

The Register



November 2008

Annual Meeting and 20th Anniversary Reception

The Saskatchewan Real Estate Commission celebrated its 20th anniversary October 9, 2008. The Annual Meeting, followed by a special reception, was held in the Delta / Concord at the Travelodge Hotel in Saskatoon.

Inside this issue:

CPD Deadline	2
Deadline for Completion of CPD	2
Annual Report	2
Depositing Trust Monies	3
Commission Disciplinary Action	4
Commission Election	8
Registrants and Property Management	8
Registrant's Personal Corporation	9
Notice of Changes	9
Annual Financial Report	10
Commission Members	10
Commission Staff	10
SREC Contact Info	10

This year's Annual Meeting was chaired by Larry Gingerich, who has filled the role of the Commission's Chairperson for the past three years. Larry was interviewed by CTV and provided a brief explanation relating to the function and activities of the Commission. A segment of this interview was televised on CTV's evening news. Great job, Larry!



The 70 attendees for the Annual Meeting were provided with the financial and operational achievements of the Commission over the past year. The Commission has never been in a better financial position and is taking a very proactive approach to providing improvements in expediting the registration process, handling of complaints and undertaking new IBTA projects to improve the education standards of registrants and provide projects to enhance public protection.

During the formal portion of the meeting, presentations were given by Jim Hall, Superintendent of Real Estate and Colin Taylor (Evancic Perrault Robertson), the Commission's auditor. No issues of concern were addressed through the attendees at the meeting.



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• Our office will be closed for the holidays commencing at
• 12:00 noon on December 23rd, 2008 and re-opening at 8:30
• a.m. on Monday December 29, 2008. The office will also be
• closed at 12:00 noon on Wednesday, December 31st and re-
• opening at 8:30 a.m. on Monday, January 5, 2009.
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Deadline for Completion of the 2008-2009 CPD Requirement

- Q. What is the timeline for completing the 2008-09 CPD course?
- A. A registrant is required to complete one of the classroom seminars offered through the Commission's education provider, the Association of Saskatchewan REALTORS® prior to the end of May 2009 at the various scheduled locations in the province (approximate cost \$120).
- Q. How do I complete the course if the last classroom seminar is May 2009?
- A. You will be required to:
- i) file monthly applications with the Commission requesting extensions and paying the monthly extension fee of \$300.00;
 - ii) apply to the Association to enroll in a special make up on-line course and attend an examination center to write an exam (cost approx. \$355); and
 - iii) successfully pass the required examination.
- (Note: The Executive Director/Registrar of the Commission has the discretionary powers to approve extensions if extenuating circumstances exist.)
- Q. What are the consequences of not completing the course?
- A. Your renewal application for registration for the upcoming year will be refused by the Commission until the course is completed.

Commission Annual Report

One copy of the Saskatchewan Real Estate Commission's 2007-2008 Annual report was distributed to all brokerage and branch offices in early October. Please contact your broker/branch manager to review this report and to acquaint yourself with the activities of the Commission or you may view the report on our website at www.srec.ca.

Annual Meeting (continued)

The Association of Saskatchewan REALTORS®' President, Karen Krawczyk brought congratulations from the Association and emphasized the positive relationship that exists between the regulatory body and organized real estate. Ms. Krawczyk, on behalf of the Association, presented a beautiful set of wall plaques to the Commission in recognition of this special occasion.

The attendees were entertained for approximately 1½ hours by Kit Grant, a motivational speaker with his excellent presentation, "Winning with People - The Challenge of Change". Mr. Grant's presentation was designed to help real estate professionals increase their understanding of the differences between clients to enable them to excel at dealing with many different personality styles.



The Saskatchewan Real Estate Commission was extremely pleased and honoured that Minister Bill Hutchinson of the Saskatchewan Government - Minister of Municipal Affairs, in addition to several other government portfolios, accepted an invitation to attend the Annual Meeting. The Honourable Mr. Hutchinson stated that indicators projected a very positive economic picture for Saskatchewan in the foreseeable future. There is tremendous enthusiasm in the Province, an amazing amount of activity and the Government remains committed to sustained growth. The Minister touched on the following topics: revenue sharing with municipalities, reassessment of taxes and funding of education.



The Commission's Annual Meeting was followed with a network session that included a buffet and refreshments for the attendees.



Depositing Trust Monies

Commission Compliance Team members often field questions involving the deposit of trust funds into brokerages real estate trust account. In answering trust deposit questions, Commission Compliance refers to Sections 70 and 71 of *The Real Estate Act* that outlines and directs how registrants are to deal with trust monies and deposits into the brokerage's real estate trust account.

During their involvement in trades in real estate, some Saskatchewan registrants become involved with clients whose goals are criminal in nature. By way of example, a Saskatchewan brokerage recently received a deposit by way of a forged \$155,000 certified cheque drawn against a major chartered bank complete with a phoney out-of-province address. While the brokerage waited for the cheque to clear through various banking institutions' clearing houses, the fraudster attempted to convince the broker to refund half of the deposit in lieu of an over payment mistake. The broker quite properly waited for the cheque to clear and thereupon learned of the forgery. The Commission directed the registrant to report the matter to the appropriate police agency. Registrants receive and properly deposit thousands of cheques in consideration of real estate transactions. The Saskatchewan Real Estate Commission reminds registrants that unless and until a particular cheque clears the banking institution and the issuer's bank account, a refund should not occur.

The Commission recently learned that the certified forged cheque scam targeted more than real estate brokerages. The scheme varies depending on the intended recipient. Generically what happens is that an out-of-province client pays or arranges to have paid into trust, a forged certified cheque drawn against a major chartered bank. During the time that the recipient waits for the cheque to clear the banking systems, someone of importance to the transaction from the client side, makes a reasonable request for the payment to the client, of the balance portion of the initial payment. The client authorizes the victim to keep the amount that the victim earned for the work performed. In the end, the certified cheque is a forgery; and the balance payment portion to the alleged client results in a loss to the victim.

Trivia: Q: Average money taken in a bank robbery? A: \$2,500
Q: Average white collar crime perpetrated? A: \$25,000!

Commission Disciplinary Action

Results of recent Mitigation and/or Formal Hearings conducted by the Commission.

The Saskatchewan Real Estate Commission's complete written hearing decisions are available on the website at www.srec.ca. Select the menu item "Decisions" in the menu bar at the top of the home page.

Donna Aldous (Branch Manager), Re/Max of the Battlefords (Meadow Lake)

Date of Decision: July 11, 2008

Date of Written Decision: July 22, 2008

Disposition: Donna Aldous received an order of reprimand and an order to pay a \$500.00 fine for violating Section 39 (1)(a) of *The Real Estate Act*.

Violation: Section 39(1)(a) of the *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 harmful to the best interests of the public, the registrants or the Commission."

Details: In November of 2007, Donna Aldous delivered a Residential Contract of Purchase and Sale form from the buyers to the sellers to purchase a property in Meadow Lake. The offer was accepted by the sellers with possession to be January 1, 2008. The registrant was verbally told that the purchase funds would be with the brokerage no later than December 28, 2007. The registrant was also informed that Ms. Aldous would be away and would arrange for another Re/Max agent to handle the January 1, 2008 possession date. No lawyers acted for the buyers or sellers for this trade in real estate. On or about December 24, 2007 the buyers brought the purchase funds to the Re/Max of the Battlefords' Meadow Lake branch office and Ms. Aldous released the keys to the buyers. She did not consult her broker before releasing the keys nor did she notify the other brokerage. On or about December 28, 2007, the buyers telephoned another registrant with the seller's brokerage and requested access to the property. The buyers informed the registrant that they already possessed keys to the property and had made copies. On that same date, a brokerage representative contacted the buyers and the buyers returned the keys to the seller's brokerage. This trade in real estate did complete with the sellers receiving their proper entitlement and the buyers having possession.

