

THE REAL ESTATE COUNCIL OF ALBERTA

Name on Licence: Kenneth Brent Johnston
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: R & D Realty Inc. O/A Maxwell Canyon Creek
Process: Section 40(2) of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1000.00 (see Schedule 2 of the Bylaws)

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: Kenneth Brent Johnston

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 40(2) of the *Real Estate Act Rules***, and this is conduct deserving of sanction.

Rule 40(2) – *In addition to providing a notice in writing, the licensee must provide particulars and any additional information or documentation requested by the registrar.*

Particulars of the contravention:

You refused to cooperate with our review of your May 7, 2025 notification under Section 40 of the *Real Estate Act Rules* by failing to provide the information requested in a timely manner, despite multiple follow-ups, including a warning that your licence could be terminated if you did not provide the information requested. Specifically, we:

- emailed our initial request for information on May 7, 2025. you did not respond.
- emailed a follow-up request for information on May 20, 2025. you did not respond.
- emailed you on June 10, 2025, reiterating the information required and asking you to contact us if there were extenuating circumstances preventing him from providing the information. You did not respond.
- emailed you on July 9, 2025, notifying you that failure to provide the information requested by the registrar could result in termination of your licence. You did not respond.

- called you on August 12, 2025, and asked if there was a reason you did not respond to our multiple emails. You indicated that you did not recall getting emails. The Registration Services representative confirmed the email address on your myRECA account, to which we sent all prior correspondence, was correct and advised you that we would email you again with a list of the information required. We emailed you a list of the information required that same day. You did not respond, nor did you provide the information.
- received your Associate/Associate Broker Licence Renewal application on August 27, 2025. We emailed you to advise that your renewal application will not be approved until your Section 40 notification was complete.
- received a voicemail from you on September 3, 2025, in which you asked to speak with [N.L.] from Registration Services. When [C.G.] from Registration Services called you back, she reached your voicemail and left a message for you to call back and ask for her. We have no record of receiving a return phone call.
- received an email from you on September 12, 2025, through which you forwarded a copy of one of the documents we requested. We responded by acknowledging receipt of the document you provided and reminded you of the other outstanding requirements. In the interest of supporting your ongoing ability to conduct business, we approved your renewal application.
- received a voicemail from you on October 27, 2025, indicating that you would provide your statement "tomorrow".
- received a statement from you on November 4, 2025, which did not provide a fulsome description of the events that led to your bankruptcy as requested. You did not respond to our request for a statement explaining why your notification of your April 3, 2025 bankruptcy was not submitted "immediate" as required by the *Real Estate Act* Rules.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You have been licensed since September 18, 1997. As a long-time licensee, the Registrar expects a higher level of understanding and compliance.

Mitigating Factors

- None noted

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: [N.L], Registration Specialist
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 November 12, 2025.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta