



THE REGISTER

SREC Newsletter

Summer 2021

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Each issue of *The Register* is designed to focus on trending issues in the real estate industry of Saskatchewan as well as offer educational moments and registrant-specific information and reminders.

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We hope you enjoy this issue!



Due to COVID the Commission office will remain open to registrants and the public by appointment only.
Staff will continue to be available via telephone and email.
Please see page 6 of this issue for staff contact information.

Investigation Summaries

REGISTRANTS: In order to maintain the professionalism of the industry, it's important for you to keep up-to-date on practice issues and disciplinary histories so you can continue to competently serve clients and customers.

STAKEHOLDERS AND CONSUMERS: Everyone has the right to be aware of who has been disciplined in the real estate industry. It is important information to know—especially if you are looking to hire the services of a registrant (agent).

The Commission's Investigation and Hearing Committees continue to work diligently with the Legal & Compliance Department to manage numerous complaints and investigation files. The results of such diligence can be seen below. The Consent Order is an alternative to attending a formal hearing and this options continues to be an effective and efficient method to closing complaint files.

The Consent Order process allows registrants involved in a complaints to more efficiently deal with the breach and resultant sanctions 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 with its direct link. As always, full summaries can be found through our website (posted for three years), or on CanLII (posted indefinitely).

2020-63 Leanne Sorenson: On June 4, 2021, Ms. Sorenson was issued an order of reprimand and a \$1,500 fine for breaching Bylaw 727 by advertising a property for sale without written authorization from the owner or the owner's lawful representative.

2020-35 Cristin Wald: On June 22, 2021, Ms. Wald was issued an order of reprimand and a \$1,500 fine for breaching s. 39(1)(c) of *The Real Estate Act* by trading in commercial real estate when she was not registered to do so.

2021-26 Edwin Cawkwell: On September 15, 2021, Mr. Cawkwell was issued an order of reprimand and a \$1,000 fine for breaching Bylaw 723(c) for failing to notify the Commission in writing within five days of the settlement of civil proceedings commenced against him with respect to a trade in real estate.

2020-50 Jesse Kazakoff: On September 15, 2021, Mr. Kazakoff was issued an order of reprimand and a \$1,7500 fine for breaching s. 39(1)(c) of *The Real Estate Act* by engaging in conduct that is not in the best interest of the public by having clients sign documents that were known to contain errors.

DID YOU KNOW...

Brokerages cannot hold deposits given in the form of cryptocurrency/virtual currency:

Section 71(1)(b) of *The Real Estate Act* requires that a brokerage deposit all money received in trust for other persons in connection with a trade in real estate into an interest-bearing trust account in a financial institution in Saskatchewan. As cryptocurrencies cannot currently be deposited into a traditional trust account and brokerages cannot hold money in trust on behalf of third parties unless said funds are deposited into a trust account, a real estate brokerage cannot accept and hold a deposit paid in this form.

What Registrants Need to Know About Advertising

First and foremost:

Section 55 of *The Real Estate Act* states that no brokerage shall advertise a trade in real estate unless the advertisement shows the brokerage's name as set out on its certificate of registration.

Bylaw 726 states that advertising shall not be:

- (a) false;
- (b) inaccurate;
- (c) reasonably capable of misleading the recipient or intended recipient;
- (d) in bad taste or offensive;
- (e) harmful to the best interests of the public; or
- (f) prohibited by law.

You Need Permission:

Bylaws 727 and 728 prohibits a registrant from advertising a property as being "Sold" without written authorization from the owner or the owner's lawful representative. Until possession changes hands and title transfers, the seller remains the owner of a property and it is the seller who must authorize a registrant to advertise a property as "Sold".

This means that a buyer's agent who wants to publish a sold notice with respect to a particular property must either ensure that he or she has authorization from the seller to do so or wait until his or her buyer client takes possession of the property and authorizes publication of the notice.

Brokers Must Approve All Advertising:

Before any advertising is put out to the public, the broker must approve it to make sure the advertisement complies with *The Real Estate Act* and the Commission Bylaws.

QUESTIONS?

Contact the Commission's Legal & Compliance department at:

compliance@srec.ca

or

306.374.5233

PROFESSIONAL CORPORATIONS HELD BY INDIVIDUALS

It's Time to Renew

The Professional Corporations Act, in section 8, sets out how the Commission is able to register and issue permits to individuals who have Professional Corporations (PCs). Once a PC has been registered with ISC, that registrant must apply for a PC permit from the Saskatchewan Real Estate Commission (Commission). Permits are valid January 1 to December 31 and must be renewed annually. PERMITS ARE BASED ON A **CALENDAR YEAR** (JAN-DEC) WHERE REGISTRATIONS ARE A **FISCAL YEAR** (JUL-JUN).

The Commission is charged with ensuring all permits issued to PCs are in good standing pursuant to *The Business Corporations Act*; meets the requirements of *The Professional Corporations Act*; and meets the requirements of Commission Bylaws. Every PC must file an annual return with ISC to remain in good standing. Every PC permit registered with the Commission must annually provide a corporate/entity profile report to show the PC is in good standing in order to be eligible to renew their PC permits.

