

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

WINTER 2024



Important Dates and Deadlines

Annual Financial Returns for 2023:

Deadline: March 15, 2024

Continuing Professional Development (CPD) 2023-2024:

Deadline: May 31, 2024

The Commission Office Is closed:

Saturday, Sunday and Statutory Holidays

Regular Office Hours

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

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RURAL REGION ELECTION

Pursuant to Bylaw 216.2, the six elected Commission members are two from each of the three regions: Region 1 – Saskatoon, Region 2 – Regina and Region 3 – all areas of the province outside of Saskatoon and Regina. Elected Commission members are elected to serve a three-year term commencing July 1st following that election.

This Year's Election

Alberta Mak and Tim Hammond, the registrants currently representing Region 3, are completing their respective 3 year terms.

Candidates nominated for election in a Region must be a registrant with a brokerage in that Region. Any registrants, regardless of location, may nominate other registrants as a candidate.

There were two nominees from Region 3. In accordance with Commission Bylaw 219.1, Alberta Mak and Tyler Badinski are declared as elected:



About Alberta Mak: I grew up on an acreage in south eastern Saskatchewan, in the Yorkton area. My husband and I moved to the Battlefords in 1997 where we have made it our home, raised our family and are now enjoying our grandchildren.

My career in organized real estate started in 2005. In 2013, I decided to open up my own independent brokerage in Battleford where I continue to work today to help my clients make the best real estate decisions for themselves. I believe in living and working according to the Golden Rule: treating others the way you want to be treated.

In past years, I have volunteered on our local My 1st Home Inc./ Habitat for Humanity board. I also held a Director position on the Council of Battlefords REALTORS® for several years up until I became the Chair in 2018, at which time, I led the Council into a successful amalgamation with SRAR. I have been on the Commission since the fall of 2020 and have enjoyed the other members of the board and the learning curve that has come with that position. I look forward to the next term and being an active board member contributing wherever I can.

About Tyler Badinski: Born and raised on a farm outside of Melfort, Saskatchewan, I have been involved in agriculture all my life. I started my journey in real estate as a career back in 2015. In 2016, my wife and I opened up our own branch office in Melfort with Coldwell Banker Signature, which I managed and ran as my own. My time there has taught me a lot about real estate and all that goes on with it. I proceeded to get my broker's license in January, 2019, and because of our specialized focus on agriculture, I opened my own brokerage in January, 2023, called Serca Realty (which is "acres" backwards). Serca Realty has four agents and one administrative staff member, and we cover agriculture real estate in all of Saskatchewan. I have a deep passion for farmers, look to have open discussion about succession planning, and be properly taken care of in the sale of their farm. I have a deep passion for real estate in general and look forward to my time with the Saskatchewan Real Estate Commission.



BEST PRACTICES: CLIENTS SEPARATING OR DIVORCING

Co-Authored by Sherry L. Fitzsimmons, K.C., McDougall Gauley LLP

Selling a house during or after a divorce or separation can be a contentious family law issue, specifically when it comes to the family home. Spouses often disagree on what should happen with the family home and the transaction may be wrought with emotions. This article will explore some suggested best practices for navigating these oft-complex situations.

First and foremost, it is important to be aware that in Saskatchewan, spouses are entitled to an equal share of their family property, including the family home, regardless of whose name it is held in. Two people can become “spouses” in this province, for the purposes of *The Family Property Act*, in one of two ways: 1. Formal Marriage; and 2. Living together continuously for 2+ years (in most cases).

If your clients fall within either of the above categories, they are “spouses” and must both consent to the sale of the family home. If both spouses agree to sell, the property can be listed and sold right away, even if they cannot agree on how the sale proceeds should be provided. If necessary, some or all of the proceeds can be held in a lawyer’s trust account until the issues of division are resolved either by agreement or by court order.

If the parties agree to sell, it is possible that one or both of them will also want to purchase a new property with help from the same registrant. It is important to note that if financing is required for this new purchase, many lenders require a copy of an executed separation agreement before financing will be approved. An interspousal agreement usually addresses the global resolution of all matters arising from the breakdown of the relationship. There is a process to obtaining an interspousal contract including exchange of disclosure, negotiation, and execution. Keep this in mind when setting timelines for condition removal and possession.

The situation is different if only one spouse wants to list and sell the home and the other spouse refuses to cooperate. The spouse who wants the home sold cannot list it for sale without the other spouse’s consent, even if title to the property is in that spouse’s sole name. The said spouse can apply to the Court for an order forcing the sale of the home. However, it is advised that registrants immediately refer these clients to lawyers to sort this out.

Direct contact and collaboration with family law lawyers is advised, and often essential, on these transactions. This is especially so if the matter is contentious, and the spouses are not able to work together amicably. The sooner the clients are in contact with a lawyer, the better, both for them and for the registrants involved.

The above-noted legal considerations are only a part of the complexities that can come when dealing with clients going through a relationship breakdown. Another important part is client management. It is important that registrants in these situations remain neutral parties. Their role is to facilitate communication between parties regarding the transaction, aim to keep emotions in check, and maintain a professional, objective stance to prevent conflicts from derailing a sale. The sale of a family home can be emotionally taxing on clients. Registrants must remain mindful of this and work to minimize stress and conflict as they are best able, while remaining objective and neutral. Continued transparency and communication are key.

As with all transactions, it is best practice to document everything and take notes on any conversations had with clients. This is especially important when dealing with couples who are separating as, in the past, these transactions have ended in a begrudged spouse filing a complaint against a registrant when things became especially contentious.

The Commission has published Information Bulletins on a variety of topics:
<http://www.srec.ca/pblctnsinbu.asp>

A NEW REGISTRATION MODEL FOR 2024

Effective January 1, 2024, the Saskatchewan Real Estate Commission implemented a new registration model. Under the new model, students will be eligible for registration with the Commission after completing the Phase 1 – Real Estate as a Professional Career and the Phase 2 – Residential Real Estate as a Professional Career courses.

Once these two courses are complete, the student will be eligible for registration with the Commission to trade in residential real estate only.

Students have the option of completing the Phase 2 – Commercial Real Estate as a Professional Career and/or the Phase 2 – Farm Real Estate as a Professional Career courses at a later date in order to be registered to trade in those areas. Students who wish to be registered to trade in all three categories of real estate must complete all three Phase 2 courses.

Q: What if I started completing the pre-registration courses before January 1, 2024?

The Commission will continue to recognize pre-registration courses purchased before January 1, 2024. Students who have already completed some of the pre-registration courses will not be required to complete the new versions of the same courses over again.

Q. I have already completed the Phase 1 – Real Estate as a Professional Career and Phase 2 – Residential Real Estate as a Professional Career courses. Am I now eligible for registration with the Commission?

Yes. As of January 1, 2024, students who have completed the Phase 1 and Phase 2 Residential courses, including those purchased prior to January 1, 2024, will be eligible for registration with the Commission to trade in residential real estate only.

Q. Once I am registered with the Commission to trade in residential real estate, can I still complete the Phase 2 – Commercial and Phase 2 – Farm courses?

Yes. Once a registrant completes the Commercial or Farm course, the registrant will be authorized to trade in the corresponding category of real estate and the registrant's certificate of registration will be updated to reflect the same.

Q. Will the cost of each of the pre-registration courses be changing?

Yes. Students who only complete the Phase 1 and Phase 2 Residential courses will pay less than previous students who were required to complete all three Phase 2 courses. Students who complete the Phase 1 course and two of the Phase 2 courses will pay about the same as previous students who were required to complete all three Phase 2 courses. Students who complete the Phase 1 course and all three of the Phase 2 courses will pay more than the previous students.