The Commission Hearing Committee, in determining the disciplinary action, considered Ms. Aldous' lack of previous sanction history and the length of time she has been in the real estate industry.



The Hearing Committee found no malicious intent on Ms. Aldous' part in giving the keys to the buyers prior to completion. While the Committee is clear that keys should never be released without permission before the date of closing, Ms. Aldous understood and the facts confirm that no possession was being granted. The fact that the buyers asked for permission before attempting to use the keys was clear confirmation of Ms. Aldous' understanding of the situation. This situation could easily have been avoided had Ms. Aldous obtained the written permission of the sellers to release the keys.

While there was potential for harm to occur, the Committee accepted Ms. Aldous' comments that she knew the parties involved and clearly trusted them to be honourable and not to use the keys before date of possession. It should be noted that the complaint to the Commission was not from the Sellers.

In the circumstances, the Committee felt that a fine of \$500.00 was warranted as specific and general deterrence that release of keys must only be done on the closing date or with the Seller's permission.

Linda Boxall (salesperson, Century 21 Conexus Realty Ltd. (Regina))

Date of Decision: March 6, 2008

Date of Written Decision: March 13, 2008

Date of Appeal Decision: September 15, 2008

Disposition: Linda Boxall received an order of reprimand and an order to pay a \$2,000 fine for violating Commission Bylaw 726(c). On appeal, the fine was reduced to \$750.

Violation: Commission Bylaw 726(c) which states: “Any advertisement or incentive or the offering of any incentive or the participation in an incentive program to the public as an inducement to trade in real estate undertaken or authorized by a registrant shall not be:

- (a) false;
- (b) inaccurate;
- (c) reasonably capable of misleading the recipient or intended recipient;
- (d) in bad taste or offensive;
- (e) harmful to the best interests of the public; or
- (f) prohibited by law.”

Details: In June 2007, Linda Boxall advertised numerous listings in a publication of the *Real Estate Review* as being sold. Many of the listings that were advertised as sold had conditions or complications preventing their completion. On or about August 10, 2007, Linda Boxall again advertised numerous listings in a publication of the *Real Estate Review* as being sold. Many of the listings advertised as sold in the June 2007 *Real Estate Review* once again appeared in this publication.

The Hearing Committee, in considering the disciplinary action, considered Linda Boxall’s lack of previous sanction history and the short length of time she has been in the real estate industry.

The Committee felt that the advertising error was significant. It is misleading and incorrect to say that a property is sold when there are still conditions to be completed. There is a significant difference between a conditionally sold property and one in which the conditions have been met. The financing may not be approved or the appraisal may not match the offer. It leads to the possibility that someone may be misled and affect how they deal with their property or in how they expect their real estate agent to deal with their property.

Linda Boxall appealed the Commission’s hearing decision to the Superintendent of Real Estate. The Deputy Superintendent of Real Estate heard the appeal and in her decision upheld the Commission’s Order of March 13, 2008 with respect to the order of a reprimand and varied the fine pursuant to Section 43(6) (d) of *The Real Estate Act* to \$750. The following is an excerpt from the Deputy Superintendent’s appeal decision: “It is my position that the penalty in

disciplinary matters must be consistent with the gravity of the offence. The Commission said that it considered mitigating factors and determined the penalties it would impose in Ms. Boxall’s case would correspond with the seriousness of the charge. In my view, after considering all of the factors, the \$2,000 fine does not fit the gravity of the offence. It is difficult to imagine many infractions that would be worthy of a lesser sanction than this one. This penalty is high and for the reasons set out above, I find that it is unreasonable in the circumstances.”

Terry Hincks (salesperson), Century 21 Conexus Realty Ltd. (Regina)

Date of Decision: November 29, 2007

Date of Written Decision: December 19, 2007

Date of Appeal Decision: July 30, 2008

Disposition: Terry Hincks received an order of reprimand and an order to pay a \$3,500 fine for violating Section 39(1)(a) of *The Real Estate Act*; and an order of reprimand and an order to pay a \$4,000 fine for violating Section 39(1)(b) of *The Real Estate Act*. On appeal, the Superintendent of Real Estate upheld the Commission’s decision.

