

**DECISION OF  
THE SASKATCHEWAN REAL ESTATE COMMISSION  
AND CONSENT ORDER**

Pederson (*Re*), 2024 SKREC 15

Date: May 2, 2024  
Commission File: 2023-59

**IN THE MATTER OF  
THE REAL ESTATE ACT, C. R-1.3 AND  
IN THE MATTER OF ROBERT PEDERSON**

Before: A Saskatchewan Real Estate Commission Hearing Committee  
comprised of the following:

Jeffrey P. Reimer - Chairperson

Kayla McQueen

Tim Hammond

**CHARGE and ADMISSION OF MISCONDUCT:**

[1] The registrant is charged with and is admitting to professional misconduct as follows:

**Count 1:**

- That, contrary to section 39(1)(c) of *The Real Estate Act*, Mr. Pederson breached Bylaw 723(c) of the Act by failing to notify the Commission within five days that a civil claim had been initiated against him and failing to notify the Commission within five days that the civil claim against him had been discontinued.

**Count 2:**

- That, contrary to section 39(1)(c) of *The Real Estate Act*, Mr. Pederson breached Section 8(4) of *The Real Estate Regulations* (the “Regulations”) by failing to respond to requests for information from the Commission.

**LEGISLATION:**

[2] Section 39(1)(c) of *The Real Estate Act* states:

*“Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act, if...it is a breach of this Act, the regulations or the bylaws or any terms or restrictions to which the registration is subject.”*

[3] Bylaw 723(c) states:

*“In addition to the requirements set out in section 33 of the Act and subsection 54(2) of the Act, and subject to Bylaw 724, a registrant shall notify the Commission in writing no later than five (5) days after the occurrence of..... commencement of civil proceedings against the registrant with respect to: i. a trade in real estate; ii. fraud; iii. misrepresentation; iv. undue influence; or v. breach of trust; and any settlement entered into by the registrant or judgment issued against the registrant as a result of those civil proceedings;”*

[4] Section 8(4) of *The Real Estate Regulations* states:

*“A registrant shall respond, in writing, to the request made pursuant to subsection (3) and deliver the response to the review officer by the date set out in the request.”*

#### **FACTS:**

[5] In accordance with subsection 9(4) of *The Real Estate Regulations* (“the Regulations”), the Hearing Committee accepts Mr. Pederson’s Statement of Facts and Admissions, which includes the following relevant points:

[6] Mr. Pederson has been continuously registered as a broker under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission since July 1, 2012, registered as a Branch Manager from May 17, 2011 to June 30, 2012, and registered as a salesperson from May 30, 2002 to May 17, 2011.

[7] Mr. Pederson has taken the following real estate courses:

- Fundamentals of Real Estate
- Principles of Mortgage Financing
- Principles of Real Estate Appraisal
- Principles of Real Property Law
- Real Estate Office Management & Brokerage

[8] Mr. Pederson has completed the continuing professional development seminars each registration year since 2001-2002.

- [9] Mr. Pederson is presently registered under the provisions of *The Real Estate Act* as a broker with Realtyone Real Estate Services Inc.
- [10] On September 19, 2014, Mr. Pederson and his brokerage were named as Third-Party Defendants in a Claim commenced at the then Court of Queen’s Bench for Saskatchewan at the Judicial Centre of Regina (the “Claim”).
- [11] On April 20, 2015, Mr. Pederson notified the Commission of the Claim.
- [12] The Claim was discontinued on November 1, 2018.
- [13] Mr. Pederson did not notify the Commission of the discontinuance.
- [14] On April 17, 2023, the Commission sent a letter to Mr. Pederson inquiring as to whether the Claim had been settled, judgment been issued, or the Claim otherwise terminated and requesting that any relevant documentation be provided.
- [15] On April 17, 2023, Mr. Pederson responded to the Commission stating: “This claim was laughed out of mediation. They never pursued it anymore because they had no case. It is done and was malicious towards myself and 100% biased from the start. The case was closed years ago. Thanks and have a great day.”
- [16] On April 17, 2023, the Commission responded to Mr. Pederson again requesting that any relevant documentation be provided to prove the claim was dismissed.
- [17] On April 17, 2023, Mr. Pederson responded to the Commission stating: “I never received any docs, I can talk to my Reix lawyer and see if he has something from a few years ago??”.
- [18] On April 17, 2023, the Commission responded to Mr. Pederson confirming that he should contact the lawyer who represented him to provide any relevant documentation.
- [19] Mr. Pederson did not respond.
- [20] On May 5, 2023, having received no response, the Commission sent Mr. Pederson a reminder letter again requesting documentation evidencing that the Claim had been dismissed. A response was required by May 19, 2023.
- [21] Mr. Pederson did not respond.
- [22] On June 2, 2023, the Commission sent Mr. Pederson another reminder letter. A response was required by June 9, 2023.
- [23] Mr. Pederson did not respond.

- [24] On September 19, 2023, the Commission sent Mr. Pederson another reminder letter. A response was required by October 3, 2023.
- [25] Mr. Pederson did not respond.
- [26] On October 16, 2023, having received no response from Mr. Pederson for six months, the Commission established a complaint on its own motion as permitted by section 8(1) of *The Real Estate Regulations* for Mr. Pederson's failure to provide documentation evidencing that the Claim had been dismissed or discontinued. An initial letter was sent to Mr. Pederson in this regard. A response was required by October 30, 2023.
- [27] On October 16, 2023, Mr. Pederson responded to the Commission stating: "This issue was dismissed years ago, I don't have anything from anybody to pass on to you. This was a fraudulent attempt by them to come after me and Realty One. It was laughed at by the mediator. The only people that took it serious [silk] was you by living [silk] a fine to me, but anything legal was dismissed what more do you want me to pass on? Feel free to call me tomorrow at your convenience."
- [28] On October 17, 2023, the Commission sent a letter to Mr. Pederson re-iterating that formal documentary confirmation of the dismissal or discontinuance of the Claim was required. This letter noted that Mr. Pederson was required to obtain the requested documentation from the Court or a lawyer if he did not already possess it. A response was required by October 31, 2023.
- [29] Mr. Pederson did not respond.
- [30] On November 1, 2023, the Commission sent Mr. Pederson a reminder letter. A response was required by November 15, 2023.
- [31] Mr. Pederson did not respond.
- [32] On November 20, 2023, the Commission sent Mr. Pederson another reminder letter. A response was required by December 4, 2023. This letter included a reminder that failure to respond to correspondence from the Commission could result in disciplinary charges.
- [33] On November 20, 2023, Mr. Pederson responded to the Commission stating:
- "I did not ever receive any documentation. I was there when it got dismissed as it was a total joke. I've reached out via email to my Reix lawyer and have not received anything back so I'm not sure where or if he's still practicing. This was a farce from the start, even though the commission fined me. When we went to small claims court, they laughed it out of there. I will continue to reach out to the lawyer are

use [sik] other than that I don't know what else I can get any documentation that satisfies you.”

- [34] On November 20, 2023, the Commission responded to Mr. Pederson re-iterating that a copy of the Notice of Discontinuance of the Claim was required. Commission staff again advised Mr. Pederson that he can obtain this documentation directly from the Court. A response was required by December 4, 2023.
- [35] Mr. Pederson did not respond.
- [36] On December 4, 2023, the Commission sent a reminder letter. A response was required by December 15, 2023.
- [37] On December 11, 2023, Mr. Pederson responded to the Commission advising that he had completed a request for access to court records and submitted it to Small Claims Court that same day.
- [38] On December 11, 2023, Mr. Pederson sent a follow-up letter to the Commission stating that the Small Claims Court could not find Mr. Pederson in their system at all “because it never went past one mediation”.
- [39] On December 12, 2023, the Commission responded to Mr. Pederson noting that the Claim was not a small claims matter, but rather a Court of King’s Bench matter. This letter noted that Mr. Pederson must contact the Court and provide the requested documentation by December 26, 2023.
- [40] An exchange ensued between Mr. Pederson and the Commission. Mr. Pederson advised that he did not know the difference between the various courts.
- [41] Mr. Pederson advised that he would contact the Court of King’s Bench that same day.
- [42] No response was received from Mr. Pederson by December 26, 2023.
- [43] On January 2, 2024, Mr. Pederson sent the Commission a copy of the Discontinuance of Third-Party Claim.

