Real Estate Council Alberta

reca.ca

APPEALING THE REGISTRAR'S DECISION THAT NO FURTHER ACTION BE TAKEN

Can I discuss my file outcome before deciding to appeal?

Yes. Please speak with the investigator that worked on your file so they can answer any questions you may have. They will explain why the decision was made and refer you to other information sources.

How do I appeal?

An appeal must be made within 30 days after you receive notice of the decision. The appeal must be in writing and should include your reasons for appeal. Email is the preferred method of communication of a written notice of appeal. RECA's appeal e-mail is appeal@reca.ca

RECA's address is:
Suite 202, 1506 11 Ave SW
Calgary AB T3C 0M9

Real Estate Council of Alberta
202-1506 11 Avenue SW
Calgary, Alberta T3C 0M9

E info@reca.ca
T (403) 228-2954
TF (888) 425-2754
F (403) 228-3065

Are there any costs to file an appeal?

You must pay $500 security for costs to proceed with an appeal. This money is held until the hearing panel makes a decision on your appeal. In most cases it will be returned to you at that time.

If, however, the hearing panel finds your complaint is frivolous or vexatious, the hearing panel may order you to pay costs, including appeal costs. If this happens, the $500 will be applied to the outstanding costs.

What happens next?

RECA will contact you about the hearing date.

Is the licensee I complained about notified of the appeal?

Yes. The licensee will be notified of your appeal.

Will I be able to get a copy of all information received and considered by the investigator?

No. Neither you nor the subject of your complaint will receive that information as part of the appeal. That information is only supplied to the Hearing Panel for their consideration.

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Is the hearing panel decision final?

Yes. A hearing panel decision is the final process at RECA, though you may be able to apply for judicial review through the Courts.

Can I withdraw my appeal?

Yes. However, there could be costs associated with doing so.

What are the relevant sections of law?

Real Estate Act: Sections: 38.1, 39, 40

Real Estate (Ministerial) Regulations: Section 21

Bylaws: Section 10.1 and 10.2

Hearing and Appeal Practice Procedure Guideline: Part 12 at page 33

The *Real Estate Act,* the Real Estate (Ministerial) Regulations, Bylaws, and Hearing and Appeal Practice Procedure Guideline are available on reca.ca

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