

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013755
Name on Licence: Han Thuan Huynh
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: EXP Realty of Canada Inc. o/a EXP Realty.
Currently registered with Canadian Independent Realty Ltd. o/a CIR Realty.
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: Han Thuan Huynh

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 58(i) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 58 – *The basic obligations of a licensee who is in a sole agency relationship with a buyer are to:*

- (i) take reasonable steps to discover relevant facts pertaining to any property for which the buyer is considering making an offer*

Particulars of the contravention(s):

1. In or around September 2022, you failed to take reasonable steps to discover relevant facts about a property, contrary to section 58(i) of the *Real Estate Act* Rules:
 - a) September 3, 2022, you represented Buyers for the purchase of [ADDRESS]. You told the Buyers there were two underground parking spots that came with the Property.
 - b) The MLS Feature Sheet for the Property advertised the Property as having two titled parking stalls and explained that one parking stall was underground and the other parking stall was above ground.
 - c) You failed to adequately review the listing or confirm the location of the parking stalls prior to drafting the offer. This was a failure to take reasonable steps to discover relevant facts about the Property.
 - d) The purchase contract was accepted and closed. The buyer then found out they did not receive two underground parking stalls in the sale.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your actions impacted your clients. Having two underground parking stalls was an important factor for the Buyers. Had the Buyers known the Property did not come with two underground parking stalls, that may have changed their decision to purchase the property or what they were willing to offer.

Mitigating Factors

- You have demonstrated remorse and taken responsibility for your actions.

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], Investigator
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 October 31, 2023.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

cc [P.S], Real Estate Broker
EXP Realty