## **REASONS:**

### Mitigating Factors

- [44] There are no mitigating factors.

## Aggravating Factors

[45] Mr. Pederson is a broker.

[46] Mr. Pederson has a previous sanction history.

## Prior Decisions & Other Considerations

[47] In May of 2012, the Appeals Committee of the Real Estate Council of Ontario rendered a decision [\*In the Matter of Suzette Thompson\*](#) (“*Thompson*”). The Appeals Committee in *Thompson* set out a series of factors to be considered when determining the appropriate sanction for a registrant found in breach of the legislation. The factors are as follows:

1. The nature and gravity of the breaches of the Code of Ethics.
2. The role of the offending member in the breaches.
3. Whether the offending member suffered or gained as a result of the breaches.
4. The impact of the breaches on complainants or others.
5. The need for specific deterrence to protect the public.
6. The need for general deterrence to protect the public.
7. The need to maintain the public’s confidence in the integrity of the profession.
8. The degree to which the breaches are regarded as being outside the range of acceptable conduct.
9. The range of sanction in similar cases.

[48] These factors are reasonable considerations and can offer guidance to members of a Hearing Committee tasked with crafting an appropriate sanction for a registrant found to have committed professional misconduct. These factors have been consistently applied in Saskatchewan Real Estate Commission consent orders since September 2016.

*1. The nature and gravity of the breaches of the Code of Ethics.*

[49] Mr. Pederson failed to notify the Commission within five days of the civil claim initiated against him, failed to notify the Commission within five days that the civil claim against him being discontinued, and failed to provide timely and complete responses to Commission staff during the course of an investigation.

*2. The role of the offending member in the breaches.*

[50] Mr. Pederson was the only registrant involved in his breaches of the legislation.

*3. Whether the offending member suffered or gained as a result of the breaches.*

[51] There is no evidence that Mr. Pederson suffered a loss or gained a benefit as a result of his breaches.

4. *The impact of the breaches on complainants or others.*
- [52] Mr. Pederson's failure to notify the Commission and failure to respond to the Commission delayed the investigation and resulted in unnecessary use of staff resources.
5. *The need for specific deterrence to protect the public.*
- [53] Mr. Pederson must be made to understand that he is obligated to co-operate with requests for information from Commission Staff and required to abide by the Commission's legislative requirements.
6. *The need for general deterrence to protect the public.*
- [54] All registrants must be reminded of their obligation to provide timely and complete responses to requests for information from the Commission and the requirement to abide by the Commission's legislative requirements.
7. *The need to maintain the public's confidence in the integrity of the profession.*
- [55] The public interest is best served when the Commission is able to carry out complete and thorough investigations to ensure that registrants are acting in compliance with the legislation. Registrants who fail to respond or to provide substantive responses to requests for information from Review Officers challenge the Commission's ability to work efficiently and to regulate the industry to ensure public protection. Similar issues arise when registrants fail to comply with legislative requirements to notify the Commission of the status of civil actions against them as it hinders the Commission's ability to adequately track these matters.
8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*
- [56] Mr. Pederson's conduct falls below the standard expected of registrants, but it was not egregious.
9. *The range of sanction in similar cases.*

