

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.



THE REGISTER

SUMMER 2022



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Important Dates and Deadlines

Annual General Meeting
October 2022, date to be determined.

Professional Corporations Permit Renewals
Begin October 17, 2022
Deadline: December 31, 2022

Annual Financial Returns for 2022
Begin January 3, 2023
Deadline: March 15, 2023

Continuing Professional Development (CPD) 2022-2023
Begins early January 2023
Deadline: May 31, 2023

The Commission Office will be closed :
Labour Day - September 5
National Day for Truth and Reconciliation - September 30
Thanksgiving Day - October 10
Remembrance Day - November 11
Holiday Season - noon December 23 to January 3, 2023 inclusive

Regular Office Hours

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

Closed Saturday, Sunday and Statutory Holidays

REGISTRANTS TRADING IN THEIR OWN REAL ESTATE

Registrants are generally required to carry out all trades in real estate, including personal purchases or sales of real estate, through the brokerage with which they are registered.

However, in May of 2020, ss. 29(4) was added to The Real Estate Regulations to create a limited exemption from the requirements of the legislation for registrants trading in their own real estate:

“Notwithstanding subsections 53(2) and 61(1) of the Act, a registrant may trade in real estate other than for or on behalf of the brokerage with which that registrant is registered if:

(a) the registrant:

(i) is an owner of the real estate;

(ii) has an interest in the real estate; or

(iii) is submitting an offer for an interest in the real estate;

(b) the trade in real estate is done through a brokerage;

(c) the registrant does not accept a commission for the trade in real estate; and

(d) the brokerage does not act on behalf of another party to the trade in real estate.”

This exclusion allows registrants to list properties they own or in which they have a material interest with another brokerage or to engage another brokerage to assist them in the purchase of real estate.

Registrants should note that:

- the exclusion does not allow for a “private” transaction – the trade must go through a brokerage;
- the registrant buying or selling the real estate cannot accept commission for the trade in real estate;
- the brokerage representing the registrant cannot also represent another party to the transaction as a limited dual agent; and
- the registrant who is buying or selling real estate on his or her own behalf must still complete the mandatory Disclosure of Interest in Trade form.



DID YOU KNOW...?

BROKERS MAY DESIGNATE AN ALTERNATE SIGNING AUTHORITY

Part of managing a brokerage is to have plans in place for any event. Brokers, like anyone else wished you had extra hands. We would like to remind brokers there should be someone registered with the Commission as an alternate signing authority.

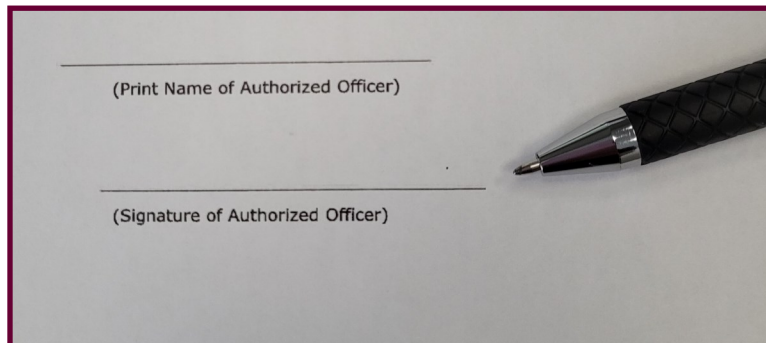
Commission Bylaw 323 states that a broker, in his or her temporary absence, may appoint a registrant of the brokerage to have signing authority for the brokerage. While the intention of the bylaw is for this signing authority to be effective only in the temporary absence of the broker, it is acceptable for the holder of the signing authority to sign documents for the brokerage even though the broker is not absent provided certain requirements are met.

Delegation of a broker's duties may be appropriate:

- during temporary absences of the broker (vacation, illness, etc.)
- where the number of industry professionals in the brokerage requires additional resources to adequately supervise the activities of the brokerage
- where the brokerage has more than one office The broker should carefully consider:
 - the duties they want to delegate
 - whether the delegation is temporary or permanent

The broker remains accountable when he/she assigns responsibilities. The person to whom the signing authority has been granted must be properly qualified to sign documents on behalf of the brokerage. This person must be a registrant and preferably a registrant who is broker qualified.

