

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010836  
Name on Licence: Dana Bruce Kinsman  
Licence Type & Class: Real Estate Associate  
Brokerage Name on Licence: Twin Oakes Real Estate 1993 Inc. O/A Re/Max  
House Of Real Estate. Currently registered to EXP  
Realty of Canada O/A EXP Realty.  
Process: Section 39 & 83 of the *Real Estate Act*  
Document: ADMINISTRATIVE PENALTY  
Penalty: \$3,000.00

**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: Dana Bruce Kinsman**

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule at time of conduct

Rule 41 – *Industry members must:*

*(b) provide competent service*

## Particulars of the contravention(s):

1. In or around October 2020, you failed to provide competent service while accessing the property located at [ADDRESS] (Property), contrary to section 41(b) of the *Real Estate Act* Rules:
  - a) On October 15, 2020, you had permission to access the Property for a home inspection with the Buyers, the home inspector, and yourself.
  - b) You attended the Property with the home inspector, the Buyers, and two additional people. You did not get permission from the Sellers to bring two additional people. You did not follow your brokerage expectations of COVID-19 screening protocol with the two additional people.
  - c) After providing access to the Property, you left the Property leaving the home inspector at the Property with four other people without you being present.
  - d) You did not get permission from the sellers to leave these individuals unattended in the Property. This was a failure to exercise competent service when in the care and control of a property.

Consumers expect licensees granted access to their property will remain in the care and control of that property at all times. Leaving anyone in a property unattended requires permission from the seller or the seller's agent.

The Registrar considered the following aggravating and mitigating factors:

### *Aggravating Factors*

- RECA has received multiple complaints from sellers about licensees failing to follow seller requirements or brokerage expectations when accessing or viewing a property. We must deter this conduct.
- There were multiple instances where you failed to provide competent service.

### **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: [C.S], 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 June 24, 2021.

"Signature"

Charles Stevenson, Registrar  
Real Estate Council of Alberta

cc [D.N], Real Estate Broker  
Re/Max House of Real Estate

cc [W.I], Real Estate Broker  
EXP Realty