

# The Register



November 2005

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## Agency—What is it?

As Executive Director/Registrar of the Saskatchewan Real Estate Commission, I had the opportunity to attend one of the sessions for the 2005-2006 Continuing Professional Development course. This year's offering contained a segment on agency and also a brief overview of the Agency Task Force's 2004 report. The report presents the concepts or models of designated agency and transaction brokerage.

Designated agency means a relationship in which one or more different industry members, licensed with the same brokerage, are designated, in writing by the brokerage, to act as sole agents for a buyer or a seller with respect to the same trade.

Transaction brokerage means a relationship in which a brokerage or industry member provides facilitation services to the buyer and the seller in the same trade.

There is a great need to increase the understanding of agency law with registrants. Part of this education process will be to identify other models of agency in addition to present models of agency being practiced.

It is envisioned that the Continuing Professional Development course could serve as a starting point to increase Saskatchewan registrants knowledge of agency. The Saskatchewan Real Estate Commission is of the opinion that as a registrant's knowledge of agency is increased, the public will be better protected. In addition, the Commission, as the regulatory body, must remain abreast and sensitive to the changes in the real estate industry. In addition, we must strive for a proactive approach as opposed to a reactive approach in regulating the real estate industry now and in the future.



Our office will be closed for the holidays commencing at 12:00 noon on December 23rd, 2005 and re-opening at 8:30 a.m. on Monday, January 2nd, 2006.

## *Appointment of New Executive Director/Registrar*

The Saskatchewan Real Estate Commission is pleased to announce the appointment of its new Executive Director/Registrar, Mr. Al Jacobson effective September 14, 2005.

Al has over fifteen years experience with the Saskatchewan Real Estate Commission and prior to his recent appointment held the position of Acting Registrar and Compliance Officer overseeing the investigation and audit functions for the Commission.

Al came to the Commission after spending several years in Federal Policing with the RCMP. His last assignment was with the Commercial Crime Section in Saskatoon.

In addition to his present position, Al holds a senior presiding Justice of the Peace designation in the Province of Saskatchewan.

## *SREC Open House*



The Saskatchewan Real Estate Commission is hosting an open house at its new office location - 237 Robin Crescent, Saskatoon. Please come and join us in our new facilities on Thursday, November 17, 2005 between 3:00 and 5:00 p.m.

RSVP to: [volfert@srec.ca](mailto:volfert@srec.ca)  
or call: 1-306-374-5233 (ext. #1)  
prior to November 15, 2005

## *CPD Requirements*

As part of registration renewal on June 30, 2006, **all registrants** are required to attend and successfully complete the *Real Estate Update* workshop between September 2005 and June 2006. Successful completion is given only for 100% attendance during the specific day of the workshop.

The workshops are held in ten different locations throughout the province, with a total of approximately 38 workshops being offered. The cost of the workshop is \$120.00/registrant. Class sizes are approximately 35 participants per workshop and are filled on a first come, first served basis.

The Saskatchewan Real Estate Association, the organization responsible for the administration and delivery of these workshops, forwarded a CPD information package to all registrants the last week of July. If you did not personally receive a package, please talk to your broker or visit SREA's website at:

[www.saskatchewanrealestate.com](http://www.saskatchewanrealestate.com).

## *Provincial Real Estate Fraud Committee*

The Saskatchewan Real Estate Commission supports and is participating in a newly formed committee to address the impact of real estate fraud in Saskatchewan. The committee is composed of representatives from ISC, the Law Society, Canadian Bar Association, Canadian Bankers' Association, lending and insurance institutions. Collectively, we are striving to develop strategies to help prevent fraudulent transactions from occurring.

## *Development of Educational Courses*

The Saskatchewan Real Estate Association is the education provider for the Saskatchewan Real Estate Commission. In consultation with the Commission, the Association develops a detailed course outline to meet the educational requirements established by legislation.

Many hours are spent on researching and gathering applicable content for a course. Once a draft of the course is complete, the draft is reviewed by industry experts, legal experts, Commission staff members and the Commission's Education Committee. The finished product is forwarded to the Commission for approval. Once the Commission's final approval is obtained, the course is printed and integrated into the education system.

The development of courses is very labour intensive and time consuming. The Commission appreciates the time and effort of the Association in preparing an excellent product for our industry at a very affordable cost.

The Commission meets with the Association to discuss various strategies to provide the best available product to registrants at the lowest possible cost.

Bylaw 723 states that a registrant shall notify the Commission in writing no later than five days of a change in the registrant's name or the commencement of bankruptcy proceedings.

## *Determination of Registration Requirements*

Please note that the Saskatchewan Real Estate Association is contracted by the Commission to provide the educational courses to meet registrant's or applicant's legislative educational requirements.

All inquiries relating to educational requirements should be directed to the Saskatchewan Real Estate Commission.

**Reminder:** The Association is responsible for developing, distributing/delivering educational courses. They are not empowered to provide licensing or registration advice to individuals.

## *Exceptions to Paying E & O Premiums with Registration*

Registrants in Lloydminster, Alberta who are already registered with the Real Estate Council of Alberta have paid their E & O premiums through the Alberta licensing process. Therefore, these Lloydminster registrants are not billed for E & O premiums in Saskatchewan.

Registrants outside of Lloydminster are asked to forward their inquiries relating to overpayment of E & O Insurance premiums directly to the Real Estate Insurance Exchange, Suite #300, 2424 – 4<sup>th</sup> Street S.W., Calgary, Alberta, T2S 2T4 (1-403-228-2667) (1-877-462-7349) or Fax: 403-229-3466 ([info@reix.ca](mailto:info@reix.ca)).

## *REIX Visit E & O Insurance*

During October 2005, Mr. Harvey Gamble, Executive Director, Real Estate Insurance Exchange, made several stops in Saskatchewan to address issues with respect to E & O Insurance and the REIX program with registrants.

One of the issues that arose from Mr. Gamble's presentations was the reporting procedure to follow. Registrants are asked to contact REIX (403-228-2667 or 877-462-7349) concerning the potential for an E & O Insurance claim. REIX does not report any registrant claims to the Saskatchewan Real Estate Commission.

In accordance with Bylaw 723, a registrant must notify the Commission in writing no later than five days after the commencement of civil proceedings against the registrant with respect to a trade in real estate, fraud, misrepresentation, undue influence or breach of trust. In addition, the same reporting requirement to the Commission applies to any settlement entered into by a registrant or judgment issued against a registrant as a result of civil proceedings. It is the registrant's responsibility to ensure that these events are reported to the Commission.

## *On-line Brokerage Registration Process*

The Saskatchewan Real Estate commission has had an excellent response from brokerages deciding to use the on-line brokerage registration process. I encourage every brokerage that is not using this system to give it a try. We are confident that you will wonder how you got along without this valuable process. It is a time and money saver for both the brokerage and the operation of the Commission. Staff members are always available to provide assistance to you. We welcome your calls.

## *Payment of Remuneration to a Registrant's Corporation*

The Saskatchewan Real Estate Commission's request for bylaw changes relating to the *Professional Corporations' Act* is under review by the Superintendent of Real Estate. In essence, the bylaws were drafted to allow a registrant a permit for a personal services corporation. The thought process is that if a registrant is issued a permit this would allow the registrant's corporation to trade in real estate pursuant to the *Professional Corporations' Act*.

The Deputy Superintendent of Real Estate has asked the Commission to revisit this issue to see if there are other alternatives to accomplish this same goal. In view of the present situation, the Saskatchewan Real Estate Commission is requesting feedback from registrants in this area. It would be appreciated if you could forward any comments you have that would assist the Commission in justifying the reasons for a registrant's corporation being included in the commission payment structure of real estate legislation.

Please forward any comments you have to the Executive Director/Registrar of the Commission as soon as possible.

## *Visit Our Website*

Visit our website at [www.srec.ca](http://www.srec.ca) for information on real estate legislation, registration requirements, recent and past issues of our newsletter, *The Register*, the Commission's annual report, investigation procedures, etc.

## Composition of the Commission

Approximately three years ago, the Saskatchewan Real Estate Commission began to investigate the pros and cons for increasing the number of industry members on the Commission and to diversify the knowledge base of those members. Currently, one member of the Commission is appointed as the Investigation Committee. This individual, to date, has been a registrant member because of the special understanding of the industry necessary to evaluate if professional misconduct has occurred in a complaint. On occasion, the Investigation Committee representative and/or registrant Commission members have had a conflict of interest in participating in an investigation file or hearing or were not available to hear the matter because of work or holiday commitments. The Commission held hearings where only one registrant member sat on a hearing panel and the remaining members were government appointees.

The Commission was of the opinion that there should be a minimum or equal number of registrant and government appointed members for hearing panels. Registrants expect a fair hearing before a knowledgeable hearing panel. In addition, a clear understanding of real estate processes and how the industry conducts its trades in real estate is an important aspect in other facets of a Commission member's work; including, but not limited to development of legislative concepts, development of forms used in the industry, evaluating education courses and establishing conduct or trade practices for the industry.

The appointment of Commission members by a Commission or Council is a common practice across Canada. The Real Estate Council of Alberta is composed of 12 members appointed by various organizations or individuals. The Real Estate Council of Ontario is comprised of 12 members, nine elected from the industry and three ministerial appointees. The industry members are elected on a regional basis with 3 elected members each from 3 regions. One of the Council members must be a commercial practitioner. The Real Estate Council of British Columbia is comprised of 19 individuals, 17 elected from registrants and two appointed by the government. Of the registrant members of the Council, three are

salespeople and fourteen are brokers. The representation and elections are by 7 regions with the number of registrants from each region weighted in favour of the regions with greater number of registrants. The Nova Scotia Real Estate Commission is comprised of 10 members, 3 appointed by the government, 3 elected registrants, three registrants appointed by the Nova Scotia Real Estate Association (internal election) and the Registrar (non-voting) of the Commission. The Quebec Association is comprised of 11 members, 2 appointed by the government and 9 elected from 5 regions weighted by the number of registrants in a region.

In Saskatchewan there is no commercial real estate organization representing the interest of commercial/property management registrants. The Regina and Saskatoon Boards have a commercial division within their respective boards. The largest commercial and property management brokerages in the province and a significant number of registrants in these specialty areas are not members of the Saskatchewan Real Estate Association or a local board. The Commission analyzed the issue of representation of a commercial/property management registrant on the Commission carefully and was of the opinion that the most effective and balanced way to manage representation from this sector was by an appointment made by the Commission. The Commission will implement a nomination process to identify registrants interested in serving on the Commission from the ICI/property management sector. The Commission will consider nominations from all registrants.

After a review of the composition of the Commissions and Councils in other jurisdictions the Commission settled on 11 Commission members taking into account a number of factors. The major factors included, but were not limited to, the cost factor for each additional Commission member, reasonable representation from three regions, increase in registrant representation from 5 to 7 and government appointees at a maximum of 4 members.

The "Bylaw Amendments" printed on the next three pages represent the legislative amendments that have been approved and will be implemented in 2006 as the new election process for Commission members. A complete election package will be sent to all registrants in the Region requiring an election in the spring of 2006. If you have any questions, please do not hesitate to contact the Commission office.

## Bylaw Amendments

The existing bylaws 212 through 227 and Bylaw 231 were rescinded and the following bylaw changes were approved to implement the new election process for Commission members:

### ELECTION PROCEDURES

#### 212 - Rescinded

#### 213 - Rescinded

**213.1** – A Commission member elected or appointed pursuant to clauses 6(1)(b) or 6(1)(c) of the *Act* must be an individual who is a registrant.

#### 214 - Rescinded

**214.1** – The Election Day for the elected Commission members shall be on or before April 8<sup>th</sup> of each year.

#### 215 - Rescinded

#### 216 - Rescinded

**216.1** – The term of the Commission members elected or appointed pursuant to clauses 6(1)(b) or 6(1)(c) of the *Act* shall be a period of three years.

**216.2** – The registrants shall, on a regional basis, elect two (2) Commission members from each of the three (3) regions: Region 1 – Saskatoon; Region 2 – Regina; and Region 3 - all areas of the province outside of Saskatoon and Regina, and any reference in these bylaws to a "region" shall mean one of the aforementioned regions. For the purposes of these bylaws and the physical boundaries of a region, the registrants in any brokerage office located within the corporate city limits of the cities of Saskatoon and Regina, are deemed to be in each of those respective regions. All registrants in brokerage offices located outside the corporate limits of Saskatoon and Regina are in Region 3.

