

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 010120
Process: Section 39 of the *Real Estate Act*
Industry Member: Cheryl Ann Vanderwater
Authorization: Real Estate Associate
Registration: Canadian Independent Realty Ltd. O/A CIR Realty
Document: LETTER OF REPRIMAND

TO: Cheryl Ann Vanderwater

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 41 – *Industry members must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around January 2019, you failed to provide competent service to your clients, contrary to section 41(b) of the *Real Estate Act Rules*:
 - a) You were representing a Buyer in a transaction.
 - b) On January 18, 2019, you prepared an offer to purchase on behalf of your Buyer client, which was accepted by the Seller.
 - c) After a property inspection, the Buyer asked for a number of property issues to be corrected, such as repairs and damages.
 - d) You prepared a list of the items to be addressed by the Seller on a document. Both the Buyer and Seller initialed this document. This document did not form part of the purchase contract and there was no remedy or consequence for failing to address the items. This was a failure to exercise reasonable care and skill.
 - e) All the items listed in the document were not addressed.

Real estate professionals must take reasonable steps when negotiating on their client's behalf in addressing property issues. In this case, brokerage expectations were to negotiate the list of items to be addressed as a term in the purchase contract with a holdback in the event the items were not addressed.

The Executive Director 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 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 be received by the Executive Director **within 30 days** of you receiving this Letter of Reprimand. 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
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Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on November 25, 2020.

[M.C.S]

Charles Stevenson, Acting Executive Director
of the Real Estate Council of Alberta