

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 008985.002

Jointly and severely: Nawab Homes & Real Estate Consulting and Dreamland Homes, Syed Hassan-Nawab Rizvi AKA Hassan Nawab, Syed Rizvi and Azher Haleem Chaudhary AKA Azher Haleem, Azher Chaudhary

Licence: Not licensed

Process: Section 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY

Penalty: \$25,000.00 (see Schedule 2 of the Bylaws)

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*.

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: Nawab Homes & Real Estate Consulting and Dreamland Homes, Syed Hassan-Nawab Rizvi AKA Hassan Nawab, Syed Rizvi and Azher Haleem Chaudhary AKA Azher Haleem, Azher Chaudhary

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 17(b) of the *Real Estate Act***.

Act at time of events:

Section 17 - Licence Required

17 *No person shall*

(b) *Deal as a mortgage broker,
unless that person holds the appropriate authorization for that purpose
issued by the Council*

Particulars of the contravention(s):

In and around December 2018 through to April 2019, you solicited a person to borrow money without a mortgage licence, contrary to section 17(b) of the *Real Estate Act*.

- a) [S.P] ("the borrower"), was referred to you through the community as "the person to help with a mortgage"
- b) You assisted the borrower in obtaining a mortgage. You advised the borrower what supporting documentation was required to secure a mortgage. The borrower provided information and documentation to you. You then facilitated with providing documentation to a lender on behalf of the borrower to secure a mortgage. These activities required a licence to deal as a mortgage broker.
- c) The borrower communicated with Azher Chaudhary at his office known as Dreamland Homes.
- d) The borrower paid a fee in cash for your services.
- e) The borrower's mortgage was funded. The supporting documentation submitted to the lender was false and misleading.

The Registrar considered the following aggravating factors:

Aggravating Factors

- In January 2017, you were sanctioned by RECA for unauthorized activity. Strong specific deterrence is required.
- Azher Chaudhary was previously licensed by RECA and ought to be aware of what activities required a licence.
- There are multiple instances of unauthorized activity.
- The unauthorized activity was part of a mortgage fraud scheme.

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: [H.C], 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 November 19, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta