

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013753
Name on Licence: Rebecca Rae Mayhew
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: 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: Rebecca Rae Mayhew

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(d) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(d) fulfill their fiduciary duties to their clients

Particulars of the contravention(s):

1. In or around March 2022, you failed to fulfill your fiduciary duties to your Buyer client, contrary to section 41(d) of the *Real Estate Act* Rules:
 - a) In March 2022, you represented your Buyer client for the purchase of the property located at [ADDRESS]. This was a condominium and included a titled parking stall.
 - b) The Buyer intended to make an offer that included the titled parking stall, and you were aware the property included a titled parking stall.
 - c) You drafted an offer to purchase and failed to include the titled parking stall. This was a failure to look out for your client's interests.
 - d) The purchase contract was accepted and closed. The buyer found out they did not receive a titled parking stall in the sale.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- While this was not intentional, it was a serious error that may have impacted your client financially. The titled parking stall was determined to have a value of around \$25,000.

Mitigating Factors

- Your errors and omissions insurance helped cover the cost of this error and allowed your client to obtain the titled parking stall.

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 [D.A], Real Estate Broker
CIR Realty