

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011383
Name on Licence: Alysha Melinda Ortiz
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Irealty Calgary Inc. O/A Re/Max Irealty
Innovations
Process: Section 39 & 83 of the *Real Estate Act*
Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

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: Alysha Melinda Ortiz

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 41 – *Licensees must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around March 2021, 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 March 4, 2021, you had permission to access the Property for the purpose of conducting a home inspection. You attended the Property with the home inspector.
 - b) After providing access and remaining at the Property for approximately 45 minutes, you left the Property leaving the home inspector at the Property alone. You did not get permission from the sellers to leave this individual unattended in the Property.
 - c) Another associate later came to the property in order to be with the inspector. This associate was not given permission to access 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. Please refer to the Information Bulletin: Access to Property – Home Inspections.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Consumers must trust that industry professionals will exercise reasonable care and skill when left in the care and control of their property.

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 May 31, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [J.D], Real Estate Broker
Re/Max IRealty Innovations