also known as "Garry Bhatti"), Agent registered with Century 21- Bravo Realty

INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta has conducted an investigation into whether the conduct of GURMINDER SINGH BHATTI (also known as "Garry Bhatti"), an Agent registered with Century 21- Bravo Realty, is deserving of sanction and/or whether he breached the requirements of the Real Estate Act (hereafter "the Act"), the Rules prescribed pursuant thereto (hereafter "the Rules"), or the Code of Conduct prescribed pursuant thereto (hereafter "the Code of Conduct").

2. The Executive Director and GURMINDER SINGH BHATTI (also known as "Garry Bhatti") agree to resolve all matters against GURMINDER SINGH BHATTI (also known as "Garry Bhatti" and hereinafter "Mr. Bhatti") on the terms and conditions set out herein.

AGREED STATEMENT OF FACTS

3. Mr. Bhatti has been continuously licensed in the Province of Alberta to trade in real estate since May 2, 1991 to the present date.

4. Mr. Bhatti was retained by D.O. & M.O. ["O.'s"] to sell their home in the Spring of 1999. D.O. was in and out of Canada at various times during the late Spring and early Summer of 1999, and he provided a Power of Attorney with respect to the sale of the O.'s residence to M.A.

5. On or about June 13, 1999, Mr. Bhatti brought two verbal Offers to Purchase to M.A. and M.O. The Offers were both made by M.B. The one offer was for \$109,000, and the other offer was for \$115,000. The Offer to Purchase for \$109,000 expressed the actual consideration to be paid by M.B. for the O.'s residence. The Offer to Purchase for \$115,000 indicated that a \$6,000 deposit had been received directly by the O.'s from M.B. However, no such deposit was to actually be paid to the O.'s. The \$115,000 Offer to Purchase was to be the one provided to M.B.'s mortgage lender in order to represent to M.B.'s mortgage lender that 5% of the purchase price had been paid by M.B., in which case M.B. would qualify for a CMHC insured mortgage. That representation was not true, and as such, the Offers to Purchase were fraudulent.

6. M.A. refused to sign the Offer to Purchase on the grounds that it did not sound right to him. He checked with realtor friend of his who confirmed that the proposed Offers to Purchase were illegal, as they were to be used to defraud the mortgage lender and/or CMHC. M.A. advised Mr. Bhatti that neither he nor M.O. would sign the Offers to Purchase as they were not legal.

**CONCLUSION**

7. By reason of the matters described herein, Mr. Bhatti's conduct is deserving of sanction in that he failed to adequately or clearly communicate the illegality of the transaction in question to the O.'s in breach of Sections 6(a) of the Code of Conduct prescribed pursuant to the Act.

**SETTLEMENT TERMS**

8. Gurminder Singh Bhatti shall pay a fine \$1,500, plus a further amount of \$500 for costs of the Hearing Panel.

9. Gurminder Singh Bhatti agrees that, as a condition of his authorization to trade in real estate, he shall, within 6 months of ratification of this agreement by the Hearing Panel, successfully complete the Real Estate Institute of Canada's Ethical Principles and Professional Standards Course (REIC 2250), or such other course or courses as the Executive Director may direct in the event that the REIC 2250 course is not available within 6 months of ratification of this agreement.

10. Gurminder Singh Bhatti acknowledges that he has been given an opportunity to seek the advice of legal counsel, and acknowledges that he is agreeing to the terms of settlement of his own free will.

11. Gurminder Singh Bhatti is aware that a copy of the Consent Agreement will be placed on his file, and may be reviewed and considered in any future disciplinary proceedings.

12. Gurminder Singh Bhatti is aware that the Real Estate Council of Alberta may publish the contents of this Consent Agreement.

13. Gurminder Singh Bhatti hereby waives any rights he may have under the Act or otherwise to a review, hearing, appeal or other judicial proceeding involving the matter referred to herein.

14. These settlement terms are intended to resolve all matters described herein and, subject to the approval of the Hearing Panel, the Executive Director will take no further action under the Act or before the courts in this regard.

IN WITNESS WHEREOF the undersigned agree and accept the terms and conditions of this settlement this 4 day of December 2002.

Signed and delivered  
in the presence of

"V.W."  
\_\_\_\_\_  
Witness to the signature  
of Gurminder Singh Bhatti

"Gurminder Singh Bhatti"  
\_\_\_\_\_  
**GURMINDER SINGH BHATTI**

The Executive Director recommends to the Hearing Panel the proposed terms of settlement based on the Agreed Statement of Facts.

**Real Estate Council of Alberta**

"S.C."  
\_\_\_\_\_  
Witness to the signature  
of Bob Myroniuk

Per: "Bob Myroniuk"  
\_\_\_\_\_  
Bob Myroniuk  
Executive Director

Recommendation Approved ✓  
Recommendation Denied \_\_\_\_\_

*HARVEY or STEWART*

DATED at the City of Calgary, in the Province of Alberta this 21 day of Dec 2002.

**Real Estate Council of Alberta**

Per: "Lorne Clark"  
\_\_\_\_\_  
Hearing Panel Chairperson

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AFFIDAVIT OF EXECUTION

CANADA

I, V.W. Of  
(name of witness)

PROVINCE OF ALBERTA

the City of Calgary, in the Province of Alberta

TO WIT:

MAKE OATH AND SAY:

1.

THAT I was personally present and did see **GURMINDER SINGH BHATTI** named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.

2.

THAT the same was executed at the City of Calgary, in the Province of Alberta, and that I am the subscribing witness thereto.

3. THAT I know the said party and he is in my belief of the full age of eighteen years.

SWORN BEFORE ME at the City  
of Calgary, in the Province of  
Alberta this 4 day of  
December 2002.

"R.S."

A Commissioner for Oaths in  
and for the Province of Alberta

"V.W."

(signature of witness)