The brokerage should have some written record or policy clearly setting out the tasks that have been delegated to the person holding the signing authority. Both the broker and the person holding signing authority must be clear about which of them is responsible for signing documents so that it is clear who bears responsibility for carrying out a particular task or meeting a particular obligation.



PROFESSIONAL CORPORATIONS PERMIT RENEWALS

Section 8 of *The Professional Corporations Act* sets out how the Commission is able to register and issue permits to individuals who have a Professional Corporation (PC). The Commission ensures all permits issued to PCs are in good standing and comply with *The Business Corporations Act*; *The Professional Corporations Act*; and the Commission Bylaws.

Understanding the Process

A PC registered with Information Services Corporation (ISC) must file an annual return with ISC to remain in good standing. Registrants can then apply to the Commission for a permit. Permits are valid January 1 to December 31 and must be renewed annually (renewals open in mid October each year).

To be eligible to renew your Permit, the Commission must receive an updated Corporate/Entity Profile Report showing the annual return has been filed and the PC is in good standing with ISC. We recommend forwarding the updated Profile Report to the Commission after you file your return with ISC.

How to Renew Your PC Permit

For Salespeople, Associate Brokers and Branch Managers, login in to the Commission's Online Registration System **on (or after) October 10th**, and simply click the 'Renew Permit' link under the "Professional Corporation Permit Information" heading and follow along to renew the permit. For Brokers, the process is the same, however the 'Renew Permit' option will be in their 'Action' drop-down box.

If the 'Renew Permit' link is not available, an updated Corporate/Entity Profile Report showing the annual return has been filed with ISC will need to be provided to the Commission. Once received, the 'Renew Permit' link will be available and the renewal can be completed as outlined above.

The fee to renew is \$200 payable online using VISA or MasterCard. Once paid you can print your new Permit and receipt.

IMPORTANT DEADLINE - The Commission office will be closed from **noon** December 23, 2022, re-opening January 3, 2023. In order to allow processing time, your Corporate Profile Report **must be submitted on or before December 19, 2022.**

LATE FEE NOTICE: If you fail to renew on time, a late fee of \$100 will be added to the renewal fee. If you do not renew and your permit expires, you will have to reapply for a new permit at a cost of \$500.

If you have questions about the PC Permit renewal process please contact us:

306.374.5233 or email info@srec.ca

COMMON ADVERTISING ISSUES

The Commission has recently undertaken a review of industry advertising practises and noted the following as common areas of concern:

Websites and social media profiles that do not include the name of the brokerage as it appears on the brokerage’s certificate of registration. This can include pages that do not include any reference to the brokerage or those that do not include the full registered name of the brokerage. A brokerage’s logo can be relied upon if the logo includes the full registered name of the brokerage.

Registrants who are trading in real estate using nicknames that have not been registered with the Commission. This includes registrants who are using shortened versions of their given names.

Individual registrants using the words “Real Estate” or “Realty” with their name in advertising. Registrants must trade under the name on their certificate of registration.

Properties that are still advertised for sale after the property has been sold or the listing has expired. While some online advertising platforms are automatically updated, others are not and registrants but registrants must ensure advertisements for expired listings or properties that have been sold are not left up indefinitely.

Advertising properties as “sold” without written authorization to do so from the owner. Once possession is transferred to the buyer, it is the buyer who must authorize ongoing advertising. A “sold” advertisement that includes an exterior picture of the property may be acceptable provided there is no other information which identifies the property.

Social media profiles that have not been updated to reflect a registrant’s move to a new brokerage. Registrants are expected to use their best efforts to ensure that online advertising and profiles are up-to-date and compliant, including contacting 3rd party providers and developers to delete, correct or restore control of the same.

Remember:

Advertising must not be false, inaccurate, misleading, in bad taste or offensive, harmful to the best interests of the public, or prohibited by law.

If you have questions about advertising please contact us:

306.374.5233 or email compliance@srec.ca

AMENDED RESIDENTIAL CONTRACT OF PURCHASE AND SALE

FREQUENTLY ASKED QUESTIONS

Q: How has paragraph 1.2 of the Residential Contract of Purchase and Sale changed?

A: Paragraph 1.2(b) of the contract has been amended to allow for deposit by cheque, cash or electronic transfer. Registrants completing the form can also indicate if the deposit has already been received by the buyer's brokerage at the time the offer is written or if the deposit is to be received by a later, specified date. Registrants completing the price breakdown in paragraph 1.2 can now indicate how much, if any, of the purchase price is to be made up of other financing (1.2(e)), other terms (1.2(f)), or other conditions (1.2(g)).

