

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 008954.001
Name on License: Pamela Filipchuk
License Sector and Class: Real Estate Associate
Current Brokerage: Not Registered
Conduct Brokerage: RE/MAX REAL ESTATE (EDMONTON) LTD. O/A
RE/MAX REAL ESTATE
Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: Pamela Filipchuk

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

Hearing Information

Date: April 14, 15 and 16, 2025
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [A.T]
[J.L]
[H.Y]s
(Alternates: [G.F], [J.P], [B.W])
Counsel to the Panel: Carol Zukiwski,
Reynolds Mirth Richards & Farmer, LLP

It is alleged that the following conduct is deserving of sanction:

1. On or about May 2013, you participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings, contrary to s. 42(b) of the *Real Estate Act Rules* or you made representations and carried on conduct that was reckless or intentional and that misleads or

deceives any person or is likely to do so, contrary to s. 42(a) of the *Real Estate Act Rules*:

- a. You defrauded your clients, [C.T & R.T] (“[C.T & R.T]”), of money by falsely claiming your property was worth \$889,000 to make \$850,000 appear as a reasonable minimum purchase price. The property was not worth \$889,000 nor was it worth \$850,000 and you were aware of this.
 - b. [C.T & R.T] used their life savings to purchase your property for \$150,000 over market value.
2. On or about May 2013, you failed to fulfil your fiduciary obligations to the [C.T & R.T] contrary to s. 41(d) of the *Real Estate Act Rules*:
- a. You neglected to fulfil your fiduciary duties to [C.T & R.T] when you gave them false or bad advice and failed to make full disclosure of all information known to you respecting the Thornberry’s interest and decisions concerning the purchase of your property including:
 - i. The history of the property.
 - ii. The appropriate comparative market value of the property.
 - iii. The lowest reasonable value the property could be expected to sell for at the time.
 - b. You advanced your own interest ahead of your clients by giving false or misleading advice knowing [C.T & R.T] would rely on it:
 - i. You counselled [C.T] that the inflated amount of \$850,000 was a reasonable purchase price.
 - ii. You advised [C.T & R.T] that paying the additional \$150,000 outside the purchase contract was for [C.T & R.T]’s benefit.
 - iii. You advised that using the same lawyer was in [C.T & R.T]’s best interests.
 - c. You were aware of your clients’ vulnerable circumstances and used it to act in your own best interests, profiting significantly.

3. You did not obtain written and informed consent from [C.T & R.T] of the conflict of interest that existed from you representing them as the buyers of your property while you were acting as the seller, contrary to s. 54(3) of the *Real Estate Act Rules*.
4. You did not provide to your broker any of the original documentation concerning the purchase of your property, contrary to s. 53(c) of the *Real Estate Act Rules*.
5. You did not inform your broker that you were acting for [C.T & R.T] in the purchase of your own home, contrary to s. 53(d) of the *Real Estate Act Rules*.
6. You established a client relationship with [C.T & R.T] without entering into a written service agreement, contrary to s. 43(1) of the *Real Estate Act Rules*.

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.

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

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal*
- *RECA Self-Represented Program*

Before the Hearing

You will receive full disclosure of all evidence gathered by the Registrar relevant to the allegations in this Notice of Hearing for your review. This disclosure is for use in the conduct proceedings only and you may not use it for any other purpose.

You are also invited to meeting with Counsel for the Registrar prior to the hearing to consider entering agreement on non-contested matters such as:

- An admission of conduct deserving of sanction
- An agreement on facts
- An agreement on breaches
- An agreement on a finding of conduct deserving of sanction
- An agreement on sanction and/or costs.

Admissions or agreements can reduce the time and costs of the hearing.

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 the Registrar has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your authorization
- 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 Evidence

You can ask the Panel to allow you to provide written arguments at the end of presentation of evidence. The Panel will give directions on how this may be done.

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 information for unrepresented Licensees here:

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

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 February 26, 2025.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

Contact Information:

<p>Hearings Administrator:</p> <p>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</p>	<p>Administrator for Counsel for the Registrar:</p> <p>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</p>
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