



Province of Saskatchewan

Order in Council 220/2020

Registrar of Regulations	
Filed	MAY 14 2020
SR	57/2020

Approved and Ordered: 13 May 2020


Lieutenant Governor

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, makes *The Real Estate (Miscellaneous) Amendment Regulations, 2020* in accordance with the attached Schedule.


President of the Executive Council

(For administrative purposes only.)

Recommended by: Minister of Justice and Attorney General

Authority: *The Real Estate Act, section 83*
JAG DM -
05-05-20

SCHEDULE to OC 220/2020

Title

1 These regulations may be cited as *The Real Estate (Miscellaneous) Amendment Regulations, 2020*.

RRS c R-1.3 Reg 1 amended

2 *The Real Estate Regulations* are amended in the manner set forth in these regulations.

New heading and new section 15.1

3 **The following heading and section are added after section 15:**

“TRADING PRACTICES

“Witness not required

15.1 The requirement to be signed or executed in the presence of a witness does not apply to the following, if executed in accordance with the bylaws respecting electronic signatures:

- (a) an agency agreement pursuant to subsection 57(1) of the Act;
- (b) an offer to purchase obtained by a registrant pursuant to clause 58(1)(a) of the Act;
- (c) an acceptance of an offer pursuant to clause 58(3)(a) of the Act”.

New heading and new sections 19.1 and 19.2

4 **The following heading and sections are added after section 19:**

“DISCIPLINARY POWERS

“Restitution

19.1(1) An order for restitution pursuant to clause 38(1)(e) of the Act may only be made if, in the opinion of the Commission, the value of the loss suffered by a person as a result of the registrant’s professional incompetence or professional misconduct can be calculated without expert evidence.

(2) Subject to subsection (3), an order for restitution pursuant to clause 38(1)(e) of the Act must not exceed \$30,000.

(3) If an order for restitution pursuant to clause 38(1)(e) of the Act is made to replace a buyer’s deposit, the order must not exceed the amount of the buyer’s deposit.

“Special penalties

19.2(1) The Commission may assess a special penalty pursuant to section 89.1 of the Act for contraventions of the following provisions of the Act or these regulations in the amounts set out below:

Provision	First contravention (\$)	Subsequent contravention within 10 years (\$)
33(1) of the Act	1,500	3,000
33(2) of the Act	1,500	3,000
33(3) of the Act	1,500	3,000
54(2) of the Act	1,500	3,000
57 of the Act	1,500	3,000
58 of the Act	1,500	3,000
71(1)(a) of the Act	1,500	3,000
8(4) of the Regulations	1,500	3,000
18.1(2) of the Regulations	1,500	3,000

(2) If more than 1 contravention has occurred within a 10-year period, the Commission may assess a special a penalty for each subsequent contravention”.

Section 29 amended**5 The following subsection is added after subsection 29(3):**

“(4) Notwithstanding subsections 53(2) and 61(1) of the Act, a registrant may trade in real estate other than for or on behalf of the brokerage with which that registrant is registered if:

- (a) the registrant:
 - (i) is an owner of the real estate;
 - (ii) has an interest in the real estate; or
 - (iii) is submitting an offer for an interest in the real estate;
- (b) the trade in real estate is done through a brokerage;
- (c) the registrant does not accept a commission for the trade in real estate; and
- (d) the brokerage does not act on behalf of another party to the trade in real estate”.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Real Estate Amendment Act, 2019* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Real Estate Amendment Act, 2019* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.