



THE REGISTER

SREC Newsletter

Winter Edition 2020

In This Issue...

The Saskatchewan Real Estate Commission's mission is, *"To protect the public interest by ensuring that registrants act within a professional framework that promotes ethical conduct and integrity and strengthens consumer trust and confidence."* One of the methods the Commission uses to deliver our mission is that of regular industry communication. In this edition, we have included several reminders and discuss issues of importance to the industry:

- Information on Dealing with Multiple Offers
- A summary of recent Commission Disciplinary Action
- Information on Continuing Professional Development
- Some Important Dates and Deadlines for Registrants
- Did you know: Electronic Signatures

Should you have any questions or concerns on these topics or others, please contact the Commission.

Contact information for the Commission can be found at www.srec.ca or on page 5.

Commission Notice Regarding COVID-19

As a preventative COVID-19 measure, the Commission office will remain open to registrants and the public by appointment only.

The Commission office will continue to operate its online services, and staff will respond to your calls, emails, and correspondence as usual.

While we do not anticipate any service delay, please excuse the same as staff may be working remotely in a further effort to prevent the spread of COVID-19.

Dealing with Multiple Offers

When multiple offers to purchase a single property are received, the situation can become very complicated very quickly. There are a lot of moving parts which makes it especially important for the registrants involved in the multiple offer situation to conduct themselves professionally and in a manner that protects and promotes the interests of their client (or clients) while continuing to deal fairly with all parties to the transaction.

In a multiple offer situation, it is ultimately up to the seller to decide on the process to be followed.

When multiple offers to purchase a property are received, the listing agent must immediately advise the seller of the multiple offer situation and explain the seller's options moving forward. Providing the seller with information about the buyers' options and how the buyers may respond to a multiple offer situation would also be beneficial. It is up to the seller to decide whether or not to disclose the multiple offer situation to the buyers. The listing agent must follow the lawful instructions of the seller. All offers received with respect to a property must be presented to the seller.

When a registrant representing a buyer is advised that the buyer is in a multiple offer situation, the registrant must advise the buyer that there are multiple offers and provide information about the seller's options going forward. The registrant and buyer should discuss the buyer's options, including whether or not the buyer wants to withdraw the offer or reconsider the terms and conditions of the offer.

Representing both buyer and seller as a limited dual agent can be challenging at the best of times, let alone when the buyer is competing with other buyers in a multiple offer situation. Where the listing agent is also representing a buyer in a multiple offer situation, the registrant should carefully consider referring one of the parties to the broker or to another registrant.

Remember:

SREC Bylaws:

702 - A registrant shall protect and promote the interests of his or her client. This primary obligation does not relieve the registrant from the obligation of dealing fairly with all other parties to the transaction.

703 - A registrant shall not discourage parties to a transaction from seeking legal counsel.

710 - A registrant shall present all written offers in an objective and unbiased manner.



Commission Disciplinary Action

The Commission's Investigation and Hearing Committees and the Legal & Compliance Department continue to work diligently managing numerous complaints and investigations. The Consent Order option to a formal hearing continues to be an effective and efficient method to closing complaint files.

The Consent Order process allows registrant(s) involved in a complaint to more efficiently deal with the breach and resultant sanction(s), and avoid the costs and time inherent in the formal hearing process.

Registrants are encouraged to review the elements of the discipline process on our website ([Commission Discipline Process](#)), which includes a simplified diagram explaining the steps involved.

Below is a brief summary of each decision (listed numerically), with its direct link. As always, full summaries can be found through our [website](#) (posted for three years), or on [CanLII](#) (posted indefinitely):

[2018-18 Jesse Honch](#): On November 10, 2020, Mr. Honch was issued an order of reprimand and:

- a \$1,000 fine for breaching Bylaw 706 by publicly discrediting a competitor.

[2019-52 David Jarvis](#): On September 25, 2020, Mr. Jarvis was issued an order of reprimand and:

- a \$2,500 fine for breaching s. 58(1)(b) of the *Act* by drafting offers to purchase that did not include an expiry date or an address for the buyer.

