

**IN THE MATTER OF
THE REAL ESTATE ACT S.S. 1995, c. R-1.3**

**AND
IN THE MATTER OF**

OREST OLEKSHY

**CEASE AND DESIST DIRECTION
(Section 82)**

WHEREAS, the Saskatchewan Superintendent of Real Estate (the "Superintendent") is authorized pursuant to section 82 of *The Real Estate Act* (the "Act") to direct any person to cease trading in real estate;

AND WHEREAS, the officers and employees of the Saskatchewan Real Estate Commission (the "Commission") have requested that the Superintendent issue a cease and desist direction;

AND WHEREAS, the officers and employees of the Commission have provided the Superintendent with the following information in support of its request pursuant to section 82:

1. On August 28, 2007, the Commission received a complaint from a registrant under the Act, with respect to certain activities Orest Olekshy of Melville, Saskatchewan, had apparently undertaken;
2. The registrant informed the Commission that although Mr. Olekshy was not a registrant under the Act, Mr. Olekshy had commenced property management at 655 4th Avenue W in Melville on behalf of a property owner whom the registrant had, until recently, contracted with to provide property management services;
3. Some of the services the registrant provided as property manager for a commission included: rent collection; entering into lease contracts; maintenance of buildings and suites and evictions;

4. The registrant informed the Commission that she believes Mr. Olekshy manages several Melville and area properties for owners who are not resident in Saskatchewan;
5. Allan York, investigator for the Commission, spoke to Mr. Olekshy on August 28, 2007 regarding property management activities that Mr. Olekshy may have been conducting;
6. Mr. York advises that Mr. Olekshy told him that he does property management for others in addition to his own properties and that he had no intention of becoming registered as a property manager;
7. Mr. Olekshy is not registered as a salesperson, associate broker, branch manager or broker under the Act;
8. It appears that Orest Olekshy is in contravention of section 18 of the Act;
9. Orest Olekshy has not applied for registration under the Act.

AND WHEREAS the activities referred to above concerning property not owned by Mr. Olekshy fall within the definition of a “trade” in real estate under clause 2(bb) of the Act;

AND WHEREAS no person is allowed to trade in real estate unless they are exempted from the provisions of the Act pursuant to section 3 or they are registered as a salesperson, an associate broker, a branch manager or a broker under the Act;

AND WHEREAS Mr. Olekshy is not exempted from the provisions of the Act pursuant to section 3;

AND WHEREAS the Superintendent is satisfied that it is in the public interest to make a direction under subsection 82(2) of the Act;

THE SUPERINTENDENT HEREBY DIRECTS:

Pursuant to subclause 82(2)(c)(i), that as of November 13, 2007, Orest Olekshy immediately cease and desist from trading in real estate in the province of Saskatchewan.

AND TAKE NOTICE THAT:

1. Pursuant to subsection 82(3), this cease and desist direction remains in effect until the Superintendent, in writing, revokes the direction.
2. Pursuant to subsection 82(4), this cease and desist direction may be enforced in the same manner as an order of the Court of Queen's Bench and may be varied or discharged on application to that court made on notice to the Superintendent.

DATED this 13th day of November, 2007 at the City of Regina, in the Province of Saskatchewan.



J. Whitridge
Deputy Superintendent
of Real Estate