Violations:

Section 39(1)(a) of the *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 harmful to the best interests of the public, the registrants or the Commission.”

Section 39(1)(b) of the *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 fraudulent.”

Details: In April 2007 Terry Hincks worked with a long-time customer in the marketing of a duplex property in Regina, Saskatchewan. Although the customer chose not to sign a seller’s brokerage contract, the customer agreed to pay some commission based upon a satisfactorily completed Residential Contract of Purchase and Sale.

In error, Terry Hincks led a fellow Century 21 Conexus Realty Ltd. registrant to believe that the brokerage possessed a seller’s brokerage contract on the property, arranged for a showing and confirmed that he would present any offers upon his return to Regina. A fellow Century 21 Conexus Realty Ltd. registrant showed the property, received a Residential Contract of Purchase and Sale form from out-of-province buyers and contacted Terry Hincks regarding its presentation. Upon his return

to Regina and in error, Terry Hincks' own clients wrote a competing offer without disclosing to the sellers the existence of another offer. The sellers accepted the offer from Terry Hincks' clients without knowing about the existence of the second offer at the brokerage.

In handing down its decision, the Hearing Panel stressed the importance that offers received by brokerages shall be presented in a timely manner. Terry Hincks expressed remorse for his actions and did not believe at the time that he was obligated to present the competing offer; he acknowledged knowing otherwise at the mitigation hearing. Investigation confirmed that the Century 21 Conexus Realty Ltd.'s Branch Manager did not know about the competing offer prior to the seller accepting the contract from Terry Hincks' clients. The Hearing Panel stressed that the integrity of the real estate process as a whole must remain transparent and that registrants must not deliberately mislead one another. The sanction imposed reflects the Commission's disapproval of preferential presentation of offers and the consequences thereof.

In upholding the Hearing Panel's decision and sanctions imposed, the Deputy Superintendent of Real Estate's decision confirmed that the Commission's Hearing Panel applied reasonable sentencing provisions while taking into account the circumstances of the case and its own specialized expertise as a legislated real estate regulator in Saskatchewan.

Annette Katchan (Broker), Charan Property Management Inc. (Regina)

Date of Decision: November 29, 2007

Date of Written Decision: December 19, 2007

Date of Appeal Decision: July 30, 2008

Disposition:

- (a) Charge #1: Annette Katchan received an order of reprimand and an order to pay a \$5,000 fine for violating Section 39(1)(a) of *The Real Estate Act*. On appeal, the Deputy Superintendent of Real Estate upheld the Commission's decision.
- (b) Charge #2: Annette Katchan received an order of reprimand and an order to pay a \$2,500 fine for breaching Section 39(1)(c) of *The Real Estate Act* by violating Commission Bylaw 618(a). On appeal, the Deputy Superintendent of Real Estate dismissed this charge.

Violation:

- (a) Charge #1: Section 39(1)(a) of the *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 harmful to the best interests of the public, the registrants or the Commission."

- (b) Charge #2: Commission Bylaw 618(a) states: "A broker shall prepare the following monthly statements with respect to each property management client:

- (a) a statement of receipts and disbursements that records:
 - (i) the balance carried forward from the statement of the previous month;
 - (ii) the funds received in trust for property management;
 - (iii) the amount of each disbursement and to whom it was made; and
 - (iv) the balance at the end of the month."

Details: On or about September of 2005, Annette Katchan agreed to manage a Regina property for an out-of-province owner. Annette Katchan entered into a property management agreement requiring her to provide the owner with continuous monthly statements and pay any bills incurred by the property. In November 2005, Annette Katchan's company, Charan Property Management Inc., supplied the owner with a financial statement indicating the payment of the property's insurance. Charan Property Management Inc. continued to provide property management services while receiving payment requests from the property's insurance provider.

Approximately one year after receiving a paid insurance statement from Charan Property Management Inc., the owner received notice from the insurance provider that the policy was cancelled for non-payment. The owner confronted Annette Katchan with the insurance issue and was reimbursed for the amount that was indicated as being paid. The owner eventually terminated the property management agreement with Charan Property Management Inc. based on not receiving continuous statements and the insurance liability issue. The Investigation Committee concluded that Annette Katchan was ultimately responsible for the property's protection and for supplying continuous, accurate, monthly statements.

The hearing panel's written decision took into consideration the length of time between Ms. Katchan original property management training and emphasized that Ms. Katchan did not treat the matter seriously enough when the insurance company first contacted her. The Committee felt that there is no matter more serious

than insurance coverage from a property management perspective. The fine reflects this concern and reminds registrants and the public that it must be taken care of immediately. The potential risk of loss to the owners, the mortgage companies and the tenants is so immense that the property manager must take care of this matter over all others.

This was not a simple accounting error. It was a mistake on the monthly statement that could have been extremely harmful and costly to the owner and others. It was also a matter not immediately dealt with by Ms. Katchan as it should have been. This cannot be simply blamed on staff. The broker is responsible for the actions of staff and the insurance should have been properly paid.

The provision of monthly statements must be made, regardless of whether the owner complains or whether they read the statements. It allows the owner to review the information and it protects both the owners and the property managers. It is also a requirement of the Commission Bylaws. The statements must be properly prepared and they must be sent out on time.

On appeal, the Deputy Superintendent of Real Estate dismissed the charge under Bylaw 618 stating: "This Bylaw does not expressly require that a monthly statement be provided to the client. It requires only that monthly statements be prepared and made available to clients where the clients so request. Requiring monthly statements to be prepared by property managers and provided to their clients each month requires that it be stated explicitly in Bylaw 618. The monthly provision of financial statements is an admirable best practice that, as the Commission noted, benefits both owners and property managers. I understand that many property managers do adhere to such practice and I commend Ms. Katchan for having this requirement incorporated into her more recent property management contracts."

Quinn Tait, Re/Max P.A. Realty (Prince Albert)

Date of Decision: July 11, 2008

Date of Written Decision: July 22, 2008

Disposition: Quinn Tait received an order of reprimand; an order to pay a \$1,000 fine; and an order to successfully complete the *Principles of Real Property Law* course for violating Commission Bylaw 702; and an order of reprimand and an order to pay a \$1,000 fine for violating Commission Bylaw 714.

Violations:

(a) Commission Bylaw 702 states: "A registrant shall protect and promote the interests of his or her client. This primary obligation does not relieve the registrant from the obligation of dealing fairly with all other parties to the transaction."

(b) Commission Bylaw 714 states: "A registrant shall take reasonable steps to discover facts pertaining to every property for which the registrant accepts an agency agreement that a prudent registrant would take in order to fulfill the obligation to avoid error, misrepresentation or concealment of pertinent facts."

Details: In July 2006, Quinn Tait obtained an MLS Exclusive Seller's Brokerage contract from a daughter of a seller. The daughter represented that she possessed a power-of-attorney for the property; however, at no time during the term of the Seller's Brokerage Contract did the daughter or any other sibling produce the power-of-attorney document. During the months of July through November 2006, the daughter and other siblings communicated with Quinn Tait to provide historical information about the property.

In late November 2006, Quinn Tait showed the property to his clients who eventually wrote a Residential Contract of Purchase and Sale proposing to buy the property for approximately half of the original list price. The seller's daughter issued a counter offer at \$5,000 more than the offered price; the buyers accepted the counter offer. As completion date approached Quinn Tait learned that there existed three titles to the property, one for each sibling in conjunction with their mother. Further, other siblings repudiated the allegedly accepted contract as they did not sign acceptance to the transaction; an unresolved civil case ensued.

