

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014943
Name on Licence: Justin Richard Warthe
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Twin Oakes Real Estate 1993 Inc. o/a Re/Max
House of Real Estate
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

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: Justin Richard Warthe

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 42(a) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 42 – *Licensees must not:*

(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

Particulars of the contravention(s):

1. In or around July 2023 you made a reckless or intentional misleading representation contrary to section 42(a) of the *Real Estate Act* Rules:
 - a) You represented the Seller when they purchased the property located at [ADDRESS].
 - b) The lot size was 48x120 feet. You were told that there was an extra two feet that could be used from the lot beside it.
 - c) In July 2023, you were asked by the Seller to sell the property.
 - d) You advertised the lot as being 50x120 feet. This was not accurate as you knew the lot size was 48x120 feet. You made no qualification about the extra two feet you added to the lot size. This was a reckless misrepresentation of the lot size.
 - e) On July 12, 2023, you received an offer on the property. The offer was accepted by the Seller on July 13, 2023. The Buyer wanted to build two houses on the lot which they could do with a lot size of 50x120 feet. After the accepted offer, the Buyers found out the lot size was 48x120 feet and the City of Calgary would not allow two separate houses to be built on the property.
 - f) The Buyer did not close on the transaction and lost their deposit

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- This was a reckless, misleading representation that made the property more attractive. The Buyer relied on this representation, and they ended up losing their deposit. Your misconduct impacted a consumer.

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.N] Real Estate Broker
Re/Max House of Real Estate