

## Bylaw 723 Notification Requirements

Commission Bylaw 723 sets out a list of events that must be reported to the Commission. If any of these events should occur, **the registrant is required to notify the Commission, *in writing*, within five days of the event.** The written notification and any accompanying documents should be sent to the Saskatchewan Real Estate Commission.

The following is a list of events that must be reported to the Commission pursuant to Bylaw 723:

**a) The commencement of proceedings pursuant to the Criminal Code against the registrant.**

For our purposes, proceedings under the Criminal Code commence when the registrant is made aware that he or she has been charged with an offense under the Criminal Code. Registrants must provide a notice of the proceedings, a copy of the summons, release conditions and any other documents received or, at least, advise the Commission of the section of the Criminal Code under which you have been charged.

**b) A conviction pursuant to the Criminal Code against the registrant.**

In the event you are convicted of an offence under the Criminal Code, you must notify the Commission. The notification should include the relevant section of the Criminal Code and copies of any relevant documents you may have. Please notify the Commission in the event the Crown stays the charge, the charge is dismissed or you are found not guilty of the charge.

**c) The 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.**

For our purposes, civil proceedings commence when you are served with a copy of the plaintiff's Statement of Claim. The Statement of Claim should specify the plaintiff's grounds for his or her belief that you are liable for damages suffered by the plaintiff. If the plaintiff is basing the claim on any one of the five grounds listed above, you must notify the Commission, in writing, within five days of being served with the Statement of Claim. If you are uncertain whether or not the claim against you involves one of the enumerated grounds, please contact your legal counsel or the Commission's Compliance Department for guidance.

Please provide us with a copy of the Statement of Claim for our review.

The Bylaw also requires written notification of the disposition of a civil claim. If you enter into a settlement agreement or a judge determines liability and issues an order, you must notify the Commission in writing. Notify us in the event the Plaintiff decides to withdraw his or her claim against you. If the civil proceedings involve a trade in real estate, contact your errors and omissions insurance provider and notify them of the situation.

**d) A change in the registrant's name.**

Commission Bylaw 717 prohibits a registrant from trading in real estate under any name other than the name on his or her certificate of registration. If you change your name, you must notify the Commission and provide us with your new name so that your certificate of registration can be updated accordingly.

**e) The registrant, other than a broker or brokerage:**

- i) becomes insolvent within the meaning of the *Bankruptcy and Insolvency Act (Canada)*;**
- ii) makes an assignment or proposed assignment;**
- iii) is the subject of a receiving order; or**
- iv) makes a proposal pursuant to the *Bankruptcy and Insolvency Act (Canada)*.**

As the Commission's primary goal is public protection, any evidence of possible mismanagement of funds or increased risks to the security of trust funds must be reported to the Commission. This section applies where the registrant is the subject of bankruptcy or insolvency proceedings.

Please provide us with a copy of any order, assignment or proposal you have made or received with respect to your insolvency. The requirements for brokers and brokerages dealing with insolvency, assignments or receivership are set out in Bylaw 724.

**f) The registrant is subject to any proceedings pursuant to the *Winding-up Act (Canada)*.**

This event also relates to insolvency and liquidation, but it applies to corporations and governs the dissolution or restructuring of corporations that can no longer pay their debts. The legislation also places obligations on directors, officers and employees of companies. This section applies to all registrants, including brokers and brokerages. Provide us with copies of any orders you have received in connection with the winding-up process.

**g) The registrant is subject to any proceedings pursuant to the *Companies' Creditors Arrangement Act (Canada)*.**

This event also relates to financial insecurity and can apply to a debtor company. The legislation places obligations on shareholders and directors of companies and applies to all registrants, including brokers and brokerages. Please provide us with copies of any orders, arrangements, compromises or applications for the same you have made or received pursuant to the Companies' Creditors Arrangement Act (Canada).

**h) The registrant or any business the registrant owned or participated in as a director or officer is found in violation of any Act, regulations or bylaws which required a license.**

If you are licensed under any legislation, or are required to be licensed under any legislation but have not obtained a license, and are found in violation of any provision of that legislation, you must notify the Commission. For example, if you carry on business in a municipality without obtaining a business license and are found in violation of the municipality's bylaws, you must notify the Commission.

**i) The registrant or any business the registrant owned or participated in as a director or officer has been convicted of an offence (except minor traffic violations) under any law of any country, province or state.**

This section requires that notice be provided on conviction only, but the Commission requests notification in the event you are charged with an offence under any law of any country, province or state. This section states that you are not required to notify the Commission if you are convicted of a minor traffic violation. A "minor traffic violation" includes a parking ticket or speeding ticket. If you do not know if your conviction constitutes a "minor traffic violation", please contact the Compliance Department at [compliance@srec.ca](mailto:compliance@srec.ca).

The Commission is aware that, while many of the events listed above are a matter of public record, they are often very sensitive matters for the registrants involved. Please be aware that the Commission does not make the information received pursuant to Bylaw 723 available to the public. Section 85 of *The Real Estate Act* prohibits an employee of the Commission from disclosing information received pursuant to the *Act* other than to an employee of a government or regulatory authority, a law enforcement agency or a real estate commission or its employees in another jurisdiction.

Section 85 only permits the disclosure of information for the purpose of administering or enforcing an *Act* or law of Saskatchewan, Canada or another jurisdiction outside Canada unless, in the opinion of the Superintendent of Real Estate or the Commission, it is in the public interest to authorize the publication of such information.

If something has happened and you are unsure whether or not it needs to be reported to the Commission, consult your broker and, if you are still unsure, contact the Commission's Compliance Department at [compliance@srec.ca](mailto:compliance@srec.ca).