To maintain your status with the Commission under *The Professional Corporations Act*, you must complete the renewal process prior to the Commission's stated expiry date*:

STEP 1—LOG ONTO YOUR PERSONAL PAGE of the Commission's Online Registration System and check the **annual return date** shown in the Professional Corporation section. If the date shown is in the future of 2022, you may advance to step 4. If a red box is shown stating you must provide proof of your Professional Corporation for 2022; you will move to step 2.

STEP 2—LOG INTO INFORMATION SERVICES CORPORATION, CORPORATE REGISTRY, www.isc.ca/corporateregistry. Request a copy of your Entity/Corporate Profile Report. Ensure the PC is in good standing through 2022. Forward a copy of the report to Gail Armstrong at garmstrong@srec.ca or fax to 306.373.2295. Once the Commission has received your corporate profile report, it will be reviewed and your corporate information updated. We do not accept copies of annual returns or other documentation.

STEP 3—WATCH YOUR EMAIL for communication from the Commission office. This email will give instructions to proceed to step 4 OR communicate further steps necessary to be able to renew your Permit.

STEP 4— SELECT RENEW MY PERMIT on your personal page of the Commission's Online Registration System. It is \$200 to renew the Permit for the following year. Payment can be made online using either VISA or MasterCard. A receipt of payment is available for printing for your records together with the renewed Permit.

- **COMMISSION'S STATED EXPIRY DATE:** The Commission office will be closed from NOON December 24, 2021 until January 3, 2022. In order to allow processing time, your Corporate Profile Report (see Step 2) must be submitted **prior to** December 21, 2021.
- **LATE RENEWAL NOTICE:** If you plan to renew your PC Permit and fail to do so by the deadline, a late fee of \$100 will be added to the renewal fee for a short time period. If you fail to renew within that time, your PC Permit will be expired and you will have to reapply for a new permit. **NO EXCEPTIONS.**

REIX newsletters and Blogs

The Real Estate Insurance Exchange (REIX) is a non-profit organization that provides mandatory, cost-effective errors and omissions insurance to real estate industry professionals in Alberta and Saskatchewan.

Check out the **PUBLICATIONS** tab on the Commission's website. In a joint effort to provide regular communication to all registrants, REIX is providing their newsletters and informational Blogs to the Commission to post.

Errors & Omissions Insurance premiums are paid for by all Saskatchewan brokerages and registrants, and as such, this information is valuable to your practice.

ARE YOU CONCERNED A SITUATION COULD BECOME A CLAIM?

Contact your Saskatchewan REIX representative,

Dale Ripplinger
dale@daleripplinger.com
306.581.7672



Section 18.1(2) states:

Every registrant shall maintain errors and omissions insurance in the minimum amount of \$1,000,000, with respect to a claim, by participating as a subscriber in the Real Estate Insurance Exchange in accordance with the terms and conditions of the Real Estate Exchange Agreement.

Important Dates and Deadlines

Renewals for Permits for Professional Corporations begins Oct.19 , 2021.
Deadline: Dec 31, 2021

Annual Financial Returns filings for 2021 begin January 3, 2022.
Deadline: Mar 15, 2022.

Continuing Professional Development courses will be available early January 2022.
Deadline: May 31, 2022

The office of the Commission will be closed at noon on Friday, December 24, 2021 and reopen on Monday, January 3, 2022.

Regular Office Hours:

Monday to Friday:
8:30am - 12:00pm
1:00pm - 4:30pm

We are closed on Saturday, Sunday and Statutory Holidays



Education Program

The Commission's mandatory education provider, the **University of British Columbia's Sauder School of Business, Real Estate Division (UBC Sauder)**, offers all pre-licensing courses as well as continuing professional development (CPD) courses.

If you have any questions, concerns or require technical support. Contact UBC Sauder directly by email at:

saskinfo@realestate.sauder.ubc.ca

Mandatory Continuing Professional Development

CPD is mandatory to be completed by all registrants who wish to renew their registration for the next fiscal year. If you do not complete the course and plan to renew your Certificate of Registration, you must request a 30-day extension from the Registrar of the Commission. All requests must be in writing and include a detailed explanation for why you were unable to complete the course in the allotted time. **IF** an extension is granted, you will have until June 30, 2021 to successfully complete the CPD course and pay the **\$300 extension fee**. All requests are to be sent to info@srec.ca with CPD extension as the subject line.

Registration for CPD will open in January 2022.

Notices will be sent by UBC to each registrant.

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

Contact Us

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Saskatoon, SK S7T 0J1

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Toll Free: 1.877.700.5233
Fax: 1.306.373.2295

Website www.srec.ca

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Commission Members

Cliff Iverson Chair, Regina, elected
Cam Bristow, Saskatoon, elected
Tim Hammond, Saskatoon, elected
Al Myers, Saskatoon, appointed
Alberta Mak, Battleford, elected
Anne Parker, Regina, appointed
Lori Patrick, Regina, elected
Dean Staff, Saskatoon, appointed
Bob Volk, Regina, appointed
Wayne Zuk, Saskatoon, elected