

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008545
Process: Section 39 of the *Real Estate Act*
Industry Member: Fahranaz Khoja
Authorization: Real Estate Associate
Registration: Century 21 Bamber Realty Ltd.
Document: LETTER OF REPRIMAND

TO: Fahranaz Khoja

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 – *Industry members must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around August, 2018, you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act Rules*:
 - a) On August 1, 2018, you listed the property located at [("address")] on behalf of AA and BL (Owners).
 - b) The Owners were transferring the property to [("company")]. [("Company")] supplied you with documentation supporting the transfer.
 - c) You communicated with [("company")] about this transaction. You provided [("company")] with the consumer relationships guide and listing agreement for the Owners to sign. [("Company")] provided you with the consumer relationships guide and listing agreement with the Owners signatures.
 - d) When an offer was received by a buyer, you provided [("company")] with the offer to give to the Owners for review. [("Company")] provided you with the purchase contract with the Owners signatures.
 - e) You did not communicate with the Owners to discuss the arrangement to transfer title or any of the transaction documentation. This was a failure to exercise reasonable care and skill.

- f) At the time of closing, the transfer of ownership had not taken place. This led to complications with the transaction, which ultimately collapsed. The buyers had their deposit returned.
- g) The property was ultimately transferred from the Owners to [{"company"}].

Industry professionals must take reasonable steps to verify and understand what the state of ownership is of a property. They must also take reasonable steps to provide information and documentation about a transaction to their client. In circumstances where the ownership is in question, industry professionals should consult their broker or seek legal advice.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- Meeting with clients is necessary to provide competent service. It also helps prevent potential fraudulent activity. RECA must deter this type of conduct.

Mitigating Factors

- This was a unique situation. You had documentation verifying a transfer of ownership had been agreed to, but it had not been registered with Land Titles.
- You took responsibility for your actions

The Executive Director will issue a more severe sanction for further similar instances of this conduct.

Appeal

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process.

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 be received by the Executive Director **within 30 days** of you receiving this Letter of Reprimand. If you have any questions regarding particulars or the appeal process, please contact:

Name: CS, 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 February 12, 2019.

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