**Additional Information on the changes to the registration model can be found [here](#),
or visit the [UBC/Sauder website for information on registration, courses and requirements](#).**

BROKERAGE ANNUAL FINANCIAL REPORTING

Online Filing:

To file your brokerage's report, sign into your brokerage screen on the Commission's Online Registration System. The top section of the page is related to the brokerage. Look to the far right for the Actions box and click on the drop down menu. Click on "File annual financial report" and press the GO button.

Reports for the 2023 year must be filed on or prior to March 15, 2024. The report is not considered complete until all requested and supporting documentation is received by the Commission, or post marked, on or prior to March 15, 2024.

Documentation may be submitted by any of the following methods:

- Clearly scanned as PDFs and emailed to afr@srec.ca
- Faxed to 306.373.2295
- Mailed to 104-210 Wellman Crescent Saskatoon SK S7T 0J1

In accordance with Commission Bylaw 407, a late submission fee of \$1,500.00 will be levied against each brokerage whose complete report and supporting documentation are received dated/postmarked after March 15, 2024.

If you have any questions, concerns or difficulties regarding the filing process, please email afr@srec.ca

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 decisions can be found through our [website](#) (posted for three years) or on [CanLII](#) (posted indefinitely):

[2022-33 Derek Morgan](#): On February 6, 2024, Mr. Morgan was issued an order of reprimand and a \$2,000 fine for breaching Bylaw 702 by failing to deal fairly with all parties to a transaction.

[2022-43 Niranjana Kumar](#): On February 6, 2024, Mr. Kumar was issued an order of reprimand and a \$3,000 fine for breaching s. 39(1)(a) of *The Real Estate Act* by failing to notify the listing agent that a deposit had not been collected from the buyer.

[2022-67 Kyle Knapp](#): On February 6, 2024, Mr. Knapp was issued an order of reprimand and a \$2,500 fine for breaching Bylaw 702 by failing to deal fairly with all parties to a transaction.

[2023-54 Michael Worona](#): On February 6, 2024, Mr. Worona was issued an order of reprimand and \$8,000 fine for breaching Bylaw 702.1 by engaging in conduct that was disgraceful, unprofessional, and unbecoming.

DID YOU KNOW...

In many municipalities, the term “non-conforming suite” has a very specific definition. In most cases, this term can only truly be applied to a building that was in compliance at one time, but that has since fallen out of compliance due to zoning changes. The Real Estate Insurance Exchange (“REIX”) has published an article discussing the problems registrants can run into when trying to advertise a property that includes an illegal suite. That article can be found [here](#) and links to other newsletters and bulletins published by REIX can be found [here](#).

Brokerages that maintain separate interest-bearing trust accounts for individual clients may be required to report to those clients for income tax purposes. Brokerages that are maintaining separate accounts for individual clients should consult with an accountant, tax lawyer, or other tax professional as to whether the brokerage is required to produce a Statement of Investment Income for those clients.

The mandatory Schedule “C”: Specified Terms and Conditions for Contract of Purchase and Sale of a Resale Condominium Unit sets out a list of documents that the Seller is to provide to the buyer in addition to the materials required in an Estoppel Certificate issued pursuant to *The Condominium Property Act, 1993* and its Regulations. Section 53 of [The Condominium Property Regulations, 2001](#) states that an estoppel certificate required by the legislation must be in Form GG. Form GG is quite extensive and includes a long list of information that must be provided by the seller of a condominium unit, including the condominium corporation’s bylaws and copies of annual general meeting minutes and board minutes from the preceding year.

THE REAL ESTATE INSURANCE EXCHANGE

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 for the Commission to post.

REIX Phone: 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 is now available. If you plan to renew your registration for the next fiscal year (July 1, 2024 – June 30, 2025), it is mandatory to complete one of the course options by May 31, 2024.

QUESTIONS OR CONCERNS

Contact Us

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Commission Members

Wayne Bernakevitch, Regina, appointed

Cam Bristow, Saskatoon, elected

Carla Browne, Saskatoon, appointed

Micheal Genest, Saskatoon, appointed

Tim Hammond, Biggar, elected

Cliff Iverson, Chair, Regina, 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