

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 010542
Process: Section 39 of the *Real Estate Act*
Licensee: Rajanikant Sharma
Class of License: Real Estate Associate
Registration: 814355 Alberta Ltd. o/a Royal LePage Summit Realty
Document: LETTER OF REPRIMAND

To: Rajanikant Sharma

The Registrar of the Real Estate Council of Alberta has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act Rules*** in force on June 23, 2020 and this is conduct deserving of sanction.

Section 41(b) *Industry members must provide competent service.*

Particulars of the contravention:

1. On or around June 23, 2020, you represented your client in a negotiation for the sale of a property between your client and a buyer.
2. Before negotiations were completed, before the buyer's offer was actually accepted, and after your client had already accepted a different offer from another buyer, your client signed the "acceptance" portion of the Residential Purchase Contract.
3. Your client should not have signed the acceptance portion of the contract until they actually accepted the offer. In allowing them to do so, you did not provide competent representation.
4. During negotiations and on behalf of your client, you proposed the following contract term "Buyer acknowledges that this offer is a back up offer..." Proper contract terms need to be sufficiently precise and descriptive to be competent. In drafting this term, you were not providing competent representation as this is not a proper contract term.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factor

- There is a need for general deterrence. Industry Professionals must properly advise clients on how to negotiate and accept offers. Industry professionals must draft sufficiently precise and descriptive contract terms.

Mitigating Factors

- The offer was withdrawn by the buyer before any party could suffer any losses.
- The improper contract term was never accepted by the buyer.

The Registrar will issue a more severe sanction for further similar instances of this conduct.

Appeal

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process. In an appeal you will be given 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 be received by the Registrar **within 30 days** of you receiving this Letter of Reprimand. If you have any questions regarding particulars or the appeal process, please contact:

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Issued at Calgary, Alberta, on December 3, 2020.

[C.S]

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc. [E.Y], Real Estate Broker
Royal LePage Summit Realty