



THE REGISTER

SREC Newsletter

November 2018

In This Issue...

Each issue of *The Register* focuses on trending issues in the real estate industry of Saskatchewan and offers educational moments and registrant-specific information and reminders. In this edition, we speak to some new items of interest, along with some reminders.

- We welcome 2 new government appointees to the Commission.
- Industry FAQs - what's up with education, what's really involved in the complaints process
- Don't forget about renewing your Professional Corporation permit with the Commission BEFORE the end of December.
- Brokers! Annual Financial Report filing deadline may be March 15, 2019, but your financial information must be from DECEMBER 31, 2018.
- Recent hearing decision summaries.

As always, we enjoy hearing from our registrants. In addition to sending us requests for information you would like to see in upcoming issues of *The Register*, do not hesitate to contact us with any questions or concerns you might have.

We hope you enjoy this issue!



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Education is the passport to the future, for tomorrow belongs to those who prepare for it today.

Changes to Note...

The Commission is pleased to announce the appointment of two new members to the Commission, while bidding adieu to two long-time members.

We say farewell to two well-respected members of our Commission whose appointments have come to an end. David Chow (Moose Jaw), and Paul Jaspar (Saskatoon), were members of the Commission for more than seven years and during that time each contributed greatly to a number of Committees and Commission projects, most notably:

- ⇒ David was Chairperson for the Legislative Committee and lead the Commission through several years of meetings and intensive work on the construction of new legislation, regulations, bylaws and rules.
- ⇒ In addition to keeping the Commission's financial interests in line, Paul served as Chairperson for the Brokerage Audit Committee and was instrumental in making the audit process more effective.
- ⇒ Both were committed members of the Management Committee, providing a respected and respectful voice of reason and expertise from their professions to the Commission's concerns.

We thank David and Paul for their commitment and dedication to the Commission, it's mandate, and support of its staff. We offer our sincere best wishes for your future endeavors. You will be missed.

As we say goodbye to Dave and Paul, we welcome two newly appointed members, **Dean Staff** and **Bill Preston**, both of Saskatoon, to the Commission.

Dean Staff is an Assurance Partner at PriceWaterhouseCoopers LLP in Saskatoon. Since joining the firm in 1994, Dean has worked with a wide variety of clients including charitable and not-for-profit organizations, owner-managed private companies, large international operations, and governments and related organizations.

Dean's volunteer service includes: Councilor for the Institute of Chartered Accountants of Saskatchewan, Director with the Aboriginal Financial Officers Association of Saskatchewan, and Treasurer for the North Saskatoon Business Association.

Named one of Canada's best construction law lawyers, **William (Bill) Preston**, comes to us with an extensive background in law (since 1966), with particular expertise in the areas of transportation and construction law. He is a member of Lawyers Concerned for Lawyers, a group affiliated with the Law Society of Saskatchewan, a Queen's Counsel appointee in 2008, the founding Chair of the CBA's Construction Law Group, and a long-time advocate, advisor and lobbyist in the trucking/transport industry, and ultimately was inducted into the Saskatchewan Transport Hall of Fame in 1999.

Bill has taught Law at the University of Regina College of Business Administration and at the University of Saskatchewan college of Law, as well as lecturing on engineering law and ethics for the Association of Professional Engineers and Geoscientists of Saskatchewan.

Important Reminders

Individuals Who Hold Permits for a Professional Corporation – It's Time to Renew

All permits issued by the Saskatchewan Real Estate Commission to individuals with registered Professional Corporations (PC) **expire on December 31st of the issuing year** as per *The Professional Corporations Act*.

Renewal notices were recently sent to all current PC permit holders with instructions on how to complete the 3-step process:

1. Submit a copy of your updated corporate profile report, dated after October 15, 2018, to the Commission to prove the corporation is active and in good standing with the Corporate Registry. Submit via email to garmstrong@srec.ca or fax to (306) 373-2295.
2. Once the Commission has received the corporate profile report, the information will be updated on the Commission's online registration system. Once the system is updated, a payment option to renew the professional corporation permit for the next calendar year will automatically appear on your personal page of the Commission's online registration system. You will be notified by email once this step has been completed and provided with instructions for the next step.
3. Log into the Commission's [online registration system](#) and sign into your personal page. The yellow-coloured section is for Professional Corporations. On the right hand side of the screen, click on the button to renew your permit. The renewal fee for permits remains at \$200. You can make the payment directly online with your credit card (VISA or MasterCard). Once the fee has been paid, you will have the option to print your receipt of payment and Permit for the 2019 calendar year for your records.

Please note the Commission office will be closed from December 22nd until January 2, 2019. The Commission must be in receipt of your corporate/entity report **prior to December 20, 2018** in order to allow processing time for the remaining steps.

Brokerage Annual Financial Reports

Bylaw 606 dictates when brokerage annual financial reports (AFR) are to be filed. **The deadline for the 2018 AFR is March 15, 2019.**

Brokers are responsible to ensure their reports are filed using the Commission's online registration system. Filing instructions will be emailed to all brokers prior to the end of December 2018.



**Information
Services
Corporation**

*Ensure you have received your
updated corporate profile report from
ISC.*

FYI & FAQs...

The Commission receives many inquiries from registrants and the public who have similar questions and concerns. We hope that the following information can help address some of the most popular issues.

What is happening with this new education program everyone is talking about?

Effective January 1, 2019, the University of British Columbia's Sauder School of Business, Real Estate Division (UBC Sauder), will be the new provider of the Commission's mandatory pre-registration and annual continuing professional development (CPD) courses and exams.

Detailed instructions will be emailed to all current students and registrants in December 2018 explaining how to access all education courses and exams through the Commission's portal on UBC Sauder's website.

The basic elements of mandatory education will not change; the pre-registration learning path and course names remain the same, as does CPD. However, significant changes will be noted in the design and delivery of the courses themselves.

All courses will be delivered online, though hard-copy materials will be sent to students taking pre-registration courses. Our online courses will include a robust selection of learning resources such as video tutorials and interactive elements to enhance student learning. Learning assistance will be available 24/7 through UBC Sauder's Course Resources webpage, including email and toll-free phone assistance.

Bottom line?

Education requirements remain the same, while the education itself has been enhanced and improved!

For answers to more education questions, please see our [Education FAQ document](#) on our website.

What about CPD? Isn't it usually available in October?

In 2019 and beyond, the Commission's mandatory CPD program will be delivered by UBC Sauder with registration for the first courses launching in the first week of January, 2019. In order to renew registration every year, registrants are required to successfully complete mandatory continuing professional development, or CPD. UBC Sauder has created three new completely online, fully accessible, and media-rich courses for CPD 2018/19.

Each course will contain a series of modules with a lesson (including a variety of interactive features), and an assessment. In order to proceed through the modules, a learner must complete the lesson and obtain a mark of 70% or higher on the module assessment. Depending upon the level of experience and familiarity with the course content, a course could take a learner between three and six hours to complete.

Please feel free to contact the Commission (info@srec.ca) at any time to discuss your education requirements.

What is the process when a complaint is filed with the Commission?

Complaints about a real estate transaction, a salesperson, a broker or a brokerage come to the Commission from a variety of sources in a variety of ways. Sometimes individuals phone or email the Compliance Department directly to discuss an issue with our Compliance Officer. Others go directly to the online complaint form without conversing with staff.

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Either way, in order for the Commission to investigate a complaint, an official [Complaint Form](#) must be submitted, and the complainant cannot, in most cases, remain anonymous. The Commission can proceed with an investigation on its own volition, however, this capability is limited by the amount of information available.

Once a complaint is received, the Compliance Department begins an investigation to determine whether there is a breach of legislation. If the Investigation Committee (IC), determines there has been no breach of the legislation, the complaint is dismissed and the parties are provided with reasons for the decision. If the IC is of the opinion that there has been a breach of the legislation, the parties are advised of the decision and Commission staff begin negotiating with the registrant to try to reach an agreement regarding the details of what happened, which provisions of the legislation have been breached and how, and the appropriate penalties for the breach.

If the registrant and the IC are *able to agree on the facts, charges and sanctions*, a Consent Order is prepared and signed by both parties. This order is submitted to a Hearing Committee (HC), for review. The HC will either approve the Consent Order as written or reject the order and provide its reasons for doing so. If the HC rejects the order, the registrant and the IC have one more chance to negotiate a second Consent Order to send back to the HC for review.

If the registrant and the IC are able to agree on the facts and the charges, *but cannot come to an agreement regarding sanction*, the matter will proceed to a mitigation hearing. A Statement of Facts and Admissions containing the agreed facts and charges is presented to a HC. The registrant and IC representative appear at the hearing to make representations regarding the appropriate sanction. The HC will consider each party's arguments and make a decision as to what the penalty for the admitted breach will be.