**A. What is an appropriate sanction for Mr. Pederson's breach of Bylaw 723(c)?**

- [57] In *Cawkwell (Re)*, [2021 SKREC 8](#), Mr. Cawkwell was issued an order of reprimand and a \$1,000 fine when he failed to notify the Commission that a civil action against him had been settled.
- [58] Mr. Cawkwell contacted Commission staff to advise that a brokerage had initiated civil proceedings against him with respect to the sale of a property. Commission staff replied to thank Mr. Cawkwell for providing notification of the claim and reminded him that the bylaw further required him to notify the Commission within five days of the claim settling, judgment being issued or other termination of the claim. Commission staff continued to follow up with Mr. Cawkwell over the course of several years about the progress of the claim. Between 2017 and 2020, Commission staff sent 10 emails to Mr. Cawkwell that

made specific reference to the requirement to notify the Commission in the event the claim settled. The claim was settled as of September 24, 2020, but Mr. Cawkwell forgot to notify the Commission. On May 3, 2021, Commission staff sent an email to Mr. Cawkwell inquiring whether the claim had settled, had judgement issued or had otherwise terminated. Mr. Cawkwell replied to advise that the claim had settled the previous fall and apologized for having forgotten to notify the Commission.

- [59] Mr. Cawkwell was cooperative with the investigation and immediately acknowledged his error.
- [60] Between 2017 and 2020, Commission staff sent 10 emails to Mr. Cawkwell that made specific reference to the requirement to notify the Commission in the event the claim settled. An information bulletin on the topic of a registrant's reporting obligations under Bylaw 723 was published in the February 2015 Register, and a reminder was published in the November 2015 Register. Several discipline decisions against registrants who failed to comply with Bylaw 723 were posted on the Commission's website. Mr. Cawkwell had a previous sanction history.
- [61] Mr. Pederson's breach is more serious than that of Mr. Cawkwell's as Mr. Pederson is a broker, was not cooperative with the investigation and did not, at any time, acknowledge any error on his part.
- [62] In *Duggleby (Re)*, [2019 SKREC 19](#), Mr. Duggleby was issued an order of reprimand and a \$1,000 fine when he failed to notify the Commission both that a civil action was initiated against him and that it had been settled.
- [63] The Plaintiff filed an amended Statement of Claim against several defendants, including Mr. Duggleby's brokerage, at the Provincial Court of Saskatchewan. The claim arose out of the Plaintiff's purchase of a property, which had been listed for sale by Mr. Duggleby's brokerage. Mr. Duggleby did not notify the Commission of having received the Statement of Claim.
- [64] On February 8, 2018, Commission staff sent Mr. Duggleby an email advising that the Commission had learned of the Plaintiff's claim. Commission staff sent Mr. Duggleby another email that included a reminder that Bylaw 723 also requires a registrant to notify the Commission within five days of a claim settling, judgment being issued, or other termination of the claim.
- [65] On October 23, 2018, Mr. Duggleby entered into a settlement agreement with the Plaintiff. He did not notify the Commission of having entered into a settlement with the Plaintiff or the discontinuance of the Plaintiff's claim.
- [66] Mr. Duggleby had no previous sanction history and had been a registrant since 2002. He was co-operative with the investigation.



- [67] Like Mr. Pederson, Mr. Duggleby is registered as a broker. As the people responsible for ensuring that the registrants and employees under their supervision are complying with the legislation, brokers are held to a higher standard of conduct.
- [68] Mr. Pederson's breach is more serious than that of Mr. Duggleby as Mr. Pederson has a previous sanction history and was not co-operative with the investigation.
- [69] In *Ackerman (Re)*, [2019 SKREC 20](#), Mr. Ackerman was issued an order of reprimand and a \$1,000 fine when he failed to notify the Commission both that a civil action was initiated against him and that it had been settled.
- [70] The Plaintiff filed an amended Statement of Claim against several defendants, including Mr. Ackerman, at the Provincial Court of Saskatchewan. The claim arose out of the Plaintiff's purchase of the Property, with respect to which Mr. Ackerman had acted as the listing agent. Mr. Ackerman did not notify the Commission of the Statement of Claim.
- [71] On February 8, 2018, Commission staff sent Mr. Ackerman an email advising that the Commission had learned of the Plaintiff's claim. Commission staff sent Mr. Ackerman another email that included a reminder that Bylaw 723 also requires a registrant to notify the Commission within five days of a claim settling, judgment being issued, or other termination of the claim.
- [72] On October 23, 2018, Mr. Ackerman entered into a settlement agreement with the Plaintiff. He did not notify the Commission of having entered into a settlement with the Plaintiff or the discontinuance of the Plaintiff's claim.
- [73] Mr. Ackerman was co-operative with the investigation.
- [74] In the past, Mr. Ackerman had been contacted by Commission staff when it became known that he had been charged with a criminal offence that he had not reported to the Commission. Mr. Ackerman was advised of the requirement that he report criminal charges and convictions to the Commission.
- [75] Mr. Pederson's breach is more serious than that of Mr. Ackerman. While both registrants have a previous sanction history, Mr. Pederson was not co-operative with the investigation and is a broker. As the people responsible for ensuring that the registrants and employees under their supervision are complying with the legislation, brokers are held to a higher standard of conduct.
- [76] In May of 2020, the provincial legislature amended section 38 of *The Real Estate Act* to increase the maximum fines that can be ordered against registrants found guilty of professional misconduct or professional incompetence. The previous iteration of the legislation capped fines at \$5,000 for each finding up to a maximum of \$15,000 in the aggregate for all findings. The new maximum fine for

