



Case Summary: 2022-09

Sanction Consent Agreement Implementation Date: August 25, 2022

General Summary:

File Opened: March 14, 2022

A consumer submitted a complaint related to a report on a residential property with a WR-Waterfront Residential zoning.

The Member was able to satisfactorily explain the procedure they employed to take photos without accessing the property. No privacy appeared to be compromised as a result of the taking of photographs.

The complainant was not identified as the client in the report and as such, the member was not able to discuss the report with the complainant without the client's authorization.

Complainant Allegations:

The complainant alleges the member;

- accessed the property without consent
- took photographs without consent
- the member did not return telephone calls/email messages

Issues Arising from the Complaint Review:

The AIC review of this complaint uncovered issues arising related to:

- Inappropriate Appraisal Report Form used for assignment
- Intended Use
- Direct Comparison Approach
- Highest and Best Use Analysis
- Reasoning for adjustments in the Direct Comparison Approach grid
- Lack of Due Care while rendering professional services

Sanction Consent Agreement Terms

Agreed Breaches of CUSPAP 2022:

Reporting Standard Comment 7.1 Report

7.1.9: When using a residential form report, a member must use the most recent form approved by the Institute. (<https://www.aicanada.ca/members-home/professional-practice-resources/forms-templates/>)

Reporting Standard Rule 6.2.2: In a Report the Member must identify the Intended Use of the Member's opinions and conclusions;

Reporting Standard Comment 7.3 Intended Use

7.3.1.i The use of vague or undefined Intended Use types is not permitted.

Reporting Standard Rule 6.2.5: In a Report the Member must identify the effective date of the member's analysis, opinions and conclusions, and identify whether the opinion is current, retrospective, prospective, or an update;

Real Property Appraisal Standard Rule 8.2.6: When completing a Real Property Appraisal Report, a Member must comply with the Reporting Standard and must define, analyse and resolve the highest and best use as of the effective date of the report;

Real Property Appraisal Standard Rule 8.2.9: When completing a Real Property Appraisal Report, a Member must comply with the Reporting Standard [see sections 6, 7], and must detail the reasoning supporting the analysis, opinions and conclusions of each valuation approach;

Ethics Standard Requirements of Members 4.1.3 A Member is required to use due diligence and due care and must not render Professional Services in a careless, biased, discriminatory, or negligent manner. The fact that the carelessness, bias, discrimination, or negligence of a Member does not result in an error that significantly affects a Report's opinions or conclusions, and thereby does not cause serious harm, does not excuse such carelessness, bias, discrimination, or negligence.

Agreed Discipline:

1. **Section 5.35.3:** Peer Review: A similar appraisal report not more than two (2) years old to be submitted within 30 days of the date of implementation of the Sanction Consent Agreement.

Costs (Section 5.38):

Costs in the amount of \$500 were levied.

Other Comments:

The AIC complaint review of the matter did not uncover any contravention of CUSPAP in relation to any of the complainant allegations.

As a result, the discipline is in relation only to the issues arising.