If the registrant does not agree that he or she has breached any provision of the legislation, the matter will proceed to a formal hearing at which the IC will be required to prove the facts of the alleged breach and the breach itself. In order to reduce the cost and complexity of the hearing, the registrant and IC can attempt to negotiate an agreed Statement of Facts or a set of agreed-upon documents.

Hearings require a great deal of time and resources. Generally, if the registrant pleads guilty to a charge or is found guilty of a charge, costs associated with the planning and delivery of the hearing are added to any sanctions a registrant faces, which can add thousands of dollars to any fines ordered against the registrant.

For more details with respect to the complaint and investigation process, please see our website: <http://www.srec.ca/reginfoinv.asp>.

2018 /19 Dates to Remember

Oct. 15-Dec. 31
Professional Corporation permit renewals

December 6
March 7
Regular Commission meetings

January, 2019
New mandatory education program launch

March 15
Brokerage Annual Financial Report deadline

May 31
CPD completion deadline

**May 16-
June 30**
Registration renewals

July 1
Registration year begins

Compliance & Discipline

The Commission's Investigation and Hearing Committees and the Legal & Compliance Department have worked diligently to manage a backlog of complaints and investigations. The results of such diligence are a record number of Hearings (26), in the last quarter of 2018. The Consent Order option to a formal hearing is, in large part, the reason for so many decisions being completed in such a short time frame.

The Consent Order process allows registrant(s) involved in a complaint to more efficiently deal with the breach and resultant sanction(s), and avoid the costs and time inherent in the formal hearing process.

Registrants are encouraged to review the elements of the discipline process briefly described on pages 2 and 3 of this issue of *The Register*, or on our website ([Commission Discipline Process](#)), which has a simplified diagram explaining the steps involved.

Below is a brief summary of each decision (listed numerically), with its direct link. As always, full summaries can be found through our [website](#) (posted for three years), or on [CanLII](#) (posted indefinitely).

[2015-22 John Hastings](#): On September 5, 2018, Mr. Hastings was issued an order of reprimand and a \$1,000 fine for breaching Bylaw 726(d) by undertaking or authorizing an advertisement that was in bad taste or offensive.

[2015-50 Laurie Lunde](#): On August 29, 2018, Ms. Lunde was issued an order of reprimand and a \$2,000 fine for breaching Bylaw 706 by publicly discrediting a competitor.

[2015-80 Brett Ackerman](#): On September 5, 2018, Mr. Ackerman was issued an order of reprimand and a \$1,000 fine for breaching Bylaw 702 by failing to deal fairly with all parties to a transaction.

[2016-26 Chad Bailey](#): On September 18, 2018, Mr. Bailey was issued an order of reprimand and a \$1,000 fine for breaching Bylaw 702 by failing to protect and promote the interests of his clients by failing to advise competing buyer clients that he was representing them both.

[2016-27 Tracy Guenther](#): On September 5, 2018, Ms. Guenther was issued an order of reprimand and a \$1,250 fine for breaching Bylaw 702 by failing to deal fairly with all parties to a transaction.

[2016-53 Vic Jacobucci](#): On September 18, 2018, Mr. Jacobucci was issued an order of reprimand and:

- a \$1,250 fine for breaching s. 39(1)(a) of *The Real Estate Act* by having clients sign blank listing documents; and
- a \$1,000 fine for breaching Bylaw 726(b) by creating an advertisement that included inaccurate information.

[2016-63 Jonathan Katsiris](#): On September 18, 2018, Mr. Katsiris was issued an order of reprimand and a \$1,500 fine for breaching Bylaw 702 by failing to deal fairly with all other parties to the transaction by entering a property without authorization.

[2016-70 Marianne Mahon](#): On September 5, 2018, Ms. Mahon was issued an order of reprimand and:

- a \$1,500 fine for breaching Bylaw 714 by failing to take reasonable steps to discover facts pertaining to a property for which she accepted an agency agreement that a prudent registrant would take, in that she failed to determine the approximate physical boundaries of a property she listed for sale; and
- a \$2,000 fine for breaching Bylaw 726(c) by undertaking or authorizing an advertisement that was reasonably capable of misleading the recipient.