**216.3** – A candidate for election as a Commission member can only be a candidate in the region

where an address for service is maintained, which shall be the same as the candidate's brokerage office, as registered pursuant to the *Act*.

**216.4** – Registrants shall only be entitled to vote for a candidate in the region where the registrant maintains an address for service, which shall be the same as the registrant's brokerage office, as registered pursuant to the *Act*.

#### 217 - Rescinded

**217.1** – On or before January 15<sup>th</sup> of each year, the Commission shall mail to all registrants at their brokerage office address, as registered pursuant to the *Act*, a nomination form and a notice requesting the nomination of registrants as an elected member of the Commission.

**217.2** – The nomination of a registrant shall be in writing on the form approved by the Commission signed by two (2) registrants, neither of who is the nominee, and must be delivered to the office of the Commission prior to February 16<sup>th</sup> of each year. The Commission shall not be responsible for lost or delayed nomination forms. Where the deadline for delivering a duly completed and signed nomination form to the Commission occurs on a weekend or holiday, the deadline shall be extended to not later than 4:00 p.m. Central Standard Time on the next day the Commission's office is open for business.

#### 218 - Rescinded

#### 218.1 - Rescinded

**218.2** – In the event that there is a shortage of candidates for a region in any election, the Commission may appoint a registrant whose address for service is in that region, to sit as a Commission member for that region.

#### 219 - Rescinded

**219.1** – In the event that the number of candidates nominated for a region equals the number of vacancies from that region, the Registrar shall declare those candidates to have been elected.

**219.2** – After the last day for the receipt of the signed nomination forms and prior to April 1<sup>st</sup> of each year, the Registrar shall cause to be sent to each registrant at his/her brokerage's address as shown in the records of the Commission:

- (a) a ballot paper listing, in alphabetical order, the names of all candidates in the region in which he/she is entitled to vote and stating the number of members to be elected in that region;
- (b) biographical profiles of the candidates;
- (c) instructions respecting the marking of the ballot paper and of its return to the Commission;
- (d) a ballot envelope; and
- (e) a mailing envelope.

**219.3** – The Commission can extend any time period if there has been a disruption in mail services or some other unforeseen event requiring an extension. The inadvertent omission to deliver a notice of the nomination of candidates, a nomination form or any other election documents to any member shall not invalidate an election or election results. The Commission shall not be responsible for any ballots that have been lost, misdirected, delayed, mislaid, or have not been received.

**219.4** – No proxy voting for the election of Commission members shall be permitted.

**219.5** – Every registrant shall vote by marking his/her ballot paper. The ballot is then placed into the ballot envelope and the envelope is sealed. The registrant must complete the reverse side of the envelope by printing and signing his/her name in the appropriate spaces. The ballot envelope is placed into the mailing envelope and that envelope is sealed. The mailing envelope must be delivered or mailed to the Registrar, no later than the Election Day.

**219.6** – The ballots will be counted no sooner than ten days (10) from the Election Day. The Registrar and at least two scrutineers, appointed by the Registrar, shall cause the ballots to be opened

and the scrutineers shall record each registrant who votes to ensure that each registrant only votes once. The ballot envelope containing the marked ballot is deposited into a ballot box to be counted. Any candidate or any person authorized in writing by such candidate is entitled to be present at the opening of the ballots and the scrutinizing and the counting of the ballots. Only original ballots will be counted and, if the Registrar receives a ballot delivered or mailed after the Election Day, the ballot shall not be counted.

**219.7** – On the completion of the count, the scrutineers and the Registrar shall sign a record detailing the number of ballots received, the number of ballots counted for each candidate and the number of spoiled ballots. The Registrar shall then declare those candidates who have achieved the highest number of votes elected for that region. The Registrar shall notify all successful candidates of their election and their terms of office. The Registrar shall cause publication of such notice. In addition, the Registrar shall notify all unsuccessful candidates of the election results.

**219.8** – In the event that the election of one or more candidates for a region has not been determined by a candidate having the highest number of votes, including after a recount, the Registrar shall pull from a box holding the names of each candidate, one or more of such names, sufficient to make up the required number of Commission members for that region. The Registrar shall declare the candidate or candidates whose name is drawn to be elected.

