

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014763
Name on Licence: Jagseer Singh Nirwan; AKA Deep Nirwan
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Polaris Realty (1995) Ltd. o/a Maxwell Polaris.
Currently registered to EXP Realty of Canada Inc.
o/a EXP Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$3,000.00

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: Jagseer Singh Nirwan

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 54(1)(c) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 54(1) – *A real estate broker, associate broker or associate, as the case may be, must not:*

(c) accept a commission, referral fee or other remuneration, directly or indirectly, for a trade in real estate except through the brokerage with which he is registered.

Particulars of the contravention(s):

1. In or around December 2022, you accepted a referral fee for a trade in real estate that did not go through your brokerage, contrary to section 54(1)(c) of the *Real Estate Act* Rules:
 - a) In September 2022, you were working with Buyers who were interested in purchasing a property. You brought the Buyers to see property of a builder, Victory Homes. At the time, the property was listed with another associate registered with your brokerage.
 - b) You submitted an offer on behalf of the Buyers, which was accepted by Victory Homes.
 - c) You submitted relationship and transaction documents to the brokerage.
 - d) In December 2022, a commission cheque for the sale was issued directly to you from the builder. This was accepting a commission for a trade in real estate outside the brokerage you were registered with.
 - e) In February 2023, your brokerage asked you to confirm whether you were taking commissions for this property and you told the brokerage you were not taking any commissions.
 - f) In March 2023, the Builder asked you to return a portion of the commissions as the listing agent was supposed to be paid and wasn't. You did return a portion of the commissions to the Builder which was then paid to the listing agent's brokerage.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your brokerage asked you twice to confirm whether you were taking commissions for this property and you told the brokerage twice you were not taking commissions. At the time this question was asked, you had accepted commissions associated with the 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], 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 19, 2023.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

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

[B.T], Real Estate Broker
Maxwell Polaris