each finding of professional misconduct or professional incompetence was increased from \$25,000 up to \$1000,000 in the aggregate for all findings. While this legislative change does not invalidate the precedents to be found in previous hearing decisions, it must be taken as a strong signal from lawmakers that the fines ordered against registrants should be increased so as to ensure the protection of the public.

[77] An order of reprimand and \$2,500 fine are appropriate sanctions for Mr. Pederson's breach of s. 8(4) of the *Regulations*.

[78] As Mr. Pederson has agreed to sign this consent order, there will be no order as to costs.

**A. What is an appropriate sanction for Mr. Pederson's breach of Section 8(4) of the *Regulations*?**

[79] In *Lang (Re)*, [2023 SKREC 2](#), Robert Lang was issued an order of reprimand and a \$4,000 fine for his breach of s. 8(4) of the *Regulations*.

[80] Mr. Lang represented the sellers of a property. After the transaction was complete, the buyers filed a complaint against Mr. Lang alleging that the canister and attachments for the central vacuum were not present in the property as stipulated in the contract of purchase and sale. While the items were ultimately delivered to the buyers, they were unhappy with the condition of the items and how long it had taken for the items to be delivered. Commission staff corresponded with Mr. Lang about the complaint. On multiple occasions, Mr. Lang failed to respond to Commission staff by the date specified in the correspondence. Mr. Lang eventually advised that he had been travelling as the head wrestling coach for Team Saskatchewan for the Canada Games.

[81] Mr. Lang had no previous sanction history.

[82] There were no aggravating factors at play.

[83] Mr. Pederson's breach is more serious than that of Mr. Lang. Mr. Pederson's period of non-responsiveness to the Commission was significantly longer than that of Mr. Lang's. Further, there are several aggravating factors at play in Mr. Pederson's case.

[84] In *Dodman (Re)*, [2019 SKREC 9](#), Dale Dodman was issued an order of reprimand and a \$2,500 fine for her breach of s. 8(4) of the *Regulations*. In December of 2014, Commission staff learned of several charges laid against Mrs. Dodman under federal tax laws. Over the course of several months, Mrs. Dodman was asked to provide updates on the proceedings, which she did. On February 23, 2017, Mrs. Dodman pled guilty to charges under the *Income Tax Act* and the *Excise Tax Act*. She did not notify the Commission of these convictions. Between February and December of 2017, Mrs. Dodman continued

to correspond with Commission staff about the charges that had been laid against her, but she did not advise of her guilty pleas or convictions. On December 6, 2017, Mrs. Dodman was advised that Commission staff had contacted the court and been advised that she had been sentenced on February 23 with respect to the charges at issue.