**219.9** – The Registrar shall keep the ballots and other documents in respect of an election for four (4) weeks after the election. Upon the expiration of the four (4) week period, the Registrar shall destroy the ballots and other documents but shall retain the record of the count signed by him and other scrutineers as part of the records of the Commission. Those persons declared to be elected by the Registrar shall take office on July 1<sup>st</sup> following the election.

**219.10** – If any candidate wishes a recount of the ballots it must be requested, from the Registrar, within (7) days of publication of the election results. Upon receipt of the request and a three hundred dollar

(\$300.00) fee, the Registrar shall:

- (a) appoint a time and place for the recount within seven (7) days of the receipt of the request;
- (b) notify all candidates within that region of the recount and its date and that they, or any person authorized by them in writing, are entitled to be present for the recount and to examine the ballots and other documents; and
- (c) appoint two or more individuals to participate with the Registrar in the recounting of the ballots. After the recount, the Registrar shall declare the candidate who received the most votes to be the elected Commission member for that region.

**219.11** – If the result of the recount is that the requesting candidate is declared elected, then that candidate is entitled to repayment, without interest, of the three hundred dollar (\$300.00) fee. The Registrar shall notify the elected candidate of the results of the election and term of office. The Registrar shall cause publication of such notice.

**220 - Rescinded**

**221 - Rescinded**

**222 - Rescinded**

**223 - Rescinded**

**224 - Rescinded**

**225 - Rescinded**

**226 - Rescinded**

**226.1 - Rescinded**

**227 - Rescinded**

### **VACANCY**

**231 - Rescinded**

**231.1** – Pursuant to clause 6(3)(b) of the Act, the Board of Directors of the Saskatchewan Real Estate Association shall appoint, by a majority vote of the Directors, an individual who is a registrant to serve a vacancy of a Commission member elected pursuant to clause 6(1)(b) of the Act. This individual shall meet all qualifications established in the Act, regulations and bylaws to represent the region in which the vacancy has occurred.

## *June 30, 2006 Deadline Fast Approaching*

If you are a registrant today who is looking towards the future and anticipating that you might want to achieve broker/branch manager/associate broker registration status and you completed your pre-registration courses prior to implementation of the current Model of Education, please read the following carefully:

If you completed any of the following courses to obtain your salesperson registration:

- *Pre-March 1976 Licensing Course;*
- *Real Estate 100;*
- *Real Estate 150;* or
- *Fundamentals of Real Estate*

You will be required to complete the following courses **prior to June 30, 2006** to obtain broker/branch manager/associate broker educational qualifications:

- *Principles of Real Estate Appraisal;*
- *Principles of Mortgage Financing;*
- *Principles of Real Property Law;*
- *Real Estate Office Management;* and
- *Working Within the Real Estate Act.*

If you successfully complete the above named five courses **prior to June 30, 2006**, you will meet the educational qualifications for registration as either a broker, branch manager or associate broker with no restrictions on your Certificate of Registration. (i.e. you would be able to conduct trades in residential, commercial, property management and farm real estate.) After the June 30, 2006 deadline, registrants continuing with the educational requirements to obtain broker, branch manager or associate broker status will be working towards that status restricted to residential real estate.

## 2005 Annual Financial Report

This year the Annual Financial Report will be available to all brokerages in electronic format. If you would like to receive your copy in Microsoft Word format please e-mail us at [volfert@srec.ca](mailto:volfert@srec.ca) and the document will be sent to you. Please note that you will still be required to submit a **signed** hard copy of the document to our office. Those brokerages who do not request an electronic version will receive their copy of the report by mail the first week of January 2006. Please note that this report must be completed and returned to the Commission office prior to March 15, 2006. A \$300 late submission fee will be levied against a brokerage whose report is received postmarked later than March 15, 2006.

## Buying and Selling with a Family Member

There are disclosure requirements for registrants when they are trading in real estate with an immediate family member. The Saskatchewan Real Estate Commission Bylaws require registrants to disclose in writing to a buyer or seller, as the case may be, the registrant's relationship to an immediate family member when the registrant is acting on behalf of an immediate family member in a real estate transaction. When a registrant is acting on behalf of an immediate family member in the purchase of real estate the written **disclosure must be made to the seller prior to the seller accepting an offer to purchase**. When the registrant is acting on behalf of an immediate family member in the sale of real estate the written **disclosure must be made to the buyer prior to the seller receiving an offer to purchase**.

