

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014210
Name on Licence: Michael Edward Grekul (Mike)
Licence Sector and Class: Real Estate Associate
Current Brokerage and Conduct Brokerage: 1426300 Alberta Ltd. operating as Maxwell Progressive

Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: Michael Edward Grekul (Mike)

A complaint on this matter was refused by the Registrar pursuant to s.38.1 of the *Real Estate Act* on March 30, 2023. The complainant filed an appeal of the Registrar's decision under s.40 of the *Real Estate Act* and that appeal was reviewed by the Hearing Panel on February 21, 2023. On March 20, 2024 the Hearing Panel determined that there is sufficient evidence of conduct deserving of sanction to warrant a hearing on this matter pursuant to s.40(2) of the *Real Estate Act*.

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: June 26, 2024
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [J.G]
[S.D]
[J.M]
(Alternates: [W.K], [J.L], [L.M])
Counsel to the Panel: Rita Aggarwala

Particulars

A hearing panel has reviewed a complainant appeal on this matter and determined there is sufficient evidence of conduct deserving of sanction to warrant a hearing. Here are the details about what conduct is in issue and sections of the *Act* or Rules which may have been breached:

It is alleged that your conduct is deserving of sanction for breaching the *Act* or Rules, by failing to adhere to one or more of standards of conduct,

in particular the *Real Estate Act* Rules, Part 2, Industry Standards of Practice, Division 1:

Licensees must:

Rule s.41 (a) act honestly;

Rule s.41 (b) provide competent service;

Rule s.41 (d) fulfill their fiduciary obligations to their clients; or

Rule s.41 (g) practice in strict accordance with the *Act*, Regulations, Rules, Bylaws and any other laws that govern trading in real estate ... services in Alberta.

and

Licensees must not:

Rule s.42 (a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so; or

Rule s.42 (g) engage in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute.

Here are the details:

- 1) On or about 2/4/2021 you acted as the listing realtor for a residential property located at [ADDRESS] ("the property");
- 2) The property was purchased by [S.L.] ("the Buyer");
- 3) The Buyer was represented by the Buyer's agent, Ian Choi;
- 4) Prior to purchasing the property, the Buyer informed the Buyer's agent that the Buyer required a two car garage;
- 5) [MLS] described the property as "2 car attached garage";
- 6) [MLS] described the property as "Parking: Tota 4 Double Garage Attached Encl. 2";
- 7) The garage is an oversize single garage;
- 8) The garage is not a two car garage;
- 9) [MLS] states "Information herein deemed reliable but not Guaranteed";

- 10) The Buyer, and the Buyer's agent, relied upon the [MLS] to purchase the property;
- 11) The MLS completion date is 3/17/2021;
- 12) After the Buyer moved into the home, the Buyer, and the Buyer's agent, became aware that the garage is not a two car garage; and
- 13) On March 5, 2023, the Buyer filed a complaint with RECA.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website:

- *Hearing and Appeal Practice and Procedures Guideline and*
- *Guide for How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal Panel*

Both are found on the RECA Website: RECA>Complaints & Discipline>Hearing Information and Procedures

Virtual Hearings

Hearings at RECA are conducted virtually. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive help in participating in the virtual process.

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen at the Hearing

After hearing all evidence and argument, the Panel will decide whether there is conduct deserving of sanction, based on the evidence heard at the hearing. If no conduct deserving of sanction is proven, you will face no sanction.

If the Panel finds there is conduct deserving of sanction, the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your license
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Hearing

You can provide written arguments at the end of the hearing or after the end of the hearing

You must provide these to the **Hearings Administrator** and **the lawyer for the Registrar** (contact information below) **no later than 15 days after the end of the Hearing**.

Contact the Hearing Administrator if you need more time.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing.

If you do not have a representative, please read *Guide for "How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal"*.

[Self-Represented Program | RECA](#)

If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on April 30, 2024.

(date)

“Signature”

[G.F],

Complainant Appeal Hearing Panel Chair

Contact Information

Hearings Administrator: Email: hearingsadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9	Lawyer for the Registrar: Email: conductadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9
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