- [85] Mrs. Dodman's sentence for her violations of the tax legislation required her to pay a \$1,000 fine to the court for each of the four counts on which she was convicted.
- [86] Mrs. Dodman had been corresponding with Commission staff about the charges against her for several months at the time of her conviction. She knew, or ought to have known, that she should have reported her conviction to Commission staff. Mrs. Dodman never notified Commission staff of the convictions. The information was obtained directly from the court. Mrs. Dodman had a previous sanction history, including a charge for failing to provide substantive answers to questions from a review officer.
- [87] Mr. Pederson's breach is more serious than that of Mrs. Dodman in that while Mrs. Dodman held back information, she was still corresponding with the Commission. On several occasions, Mr. Pederson failed completely to respond to the Commission's requests for information requiring multiple follow-ups from the Commission. Further, Mr. Pederson is as a broker, has a previous sanction history, and was not co-operative with the investigation. All of these factors are aggravating.
- [88] In *Schweitzer (Re)*, [2015 SKREC 11](#), Alvin Schweitzer was issued an order of reprimand and a \$2,500 fine for his breach of s. 8(4) of the *Regulations*. Mr. Schweitzer received a \$50,000 deposit from a buyer client. This money was deposited into the brokerage's business account rather than into the trust account and Mr. Schweitzer made several cash withdrawals from this money for unknown purposes. When the transaction ultimately collapsed, Mr. Schweitzer was only able to return \$30,000 of the deposit to the buyer. During the Commission's investigation, Mr. Schweitzer was asked to provide information on multiple occasions, but he failed to provide any substantive response.
- [89] The Hearing Committee noted that a registrant cooperating with the Commission is integral to the Commission's duty to investigate complaints and, by doing so, to provide protection to the public. Mr. Schweitzer's decision to ignore legitimate requests of the Commission for account information frustrated the necessary investigative work underway, causing a delay in the buyer's very reasonable request for redress of Mr. Schweitzer's conduct.
- [90] The Committee also noted that it would have levied a \$3,000 fine against Mr. Schweitzer for the breach, but that it was bound by the aggregate cap of \$15,000.

[91] Mr. Pederson's breach was more serious than that of Mr. Schweitzer. Unlike in Mr. Schweitzer's situation, there are several aggravating factors in Mr. Pederson's situation. Namely, Mr. Pederson is a broker, has a previous sanction history, and was not cooperative with the investigation.

[92] Further, we must take into account that the sanctions levied in *Dodman* and *Schweitzer* occurred prior to the provincial legislature amendment in May 2020 to s. 38 of *The Real Estate Act* increasing the maximum fines that can be ordered against registrants found guilty of professional misconduct or professional incompetence. The previous iteration of the legislation capped fines at \$5,000 for each finding up to a maximum of \$15,000 in the aggregate for all findings. The new maximum fine for each finding of professional misconduct or professional incompetence was increased to \$25,000 up to \$100,000 in the aggregate for all findings. While this legislative change does not invalidate the precedents to be found in previous hearing decisions, it must be taken as a strong signal from lawmakers that the fines ordered against registrants should be increased so as to ensure the protection of the public.

[93] An order of reprimand and \$6,000 fine are appropriate sanctions for Mr. Pederson's breach of s. 8(4) of the Regulations.

[94] As Mr. Pederson has agreed to sign this consent order, there will be no order as to costs.

#### **CONSENT ORDER:**

[95] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Pederson and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:

[96] With respect to Count 1, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act* for breach of Bylaw 723(c):

- a. Mr. Pederson shall receive an order of reprimand for the violation of Bylaw 723(c);
- b. Mr. Pederson shall, within 60 days of the date of this order, pay to the Saskatchewan Real Estate Commission a \$2,500.00 fine for the said violation of the *Act*; and
- c. Mr. Pederson's registration shall be terminated if he fails to make payment as set out above.

[97] With respect to Count 2, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act* for breach of Section 8(4) of the *Regulations*:

- a. Mr. Pederson shall receive an order of reprimand for the violation of Section 8(4) of the *Regulations*;
- b. Mr. Pederson shall, within 60 days of the date of this order, pay to the Saskatchewan Real Estate Commission a \$6,000.00 fine for the said violation of the *Act*; and
- c. Mr. Pederson's registration shall be terminated if he fails to make payment as set out above.

[98] There shall be no order as to costs.

Dated at Regina, Saskatchewan, this 2<sup>nd</sup> day of May, 2024.

Jeffrey P. Reimer  
Hearing Committee Chairperson