[2019-58 Shawn Tomyn](#): On November 10, 2020, Mr. Tomyn was issued an order of reprimand and:

- a \$3,000 fine and his certificate of registration was suspended for a period of 30 days for breaching s. 39(1)(a) of the *Act* by failing to notify the landlord or listing agent of the status of his client's deposit; and
- a \$3,000 fine and his certificate of registration was suspended for a period of 14 days for breaching Bylaw 701(b) by submitting a statement to a Review Officer of the Commission that omitted to state a material fact.

[2020-03 Paul Woldu](#): On September 25, 2020, Mr. Woldu was issued an order of reprimand and:

- a \$1,000 fine for breaching Bylaw 702 by failing to deal fairly with all parties to a transaction when he left the keys to a property and the alarm code unattended in the mailbox.

[2020-22 Michelle Butler](#): On October 29, 2020, Ms. Butler was issued an order of reprimand and:

- a \$1,000 fine for breaching Bylaw 702.1 by engaging in unprofessional conduct by failing to follow a seller's instructions regarding showing a property.

[2020-43 Musgrave Agencies](#): On October 29, 2020, Musgrave Agencies was issued an order of reprimand and:

- a \$3,500 fine for breaching s. 66(3) of the *Act* by retaining commission on trades in real estate without obtaining written agreement from the person liable to pay it.

Continuing Professional Development

Each registration year, registrants must complete ONE Continuing Professional Development (CPD) course.

Courses are provided through our education provider, the University of British Columbia, Sauder School of Business Real Estate Division:

https://secure4.sauder.ubc.ca/srec/admission/spd_registration.xhtml

CPD registration is open now.

Reminder:

CPD **must be completed by May 31st** of each registration year in order for registrants to be eligible to renew their registration for the upcoming year.

This year, all three of the CPD courses will have the same modules for Module 1 and 2; however, each will have a different Module 3.

Each of the three modules is made up of a lesson that includes written text, videos, self-assessments, and other self-reflective exercises.

Industry Updates will include:

- Legislative Updates;
- Select Issues in Professionalism; and
- A Primer on Condominium Law

Commercial will include:

- Legislative Updates;
- Select Issues in Professionalism; and
- Common Commercial Contract Terms

Broker/Brokerage will include:

- Legislative Updates;
- Select Issues in Professionalism; and
- Cyber Security

Important Dates & Deadlines:

Commission Meetings:

December 9, 2020
March 10, 2021
June 9, 2021

CPD Deadline:

May 31, 2021

Deadline for Annual Financial Returns:

March 15, 2021

The Commission Office will be closed on the following dates:

Family Day, February 15
Good Friday, April 2
Victoria Day, May 24
Canada Day, July 1
Saskatchewan Day, August 2

Did You Know...?

Commission Bylaw 625 permits electronic signatures that are originally created by :

- the signatory's handwritten signature;
- a keyboard allowing the signatory to enter in their name as their signature; or
- the signatory drawing their signature and initials in a custom fashion utilizing a mouse, stylus or their finger depending upon the device being used to access the signing.

The signature must be digitized and embedded permanently in the document and a record from the electronic signature software or application provider which certifies when, where, and by whom the document was executed.

Where a witness is required the electronic signature must meet the requirements above and the signatory must have previously consented to use an electronic signature. The registrant must use software which:

- accurately reflects the information set forth in the contract;
- is capable of providing detailed transaction logs accessible to the registrant and which allows each signing participant the ability to review signing progress/history for the document in question;
- ensures the security of the signed document such that once signed by a signatory, the content of that document cannot be altered; and
- ensures that once signed by a signatory, that signature cannot be moved or removed from where it was affixed by the signatory.

Regular Office Hours:

Monday-Friday, 8:30am-noon and

1pm-4:30pm

Closed weekends and holidays.

Contact Us

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Commission Members

Vern McClelland, Chair,
Lloydminster, elected

Cam Bristow, Saskatoon, elected

Cliff Iverson, Regina, elected

Al Myers, Saskatoon, appointed

Alberta Mak, Battleford, appointed

Anne Parker, Regina, appointed

Lori Patrick, Regina, elected

Bill Preston, Saskatoon, appointed

Dean Staff, Saskatoon, appointed

Bob Volk, Regina, appointed

Wayne Zuk, Saskatoon, elected