THE REAL ESTATE COUNCIL OF ALBERTA

Case:	008325
Process:	Section 39 & 83 of the *Real Estate Act*
Industry Member:	Trevor James Zuk
Authorization:	Real Estate Associate
Registration:	North Star Realty Corporation O/A Realty Executives North Star
Document:	ADMINISTRATIVE PENALTY
Penalty:	$3000

Payment
This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization 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: Trevor James Zuk

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

Rule 41 – *Industry members must:*

> *(d) fulfill their fiduciary obligations to their clients.*

Particulars of the contravention(s):

1. In or around February 2018, you failed to fulfill your fiduciary duty to your clients, WB & SB, contrary to section 41(d) of the *Real Estate Act* Rules:
    a) On or about February 9, 2018, WB & SB entered into an Exclusive Seller Representation Agreement with Realty Executives North Star, for the

[("property")]. You were the brokerage representative.

b) You showed the property to potential buyers. At the end of the showing the buyers showed interest in the property and asked you to provide them with comparables.

c) During that showing your clients asked you to tell the potential buyers they would need to make a decision on whether they wanted to make an offer on the property within 24 hours.

d) You told the potential buyer's they needed to decide within 24hrs. The potential buyers asked you for some comparables to help them make an offer.

e) You delayed providing the potential buyer's any comparables for a couple of days because you thought your clients were pressuring the potential buyers into purchasing the property in an unrealistic time frame for first time buyers. This was not acting in the best interest of your client. This was putting the interests of the potential buyers above your clients.

f) The potential buyers never made an offer on the property.

Industry professionals must put the interests of their client above their own interests and the interests of other parties.

The Executive Director considered the following aggravating factors:

Aggravating Factors

- Industry professionals failing to act in their client's best interest threatens public confidence in the industry. There needs to be strong deterrence of this conduct.

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 Executive Director **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: SH, Professional Conduct Review Officer
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 October 17, 2018.

Charles Stevenson, for
Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta

cc.   Daniel Gitzel, Real Estate Broker
       North Star Realty Corporation O/A Realty Executives North Star