*The paraphrased definition of an immediate family member includes:*

- *the spouse of the registrant;*
- *the parents, children, brother(s) or sister(s) of the registrant; and*
- *the parents, children, brother(s) or sister(s) of the registrant's spouse.*

The definition includes individuals who have been adopted. The definition of spouse includes persons who are married or persons in a common law relationship and have cohabited for a period of not less than two years.

The disclosure of the special relationship between the registrant and the buyer or seller provides the other party to the transaction with the knowledge of the relationship and allows the other party to the transaction to determine if they require additional input from independent sources. The disclosure of the relationship should act as a risk reduction measure for the registrant.

Commission Bylaw 103.1 states: "Immediate family member means any person connected with a registrant by blood relationship, marriage, common-law or adoption or a partnership, corporation, organization or business wholly or materially owned or controlled by an immediate family member to the registrant. For the purposes of this bylaw, persons are connected by:

- a) blood relationship if one is the child or other descendant or ascendant of the other or one is the brother or sister of the other;
- b) marriage if one is married to the other or to a person who is connected by blood relationship to the other;
- c) common-law if the persons have, for a period of not less than two years, cohabited in a relationship of some permanence or to a person who is connected by blood relationship to the other; and
- d) adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person."

Commission Bylaw 725.2 states: "Prior to the seller accepting an offer to purchase, a broker, branch manager or salesperson shall disclose in writing to a seller the registrant's relationship to the buyer when the buyer is an immediate family member of the registrant."

Commission Bylaw 725.3 states: "Prior to the seller receiving an offer to purchase, a broker, branch manager or salesperson shall disclose in writing to a buyer the registrant's relationship to the seller when the seller is an immediate family member of the registrant."

## *Commission Disciplinary Action*

### **Marianne Cooper – Salesperson (Royal LePage Premier Realty) Yorkton**

**Date of Decision:** September 14, 2005

**Disposition:** Marianne Cooper received a letter of reprimand and an order to pay a \$500 fine for violating Section 39(1)(c) of *The Real Estate Act* by breaching Commission Bylaw 715.

**Violation:** Commission Bylaw 715 states: “Prior to obtaining an offer to purchase on a property from a client, a registrant shall take reasonable steps to discover facts pertaining to the property that a prudent registrant would take in order to fulfil the obligation to avoid error, misrepresentation or concealment of pertinent facts.”

**Details:** Marianne Cooper became registered with the Saskatchewan Real Estate Commission in March 2004. In September 2004, Marianne Cooper and her buyer/clients viewed a vacant two-storey slab footing property listed by another brokerage and advertised on the MLS at 1,820 square feet.

Marianne Cooper took at face value and provided her buyers, the represented dimensions of the property. After the buyers took possession and occupied the property, they found that their furniture did not comfortably fit into the rooms. While in the process of considering their re-sale options, the clients sought the services of a different registrant in anticipation of re-selling the property. The registrant measured the property in anticipation of signing a listing. Measurements now confirmed a 1,400 square foot property after eliminating square footage derived from the three-season closed-in veranda and the third bay of an unheated garage.

In handing down its decision, the hearing committee took into consideration the fact that Marianne Cooper’s unblemished real estate record and that she is relatively new to the real estate profession. The message from the hearing committee is that if in doubt, registrants shall independently confirm for their clients, representations received elsewhere. The uniqueness of the property was such that a prudent registrant should have measured the square footage notwithstanding who he/she is representing (buyer or seller). The hearing panel found that consumers place significant trust in the actions of registrants.

### **Edna Vanderburg – Salesperson (Century 21 Broadway Park Realty) Yorkton**

**Date of Decision:** September 14, 2005

**Disposition:** Edna Vanderburg received a letter of reprimand and an order to pay a \$1,500 fine for violating Section 39(1)(c) of *The Real Estate Act* by breaching Commission Bylaw 714.

