

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014944
Name on Licence: Idris Shemsho
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Canadian Independent Realty Ltd. o/a CIR Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$3,000.00

Payment

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

If you fail to pay the Penalty the Registrar may commence collection under Part 6 of the *Real Estate Act* and may suspend your licence 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: Idris Shemsho

The Registrar 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 – *Licensees must:*

(b) fulfill their fiduciary obligations to their clients

Particulars of the contravention(s):

1. In or around July 2023, you failed to fulfill your fiduciary duty to your client, contrary to section 41(d) of the *Real Estate Act* Rules:
 - a) In July 2023, you were made aware that the property located at [ADDRESS], was for sale. The property was advertised as having a lot size of 50x120 feet.
 - b) You had a Buyer client who wanted to purchase a lot to build two single family houses. Lot size was an important consideration for your client.
 - c) You failed to take reasonable steps to verify the lot size and confirm it was suitable for your client. You also failed to provide reasonable advice to your client about negotiating a condition in the purchase contract to verify lot size.
 - d) On July 12, 2023, your client placed an unconditional offer on the property with a \$20,000 deposit.
 - e) Your client then discovered the property size was only 48x120 feet. The City of Calgary would not allow two separate houses on the property.
 - f) This property did not suit your client's needs, and he did not complete the transaction. Your client lost his deposit of \$20,000.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your misconduct impacted your client, and they lost their deposit because the property was not suitable for their needs.
- Verifying the lot size was a simple process. There is no excuse for failing to take steps to verify lot size when it's important to your client.

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 Registrar **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: [C.S], Investigator
Email: [EMAIL]
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, 2024.

“Signature”

Warren Martinson, Registrar
Real Estate Council of Alberta

cc [D.A], Real Estate Broker
CIR Realty