

CALGARY REAL ESTATE BOARD CO-OPERATIVE LIMITED PUBLIC COMPLAINT GUIDE/POLICY

Prior to filing a formal complaint, the Calgary Real Estate Board Cooperative Ltd. (CREB[®]) strongly recommends that you contact your REALTOR[®]'s Broker/Manager with your concerns.

All complaints must be filed within **one (1) year** from the date of occurrence or, within one (1) year of when a reasonable person knew or ought to have known when the facts were discoverable.

No action will be taken on a verbal or anonymous complaint.

The Real Estate Council of Alberta (RECA) is responsible for providing the authorization to trade in Real Estate in Alberta and enforces the Real Estate Act and Rules pursuant to the Act (www.reca.ca). Please note that not all Real Estate Practitioners are REALTORS[®]. CREB[®] does provide RECA with a copy of the decision from all CREB[®] disciplinary actions involving their members.

CREB[®] is a member association representing approximately 5100 REALTORS[®] (Real Estate Licensees who are members of CREA) in Calgary and area. CREB[®] is not a public or government body. CREB[®] only has the authority to investigate and take disciplinary action in matters dealing with the behavior of its Member(s) for any breach of the REALTOR[®] Code or CREB[®] Rules. The REALTOR[®] Code can be found on the Canadian Real Estate Association (CREA) website: www.crea.ca.

CREB[®] does not have the authority or the jurisdiction to make any **monetary awards** to the Public. Any claim for monetary compensation is a legal matter and should be dealt with through the Court process. If **legal action** is commenced at any time between the parties involved after a complaint file is opened, the complaint procedure at CREB[®] will cease. When legal action has concluded, CREB[®] will review the matter to determine whether to proceed with the complaint.

Complaints should address the specific behavioral infraction only and must be sent in writing to the attention of **Member Practice & Advocacy: Public**. The complaint must set out the date of occurrence, name of the REALTORS[®] involved, address of the property and factual chronological statement of events. Please include all documentation to support your complaint (e.g. contracts used in the transaction).

When a formal complaint is filed, CREB[®] will determine if the matter falls within its jurisdiction. If not, CREB[®] will not proceed with the complaint and you will be notified in writing as to the reasons for CREB[®]'s decision.

Once CREB[®] has received your formal complaint and this signed document, a copy will be forwarded to all REALTORS[®] involved in the complaint, as well as their

Brokers/Managers, requesting their written response to the events. **Your submission will be forwarded in its entirety.**

After review of the responses from the REALTORS®/Brokers, CREB® will determine the appropriateness of the matter proceeding to the next step, or if applicable, will close its file thereby dismissing the complaint. A copy of **ALL** written responses will be shared with all parties involved regardless of the outcome. If it is determined that it would be appropriate to send the matter to an investigating team for further information, a copy of an “**Agreement to Proceed to Investigation and/or Inquiry Hearing**” form will be sent to the member of the Public, along with the responses for review, requesting a signature indicating the Public Complainant’s desire to proceed.

The Public Complainant is given two weeks from the date of our letter to review the responses and time is of the essence. The Public Complainant must respond within the time specified on the letter or the complaint will be dismissed and notice of dismissal will be sent to all parties involved.

Upon CREB®’s receipt of this signed form, if the Public indicates that they will **NOT** attend a Hearing, the complaint will be dismissed and will NOT be sent to an Investigating Team.

If the “Agreement to Proceed to Investigation and/or Hearing” form is signed and returned by the Public Complainant in the time specified, the Investigating Team will also be provided with a copy of the signed agreement along with the Public’s formal complaint and REALTOR®’s responses. The Investigating Team will interview all parties and **will investigate the conduct of ALL REALTOR®’s** involved. All interviews will be conducted at CREB® unless there are extenuating circumstances.

Should the Investigation result in charges against any of the parties involved, this matter will be forwarded to a Hearing which may require the Public Complainant’s attendance.

Our complaint procedure from initial receipt of complaint to setting down a Hearing could take at least **four months**.

CREB® will provide the Public Complainant with ongoing communication throughout the process. The Public will be notified in writing of the outcome of the complaint.

NOTICE TO COMPLAINANT: By signing this document you are consenting to allow CREB® to share information, which may include your personal information, to

industry associations who may have an interest in dealing with issues raised in your complaint.

CONSENT

Prior to opening a formal public complaint file, we would like to ensure that you have read and understood this Public Complaint Policy in its entirety and agree to cooperate fully with CREB® in relation to the review of your complaint. This may include attending interviews, providing additional supporting documentation and attending a Hearing.

Please sign and return to CREB® acknowledging your consent to open a Public Complaint file and cooperate with all steps required in regard to the complaint.

Signature of Complainant

Printed name of Complainant

Signature of Complainant

Printed name of Complainant

Date

Contact Phone Number

Other Available Options:

Not all matters related to real estate fall under CREB's jurisdiction. In addition to the REALTOR® Code and CREB's Rules, other laws may be relevant to a real estate matter:

- the *Real Estate Act* is administered by the licensing body for REALTORS®, Mortgage Brokers, Appraisers and Property Managers, The Real Estate Council of Alberta (403-228-2954, www.reca.ca)
- The Consumer Services Division of Service Alberta is responsible for Alberta's consumer protection and tenancy laws, Home Inspections, Time Shares and Travel Clubs as well as other areas. The *Residential Tenancies Act*, *Mobile Home Site Tenancies Act* and *Condominium Property Act* are administered by Service Alberta. (www.servicealberta.gov.ab.ca, 1-877-427-4088)
- the *Securities Act* may be relevant to a problem with the real estate or mortgage portion of an investment portfolio and is administered by the Alberta Securities Commission (1-403-297-4296 or 1-403-297-4219, www.albertasecurities.com)
- criminal or fraudulent activities, you should contact your local police
- privacy issues can be directed to the Office of the Information and Privacy Commissioner (OIPC) (1-888-878-4044, www.oipc.ab.ca)

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