

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008266
Process: Section 83 of the *Real Estate Act*
Industry Member: Mr. Irfaan Shahzad
Authorization: Not Authorized
Registration: Not Registered
Document: ADMINISTRATIVE PENALTY
Penalty: \$15,000 (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 Executive Director 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: Mr. Irfaan Shahzad

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

17 *No person shall:*

- (a) *Trade in real estate as a real estate broker, unless that person holds the appropriate authorization for that purpose issued by the Council*

Particulars of the contravention(s):

- I) In or around January 2018 you arranged a buyer for a property located in Calgary, Alberta, for a seller you were assisting. Your activities required authorization to trade in real estate in Alberta, as a real estate associate. This is a breach of Section 17 (a) of the '*Real Estate Act*'.
 - a) In January, 2018 FH approached you for assistance. She told you she was having difficulty with her mortgage and needed to sell her rental property in Calgary, Alberta before the lender foreclosed on it.

- b) You advised FH that you would sell her house for her and bring her a buyer.
- c) While trying to sell the house you showed the home to a prospective buyer.
- d) You settled FH on a purchase price of \$455,000.
- e) You then arranged for FH to attend to a lawyer's office to sign contracts and documents to facilitate the sale.
- f) In the company of the buyers, you attended the property on the day of closing and met with FH. At this time the keys were surrendered by FH and were given to the buyers.
- g) The property was sold to the buyer for \$529,900
- h) A company in which your wife is registered as the sole director, received the difference in price between what the buyer paid for the property (\$529,900) and what was informed to FH (\$455,000)
- i) You performed duties that are restricted to Real Estate Industry Members by:
 - showing the property to prospective buyers
 - soliciting, negotiating and obtaining a purchase contract for the sale of FH property

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need to deter this conduct as the public is at greater risk when dealing with an unauthorized individual.
- You have not cooperated with the investigation by RECA and failed to provide the appropriate documents to explain your involvement.
- A consumer was harmed by your actions.
- You personally profited from the unauthorized activity.

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: RB, 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 24, 2018.

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