

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011335
Name on Licence: Jessica Hang Chan
Licence Type & Class: Real Estate Associate Broker
Brokerage Name on Licence: Mountain View Real Estate Inc. o/a Re/Max Real Estate (Mountain View)
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: Jessica Hang Chan

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(a) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 53 – a real estate associate broker and associate must:

(a) trade in real estate only in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered.

Particulars of the contravention(s):

1. In or around August 2020, you failed to trade in real estate in the name that appeared on your licence and in the name of the brokerage with which you were registered, contrary to section 53(a) of the *Real Estate Act* Rules:
 - a) August 17, 2020, a Residential Tenancy Agreement was completed in your company name, Jessica Chan Real Estate Inc, as landlord, for the property located at [ADDRESS]. Your responsibilities included signing leases which was a service that required a licence. You were registered with Re/Max Real Estate (Mountain View) during that time. This was trading in real estate in a name other than your brokerage name.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- At the time of conduct you had been licensed for close to 15 years. You ought to have known that you could only provide services that required a licence through the brokerage you were registered with.

Mitigating Factors

- Your brokerage took over the management of the property on your behalf. The owner is now receiving services through a licensed brokerage.

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], Professional Conduct Review Officer
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 December 16, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [L.M], Real Estate Broker
Re/Max Real Estate (Mountain View)