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Compliance & Discipline

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2017-05 Tynelle Badinski: On September 5, 2018, Ms. Badinski was issued an order of reprimand and:

- a \$1,500 fine for breaching Bylaw 702.1 by engaging in unprofessional conduct in the course of her practice; and
- a \$1,250 fine for breaching s. 53(2) of *The Real Estate Act* by trading in real estate other than for or on behalf of her registered brokerage.

2017-15 Katherine Berner: On September 5, 2018, Ms. Berner was issued:

- an order of reprimand and a \$2,000 fine for breaching Bylaw 702 by failing to protect and promote the interests of the client by lowering the rental rate for the landlord's property without first obtaining the landlord's permission and by failing to conduct appropriate checks of potential tenants' rental references and credit history; and
- an order of reprimand for breaching Bylaw 702.1 by conducting herself in a manner unbecoming of a registrant by being rude, hostile, and condescending to a lawyer representing a landlord.

2017-16 Sharon Wingate: On September 5, 2018, Ms. Wingate was issued an order of reprimand and a \$2,500 fine for breaching Bylaw 702 by failing to protect and promote the interests of her seller client and by failing to deal fairly with other parties to the transaction by allowing her seller client to enter into a conditional contract of purchase and sale with a buyer that was not made subject to the seller being released from her obligations under two other contracts of purchase and sale and by failing to use an X Hour Notice form properly.

2017-20 June Harbottle: On September 5, 2018, Ms. Harbottle was issued an order of reprimand and:

- a \$1,250 fine for breaching Bylaw 714 by failing to take reasonable steps to discover pertinent information about a property by failing to make inquiries about the impact the death of an owner on title could have on the sale of the property; and
- a \$2,000 fine for breaching Bylaw 702 by failing to protect and promote the interests of her buyer clients by failing to advise them of the impact the death of the property owner could have on their purchase of the property.

2017-71 Nicole Lovell: On September 18, 2018, Ms. Lovell was issued an order of reprimand and a \$2,000 fine for breaching s. 58(1)(a) of *The Real Estate Act* by failing to ensure that all offers to purchase were made in writing when she carried verbal offers between buyers and sellers.

2018-08 Barry Chilliak: On September 18, 2018, Mr. Chilliak was issued an order of reprimand and a \$1,500 fine for breaching Bylaw 726(b) by creating an MLS® Listing that included inaccurate information about the septic system at a property.

2018-10 Eric Calaguian: On September 18, 2018, Mr. Calaguian was issued an order of reprimand and a \$1,000 fine for breaching Bylaw 702 by failing to deal fairly with all parties to a transaction when he accessed the lockbox at a property without authorization.

2018-12 Cameron Bird: On September 18, 2018, Mr. Bird was issued an order of reprimand and a \$750 fine for breaching Bylaw 726(c) by authorizing an advertisement that contained claims that were reasonably capable of misleading the public.

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Compliance & Discipline

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- 2016-31 Dianne Anton**: On October 17, 2018, Ms. Anton was issued an order of reprimand and:
- a \$1,250 fine for breaching s. 58(4) of *The Real Estate Act* by signing a Counter Offer on behalf of her client “as per telephone call”; and
 - a \$1,500 fine for breaching Bylaw 701(a) by making or permitting to be made a Counter Offer that stated it had been signed by the seller at 9:00 p.m. on November 11, 2015 when this was untrue.

- 2013-61A Shaheen Zareh**: On October 17, 2018, Mr. Zareh was issued an order of reprimand and:
- a \$3,000 fine for breaching s. 39(1)(c) of *The Real Estate Act* by trading in property management when his registration was limited to trades in residential real estate;
 - a \$1,000 fine and a two-week suspension of his certificate of registration for breaching s. 53(2) of the *Act* by trading in real estate other than for or on behalf of the brokerage stated on his certificate of registration;
 - a \$1,500 fine for breaching s. 55(2) of the *Act* by advertising a trade in real estate without indicating the name of the brokerage for which he was authorized to act; and
 - a \$5,000 fine for breaching Bylaw 730(f) by failing to use the mandatory Disclosure of Interest in Trade form.

- 2014-58 Carmen Hamilton**: On October 17, 2018, Ms. Hamilton was issued an order of reprimand and:
- a \$1,000 fine for breaching s. 58(1)(a) of *The Real Estate Act* by failing to put an offer to purchase a property in writing;
 - a \$750 fine for breaching Bylaw 730(a) by failing to use a Residential Contract of Purchase and Sale; and
 - a \$750 fine for breaching Bylaw 730(c) by failing to use a Counter Offer to Residential Contract of Purchase and Sale.