In handing down its decision, the hearing committee reinforced the need that registrants understand who they work for and to undertake reasonable inquiries when representing clients. Had Quinn Tait searched titles at Information Services Corporation and asked for a copy of the alleged power-of-attorney, confusion could have been eliminated. Mitigating the sanction in favour of Quinn Tait, the committee acknowledged that actions of family members led Quinn Tait to believe that any sibling could sign documentation. Registrants must be aware that their actions or inactions can have serious consequences for all parties to the transaction. A registrant should never assume that all things are as the client advises. Registrants must obtain independent verifications when publicly available.

Ivan Toledo, Salesperson, Re/Max Saskatoon**Date of Decision:** September 27, 2007**Date of Written Decision:** October 26, 2007**Date of Appeal Decision:** July 30, 2008.

Disposition: Ivan Toledo received a letter of reprimand and an order to pay a \$2,500 fine for violating Commission Bylaw 727. On appeal, the Deputy Superintendent of Real Estate upheld the Commission's decision.

Violation: Commission Bylaw 727 states: "A registrant shall only advertise properties for sale or lease, or properties sold or leased when written authorization has been obtained from the owner or the owner's lawful representative. The advertisement shall be in accordance with the lawful instructions of the owner or his or her lawful representative."

Details: Ivan Toledo signed an In-house Exclusive Seller's Brokerage Contract with a buyer to sell the same property even before its completion or possession. He received a legal opinion that the buyer could sell his interest in the property. Ivan Toledo did not consult with his broker or manager at this time regarding this transaction. He was contacted by the listing agent who informed him that he could not sell the property without the owner's permission which was later confirmed by Mr. Toledo's office manager. Ivan Toledo did not place a sign on the property and eventually completed a Withdrawal of an Exclusive Seller's/Landlords Brokerage and a Cancellation of an Exclusive Seller's/Landlords Brokerage Contract.

The owner/builder filed a complaint with the Saskatchewan Real Estate Commission upon viewing that the property was re-listed with Ivan Toledo. Mr. Toledo did not have the consent of the owner/builder to re-list the property. The house was not completed at this time and the proposed buyer did not have possession of the property or express written authorization from the owner to sell the property.

The Hearing Committee was very concerned that registrants must ensure that they do not list a property without the consent of the owner. The risk of the transaction not completing before ownership has been transferred leads to risks for the public and the registrants. Ivan Toledo did not have the consent of the owner. Once he became aware of this as an issue, he should have immediately met with his broker/branch manager. While he still would have breached the Act, this would have shown a commitment to resolve the matter.

Ivan Toledo admitted his mistake. However, he showed no remorse for his actions. Once he became aware of the error, it took him a further week to have a Withdrawal signed by his client. This is not satisfactory and is a factor which increased the fine given in this matter.

The Hearing Committee found that under the circumstances, the failure to obtain the owner's consent was extremely significant and a significant fine was required to ensure that Ivan Toledo understands the importance of ensuring such consent is received. The fine was also required to assure the public that registrants who put them at risk will be seriously dealt with and they should be able to rely on the registrant to carry out their responsibilities.

In upholding the Hearing Panel's decision and sanctions imposed, the Deputy Superintendent of Real Estate's appeal decision confirmed that the Commission's Hearing Panel applied reasonable sentencing provisions while taking into account the circumstances of the case and its own specialized expertise as a legislated real estate regulator in Saskatchewan.

Upcoming Commission Election

In January 2008, the Commission will be sending out a nomination form and a notice requesting the nomination of registrants for expiring elected Commission member terms. An election is required in Region #3 (Rural Saskatchewan) to fill two positions that will become vacant after June 30, 2009.

Please give careful consideration to this upcoming election process and be prepared to nominate individuals who wish to contribute to the betterment of the industry through service as a Commission member.

Registrants and Property Management

- Q. As a registrant, can I trade in property management for others when I do not have an interest in the ownership of the property without trading through my brokerage?
- A. No, all trades in real estate (which includes property management) must be through a

registrant's brokerage. All trust funds must be turned over to the brokerage.

