

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Cheryl Leal
6515 Martingrove Dr NE
Calgary AB T3J 4J7

And to: Executive One Property Management Inc.
6515 Martingrove Dr NE
Calgary AB T3J 4J7

In accordance with Section 83 and the Bylaws of the *Real Estate Act* (hereinafter the "Act"), the Executive Director of the Real Estate Council of Alberta is of the opinion that Cheryl Leal and Executive One Property Management Inc. have contravened s.17(a) of the Act, and hereby assesses an Administrative Penalty in the amount of **\$2,000**. The evidence giving rise to the Executive Director's decision is as follows:

Executive One Property Management Inc. (hereafter "Executive One") is a corporation registered in Alberta. Cheryl Leal (hereafter "Leal") is a director of Executive One. Executive One and Leal are not presently, and never have been, authorized to trade in real estate by the Real Estate Council of Alberta.

In or around January 2004, Leal and Executive One entered into agreements to secure tenants for Canlanka Ventures Ltd. (hereafter "the owner") with respect to six (6) residential properties located in the City of Calgary. By way of these agreements, Leal and Executive One undertook to conduct the following activities on behalf of the owner:

1. place advertisements to locate tenants
2. provide access to, arrange for, and attend viewings of the properties with prospective tenants
3. provide prospective tenants with rental applications
4. conduct reference and credit checks on tenant applicants
5. conduct move-in property inspections with new tenants
6. provide new tenants with the keys to the property

In consideration for their agreement to perform the above listed activities, the owner agreed to provide Leal and Executive One with compensation by way of a flat fee and deposit for advertising expenses.

It was the responsibility of Leal and Executive One to ensure that they hold the appropriate authorization to trade in real estate from the Real Estate Council of Alberta to trade as a real estate broker.

In accordance with section 39 and 83 of the Act and Part 4 of the Bylaws of the Act the Executive Director believes Leal and Executive One contravened s.17(a) of the Act and hereby assesses an Administrative Penalty in the amount of **\$2,000** to Cheryl Leal and Executive One Property Management Inc. jointly and severally.

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the Act will be taken against you in respect of the contravention. A person who pays an Administrative Penalty may not be charged under the Act with an offence in respect of those contraventions.

This sum of **\$2,000** is payable to the Real Estate Council of Alberta within thirty (30) days of the date of issuance of this Notice of Administrative Penalty. If you fail to pay the amount set out in this notice, the Executive Director may commence legal action against you to recover the amount owing in respect of the Administrative Penalty as a debt due to the Real Estate Council of Alberta.

If you dispute this Notice of Administrative Penalty, in accordance with section 35 of the Bylaws, you may appeal it to a Hearing Panel. You will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel and make representations in relation to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Leanne Boon, Case Officer, at the Real Estate Council of Alberta 1-403-228-2954.

DATED this 8th day of **December, 2004**.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"
Bob Myroniuk
Executive Director