Q: What date do I enter in the blank space in 1.2(b)?

A: If the buyer has not already provided a deposit at the time the offer is written, the date by which the buyer must deliver the deposit to the buyer's brokerage should be entered into the blank space in 1.2(b). It is important to note that any deposit set out in 1.2(b) must still be deposited into the buyer's brokerage's trust account within two business days of the seller accepting the offer.

Q: What if the buyer's deposit will not be received in time to be deposited into the buyer's brokerage's trust account within two business days of acceptance of the offer? For example, what if the buyer wants to deliver the deposit to the buyer's brokerage on removal of conditions?

A: If the buyer's brokerage will not be able to deposit the buyer's deposit into the trust account within two business days of the seller accepting the offer, the deposit should be included in 1.2(f) as an "other term" or 1.2(g) as an "other condition" instead of 1.2(b).

Q: If it's not going into paragraph 1.2(b), should the deposit be included as an "other term" or as an "other condition"?

A: It is up to the parties to the contract of purchase and sale to decide if the deposit should be included as a term or as a condition. Generally speaking, this determination will depend on what the parties want to see happen in the event the deposit is not received by the specified date. If the deposit is included as a condition, the transaction will collapse if the deposit is not received on time whereas failure to comply with a term of the contract is typically addressed by way of an action for damages. If the deposit is included in 1.2(g) as an "other condition", it will need to be removed once the deposit is received.

Q: Can you provide examples of what might be included in the purchase price as an "other term" or "other condition"?

A: Other terms or conditions could include:

- ⇒ deposits that will not be received in time to be deposited into the brokerage's trust account within two business days of acceptance of the offer;
- ⇒ deposits that will not be paid by way of cash, cheque or e-transfer (e.g. money order); and
- ⇒ deposit increases.

INVESTIGATION SUMMARIES

FOR 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.

FOR 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).

Full summaries can be found through our [website](#) (posted for three years) or on [CanLII](#) (posted indefinitely).

[2021-69 Royal LePage Regina Realty](#): On July 20, 2022, Royal LePage Regina Realty was issued an order of reprimand and a \$2,500 fine for breaching s. 33(1)(a) of *The Real Estate Act* by failing to notify the Commission in writing within five days of a change in the address of the main office of the brokerage.

[2020-61 Oz Property Services Ltd.](#): On July 20, 2022, Oz Property Services Ltd. was issued an order of reprimand, a \$1500 fine, and \$849 in restitution for breaching Commission Bylaw 702 by failing to protect and promote the interests of a client by mishandling a security deposit.

QUESTIONS?

Contact the Commission's Legal & Compliance department at:

compliance@srec.ca
306.374.5233

REIX

Regulation 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.

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. Errors & Omissions Insurance premiums are paid by all Saskatchewan brokerages and registrants as part of your annual registration fees.

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.

Contact REIX :

1.877.462.7349



EDUCATION

The Commission's mandatory education provider, the University of British Columbia's Sauder School of Business, Real Estate Division ([UBC Sauder](#)), provides all pre-registration courses as well as continuing professional development (CPD) courses. For education related questions, concerns or technical support contact UBC Sauder directly :

saskinfo@realestate.sauder.ubc.ca

1.888.776.7733



CPD will become available in January 2023. If you plan to renew your registration for the next fiscal year (July 1, 2023 – June 30, 2024), it is mandatory to complete one of the course options by May 31, 2023.

If you do not complete the course by the deadline and plan to renew your Certificate of Registration, you may 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 to successfully complete the CPD course and pay the \$300 extension fee. All requests are to be sent to registration@srec.ca with *CPD Extension* as the subject line.

QUESTIONS OR CONCERNS

Contact Us

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Commission Members

Cliff Iverson, Chair, Regina, elected

Cam Bristow, Saskatoon, elected

Tim Hammond, Saskatoon, elected

Alberta Mak, Battleford, elected

Kayla McQueen, Saskatoon, elected

Anne Parker, Regina, appointed

Lori Patrick, Regina, elected

Dean Staff, Saskatoon, appointed

Bob Volk, Regina, appointed

Vacant, Public Member

Vacant, appointed