- Q. As a registrant, can I do property management for properties that I own or properties in which I have a material interest (at least 5% ownership) without trading through my brokerage?
- A. Yes, provided that proper disclosure is made to the tenant:
- (i) Ownership or interest
 - (ii) *The Real Estate Act* does not apply to lease or rental agreements.

Registrant's Personal Corporation

- Q. As a registrant, can I have my brokerage pay commissions I earned to my private corporation?
- A. Yes, provided that you have:
- i) a written assignment agreement in place with your brokerage;
 - ii) identified each applicable transaction and details in the agreement;
 - iii) the personal corporation is not trading; and
 - iv) you own more than 40% of the shares in corporation.
- Q. As a registrant, how do I treat the earned income for tax purposes?
- A. This is an employer – employee issue.
- i) The brokerage will usually treat earned income as the registrant's income and issue T4 slips in the registrant's name as identified on the registrant's certificate of registration with the Commission.
 - ii) A registrant should obtain approval in writing from RC-T (Revenue Canada Taxation) for a legal interpretation if T4 slips are requested in a registrant's personal corporation name.
- Q. What additional changes are contemplated in real estate legislation relating to this issue?
- A. None. In February 2007, Bylaw 734 was gazetted to allow an assignment agreement between the brokerage and a registrant to assign a registrant's commissions to the registrant's personal corporation. This provided a mechanism for a brokerage to make a payment directly to a registrant's private corporation. The Commission would be interested in any rulings registrants have received from RC-T on this matter.

Notice of Changes by a Registrant

The Saskatchewan Real Estate Commission anticipates receiving and reviewing all Annual Financial Reports within the first three months of 2009. Notwithstanding the receipt of these reports, legislation requires that registrants notify the Commission, pursuant to Bylaw 723 as follows: "A registrant shall notify the Commission in writing no later than **five (5) days** after the occurrence of any of the following:

- (a) Commencement of proceedings pursuant to the *Criminal Code* against the registrant;
 - (b) Conviction pursuant to the *Criminal Code* against the registrant;
 - (c) 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;
 - (d) a change in the registrant's name;
 - (e) the registrant, other than a broker or a 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);
 - (f) the registrant is subject to any proceedings pursuant to the *Winding-up Act* (Canada);
- the registrant is subject to any proceedings pursuant to the *Companies' Creditors Arrangement Act* (Canada);
- 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; or
- 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."

In addition to the above, Section 33(1) of *The Real Estate Act* outlines the requirements for changes at the brokerage relating to address, trust account, business status, officers or amalgamations. Section 54 of *The Real Estate Act* relates to Certificates of Registration and the requirement to notify the Commission when a registrant ceases to represent a brokerage and/or chooses to leave the industry. Commission Bylaw 724 requires that a registrant notify the Commission when a broker or brokerage becomes insolvent within the meaning of the *Bankruptcy and Insolvency Act* (Canada).



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.

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.

SREC Contact Info

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The Brokerage's 2008 Annual Financial Report

The Annual Financial Report is 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 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 in mid-December 2008. Please note that this report must be completed and returned to the Commission office prior to March 15, 2009. A \$300 late submission fee will be levied against a brokerage whose report is received postmarked later than March 15, 2009.

Commission Members

Larry Gingerich (Saskatoon,) Chairperson
 Cheryl Elliott (Prince Albert), Vice Chairperson
 Donnett Elder, Regina
 Richard Jeanneau, Saskatoon
 Phillip Mack, Regina
 Scott Musgrave, Lloydminster
 Anne Odishaw, Saskatoon
 Terry Powell, Saskatoon
 John Puderak, Saskatoon
 Ron Skinner, Yorkton
 Wayne White - Regina

Commission Staff

Al Jacobson, Executive Director/Registrar
 Chris Mason, Investigator
 Ed Miller, Director of Investigations
 Verna Olfert, Director of Registration
 Jason Weiler, Systems Administrator
 Allan York, Director of Audits