

**IN THE MATTER OF The Real Estate Act, S.A. 1996, c.R-4.5 (the Act)**

**AND IN THE MATTER OF Shawn & Assoc. Management Ltd. - Edon  
Management**

## **INTRODUCTION**

1. The Executive Director of the Real Estate Council of Alberta conducted an investigation during September, 1996 into whether Shawn & Assoc. Management Ltd. - Edon Management's conduct is deserving of sanction and/or whether it otherwise breached the requirements of the Act or the Rules prescribed pursuant to the Act.

2. The Executive Director and Shawn & Assoc. Management Ltd. - Edon Management have agreed to resolve the allegations against it on the terms and conditions set out below.

## **AGREED STATEMENT OF FACTS**

3. Shawn & Assoc. Management Ltd. - Edon Management is a licensed real estate agent pursuant to section 3(1) of the Rules.

4. E.L. is the designated representative for Shawn & Assoc. Management Ltd. - Edon Management which has been licensed since May 2, 1995.

5. In or about May, 1996, K.W. and E.L. verbally entered into an agreement such that Shawn & Assoc. Management Ltd. - Edon Management would provide property management services to K.W..

6. E.L. provided a copy of an unexecuted property management agreement to K.W. which she executed, dated May 9, 1996 and returned to E.L..

7. E.L. executed the property management agreement and E.L. inserted "\$200.00" in paragraph 5 of the property management agreement. This change to the property management agreement was not initialed by K.W. neither was a copy of the fully executed property management agreement provided to her. This is in contravention of Rule 28.

## SETTLEMENT TERMS

8. In settlement of these issues, Shawn & Assoc. Management Ltd. - Edon Management agree to accept a formal letter of reprimand from the Real Estate Council of Alberta.
9. Costs of the investigation and terms of settlement are waived.
10. Shawn & Assoc. Management Ltd. - Edon Management acknowledge that it has been given an opportunity to seek the advice of legal counsel and acknowledge that it is agreeing to the terms of settlement of its own free will.
11. Shawn & Assoc. Management Ltd. - Edon Management hereby waive any rights it may have under the Act or otherwise to a hearing, review, judicial review or appeal of the matter referred to herein.
12. 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 steps including the initiation of any proceedings before the Real Estate Council of Alberta or the courts in this regard.

IN WITNESS WHEREOF the undersigned agree and accept the terms and conditions of this settlement this 16 day of OCTOBER, 1996.

Signed and Delivered  
in the presence of:

"J.P."

J.P.

"E.L."

Shawn & Assoc. Management Ltd.-  
Edon Management  
E.L.  
Designated Representative

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

October 17, 1996  
Date

"Bob Myroniuck"  
Bob Myroniuck  
Executive Director

Recommendation Approved ☒

Recommendation Denied ☐

Dated at Calgary, Alberta,  
this 5 day of Dec., 1996

"Hearing Panel Chairperson"  
Hearing Panel Chairperson  
Real Estate Council of Alberta

## AFFIDAVIT OF EXECUTION

CANADA )  
PROVINCE OF ALBERTA )  
TO WIT: )

I, J.P. , of the City  
of Calgary, in the Province of  
Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see E.L. 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 E.L. 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 16 day of )  
October, 1996. )

"W.M."

A COMMISSIONER FOR OATHS  
IN AND FOR THE PROVINCE  
OF ALBERTA

"J.P."

J.P.

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A COMMISSIONER FOR OATHS  
IN AND FOR THE PROVINCE  
OF ALBERTA



November 25, 1997

BY COURIER

## LETTER OF REPRIMAND

As a result of an investigation by the Real Estate Council of Alberta, you agreed that [(the "Industry Member")], an employee of [("the Brokerage")], amended a property management agreement and did not have the client ( K.W. ) initial the change nor was a copy provided to the client. This is a breach of Rule 28 and is conduct deserving of sanction.

On December 5, 1996, the Hearing Panel found your conduct in this matter deserving of sanction. Therefore, we are issuing you this Letter of Reprimand today in accordance with the panel decision.

Please be advised that future contravention of the *Act* may not be treated so lightly.

As a result of an oversight, this letter was not forwarded to you at the time of the hearing. We apologize for this delay.

Yours truly,

"Barry Gogal"

Barry Gogal, Chair  
Hearing Panel

cc Bob Myroniuk  
Executive Director

*Real Estate Council of Alberta*

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