- 2017-72 Scott Irwin**: On October 17, 2018, Mr. Irwin was issued an order of reprimand and a \$1,250 fine for breaching Bylaw 702.1 by responding to a client via text message in an inappropriate, unprofessional and disrespectful manner.

- 2018-13 Kelli Meckelborg**: On October 17, 2018, Ms. Meckelborg was issued an order of reprimand and:
- a \$1,000 fine for breaching Bylaw 725.3 by not providing written disclosure to the buyers of the fact that the seller was her grandmother; and
 - a \$1,000 fine for breaching Bylaw 730(f) by failing to use the mandatory Disclosure of Interest in Trade form.

- 2015-64 Devon Crawford**: On October 17, 2018, Mr. Crawford was issued an order of reprimand and a \$1,000 fine for breaching s. 39(1)(a) of *The Real Estate Act* by engaging in conduct that was harmful to the best interests of the public, the registrants or the Commission.

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Compliance & Discipline

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2017-58 Sky Wu: On October 17, 2018, Mr. Wu was issued an order of reprimand and:

- a \$1,500 fine for breaching Bylaw 702.1 by acting in an unprofessional manner or by acting in a manner unbecoming of a registrant by failing to ensure the buyers understood that he was not representing them in the transaction;
- a \$2,000 fine for breaching Bylaw 730(f) by failing to complete a Disclosure of Interest in Trade form; and
- a \$1,750 fine for breaching s. 53(2) of *The Real Estate Act* by trading in real estate other than for or on behalf of his brokerage.

2017-82 Kimberly Stevenson: On October 31, 2018, Ms. Stevenson was issued an order of reprimand and a \$1,000 fine for breaching Bylaw 717 by trading in real estate under a name other than the name that appeared on her certificate of registration.

2017-83 Joseph Wiebe: On October 31, 2018, Mr. Wiebe was issued an order of reprimand and a \$2,250 fine for breaching Bylaw 726(b) by creating an advertisement that inaccurately indicated that a property had an ICF block foundation when, in fact, the foundation was concrete.

2018-15 Jordan Bird: On October 31, 2018, Mr. Bird was issued an order of reprimand and a \$1,500 fine for breaching s. 70 of *The Real Estate Act* by failing to turn a cheque over to his brokerage for deposit.

Important Note

Questions? Contact the Commission's Legal & Compliance department at compliance@srec.ca, or call 306-374-5233.



COMPLIANCE

The office of the Commission is **closed** for the following statutory holiday observances:

- **Monday, December 24 - Wednesday, January 2** (office closed for Christmas break)
- **Monday, February 18, 2019** (Family Day)

Regular Office Hours:

Monday-Friday, 8:30am-noon, 1pm-4:30pm
Closed weekends and holidays.

Contact Us

Saskatchewan Real Estate Commission

237 Robin Crescent
Saskatoon, SK S7L 6M8

Phone: 1.306.374.5233
Toll Free: 1.877.700.5233
Fax: 1.306.373.2295

Website www.srec.ca



[@SREC_comm](https://twitter.com/SREC_comm)

Commission Staff

Aaron Tetu, Executive Director/Registrar
(atetu@srec.ca), ext. 7

Gail Armstrong, Registration/Office Administrator
(garmstrong@srec.ca, info@srec.ca), ext. 1

Bill Craik, Legal & Compliance Manager
(bcraik@srec.ca), ext. 4

Nina Criddle, Compliance Officer
(ncriddle@srec.ca), ext. 3

Darla Hufsmith, Controller
(dhufsmith@srec.ca), ext. 5

Susan McCrae, Education & Communications
Coordinator (smccrae@srec.ca), ext. 6

Jason Weiler, Systems Administrator
(jweiler@srec.ca), ext. 8

Commission Members

Vern McClelland, Chair,
Lloydminster, elected

Carla Browne, Saskatoon, IC&I appointed

Doreen Heinbigner, Moose Jaw, elected

Cliff Iverson, Regina, elected

Al Myers, Saskatoon, elected

Anne Parker, Regina, appointed

Lori Patrick, Regina, elected

Bill Preston, Q.C., Saskatoon, appointed

Dean Staff, Saskatoon, appointed

Bob Volk, Regina, appointed

Wayne Zuk, Saskatoon, elected



Happy Holidays!

Background image courtesy visitfinland.com