**Violation:** Commission Bylaw 714 states: “A registrant shall take reasonable steps to discover facts pertaining to every property for which the registrant accepts an agency

## *Commission Disciplinary Action*

agreement that a prudent registrant would take in order to fulfil the obligation to avoid error, misrepresentation or concealment of pertinent facts.”

**Details:** Edna Vanderburg has been registered with the Saskatchewan Real Estate Commission and/or the Superintendent of Real Estate since December 1978. In January 2002 Edna Vanderburg represented a buyer in the purchase of a property as listed through another brokerage. Ms. Vanderburg acknowledged that she accepted, at face value, the square footage as represented on the initial 2002 listing; that being main floor square footage 1,006 (that included a radiantly heated sun room and a mud room/furnace room) and the upper level at 814 square feet.

Ms. Vanderburg acknowledged that her usual practice when representing a buyer was to accept feature sheet information as represented.

In September 2004 Edna Vanderburg listed the property for sale on behalf of her client and again used historical information to indicate the property’s dimensions. In a response to the Commission’s Review Officer, Ms. Vanderburg acknowledged determining the square footage by “doubling 800 square feet on the upper level and adding 220 square feet from the closed in detached boiler room and laundry/storage area in the unheated garage”.

Saskatchewan Assessment Management agency records for the property identify 1,042 square feet on the main level, 96 square feet for a closed veranda and a three-car attached garage at 704 square feet. In particular, the garage has three bays and is accessible from within the house but unheated. To access the third bay, a person must leave the residence, walk through the unheated garage approximately 15 feet and enter a combined laundry/boiler/storage room area. The third bay garage did not have conventional forced or in-ground heating; however, it did receive some radiated heat from the boiler.

In handing down its decision, the hearing committee took into consideration Ms. Vanderburg’s unblemished twenty-six year real estate career and considered her an experienced, senior registrant. Acknowledging that this home was unique and had a number of anomalies, the hearing committee deemed that a prudent registrant must measure the square footage of the property whether representing the buyer or seller client.

## *Additional Bylaw Changes*

**306.1** – Where a registrant or applicant fails to complete the educational requirements outlined in Bylaws 305.1 or 305.2, the individual’s certificate of registration shall be immediately suspended. The certificate of registration shall remain suspended until such time as the registrant complies with the applicable bylaws.

**802** - The hearing committee is established consisting of not fewer than three (3) individuals who are Commission members or registrants but may include one individual who is a practicing lawyer in good standing with the Law Society of Saskatchewan, who is not a Commission member or registrant.



## *SREC Contact Info*

The Saskatchewan Real Estate Commission re-located its offices at the end of August.

Please use the following address:

**237 Robin Crescent**  
Saskatoon, SK  
S7L 6M8

Our fax number is: **306-373-2295**

Our telephone numbers remained the same:

1-306-374-5233

1-877-700-5233

Our website address is: **www.srec.ca** and we may be reached at the following e-mail addresses:

Al Jacobson	ajacobson@srec.ca
Ed Miller	emiller@srec.ca
Verna Olfert	volfert@srec.ca
Jason Weiler	jweiler@srec.ca

## *SREC Annual Report*

One copy of the Saskatchewan Real Estate Commission's 2004-2005 Annual Report was distributed to all brokerage and branch offices the first week of October. Please contact your broker/branch manager to review this report and to acquaint yourself with the activities of the Commission.

### *Mission Statement*

**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.**

## *Commission Members*

Phil Hoffort (North Battleford), Chairperson  
Larry Gingerich (Saskatoon,) Vice Chairperson  
Gary Cossette, Regina  
Cheryl Elliott, Prince Albert  
Richard Gibbons, North Battleford  
Phillip Mack, Regina  
Terry Powell, Saskatoon  
Cameron Wilkes, Regina

## *Commission Staff*

Al Jacobson, Executive Director/Registrar  
Ed Miller, Director of Investigations/Audits  
Verna Olfert, Director of Registration  
Jason Weiler, Systems Administrator



At this time of year, it is nice to put aside the everyday concerns of business and enjoy the holiday season. Warmest greetings are extended to you from the members and staff of the Saskatchewan Real Estate Commission. May your holidays be filled with beautiful memories to warm you in the year ahead. Have a prosperous and Happy New Year.