

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008425
Process: Section 39 & 83 of the *Real Estate Act*
Industry Member: Taleb Assef
Authorization: Real Estate Associate
Registration: Royal LePage Solutions Inc. o/a Royal LePage Solutions
Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00 (see Schedule 2 of the Bylaws)

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization 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: Taleb Assef

The Executive Director 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(b) – *Industry members must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around July 2018 you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act Rules* as you disregarded the terms of a Key Release Trust Letter;
 - a) On or about July 20, 2018, you signed a Key Release Trust Letter from the sellers' associate, which indicated you were to release the keys to your

buyer for the property only when authorized to do so by the listing associate or the sellers' lawyer. Property possession date; July 31, 2018.

- b) On or about July 29, 2018, you released the keys for the property to your buyer as you were going on holiday. You did not have authorization to do so.
- c) On or about July 30, 2018, a man (not the buyer) and his dog entered the property with the keys given to him by your buyer. The sellers' neighbour, who was taking care of the property, had to threaten to call 911 before the man would leave the premises.
- d) On or about July 30, 2018, the seller's associate requested you pick the keys up from your buyer. He instructed you not to release the keys to your buyer without authorization.
- e) On or about July 30, 2018, you picked the keys up from your buyer.
- f) On or about July 31, 2018, you released the keys to your buyer with proper authorization as indicated in the Key Release Trust Letter.

Consumers expect real estate associates to provide competent service. This includes safeguarding and abiding by terms of trust for items entrusted to them during a transaction. You had specific responsibilities and terms of trust outlined in the key release trust letter you signed. You chose to disregard your responsibilities and deliver the keys to your buyer prior to authorization. You did not provide competent service in this transaction.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- You have been an industry member for more than ten years.
- Your conduct put the property at risk by allowing an individual to access the property without the owners' consent.

Mitigating Factors

- You admitted the conduct
- You indicated that in the future you will not release keys without proper authorization.

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 Executive Director **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: RM, Professional Conduct Review Officer
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 December 14, 2018.

Charles Stevenson, for
Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta

c.c. Diane Scott, Broker
Royal LePage Solutions Inc. o/a Royal LePage Solutions