

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

**AND
IN THE MATTER OF**

ROD YORK

**CEASE AND DESIST DIRECTION
Subsection 82(2)**

WHEREAS the Saskatchewan Superintendent of Real Estate (the "Superintendent") is authorized pursuant to subsection 82(2) of *The Real Estate Act* (the "Act") to issue a direction ordering 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 subsection 82(2):

1. The Commission received information dated January 30, 2008 from Prince Albert registrant Duane Braaten, that Rod York of Tisdale, Saskatchewan appeared to be advertising real estate for sale with Par Realty Co. Ltd. of Birch Hills. Copies of the Parkland Review (January 11, 2008) and the Western Producer (January 24, 2008) newspapers were provided to illustrate such advertising;
2. Kenton McAuley, General Manager and Broker for PAR Realty Co. Ltd. advised Ed Miller, Director of Investigation and Audits at the Commission on January 31, 2008, that any advertisements representing Par Realty Co. Ltd. with Rod York had not been authorized by Par Realty Co. Ltd. and that Mr. York had been told to cease using PAR Realty Co. Ltd in his advertisements;
3. On April 22, 2008 the Commission received an unsolicited communication from Saskatoon registrant James Hunter with a copy of classified section #6133 from the Western Producer newspaper dated April 17, 2008, in which "Agricultural Consultant, Rod York" or "farm consultant, Rod York" advertised real estate for sale;

4. Mr. Hunter further advised Ed Miller in his letter dated April 22, 2008 that he phoned Rod York pursuant to the April 17th advertisement and Mr. York informed him that Mr. York charged a 2 to 2.5% consulting fee for facilitating land transactions and that Mr. York claimed to have an affiliation with Par Realty in Birch Hills;
5. Ed Miller advises that on April 23, 2008, he phoned Rod York at a number provided in the newspaper advertisements and was told by an individual identifying as Rod York that his license relates to a cattle dealer's license and that he deals in cattle, quotas and farmland;
6. Ed Miller advises that Rod York's solicitation and marketing of farmland for sale, are activities that constitute a trade in real estate;
7. "Trade" as defined in clause 2(bb) of the Act includes:
 - (ii) an offering, advertisement, listing or showing of real estate for sale, purchase, exchange, option, lease or otherwise; . . .
 - (v) the solicitation, negotiation or obtaining of a contract, agreement or any other arrangements to advertise real estate for sale, exchange, option, lease or other disposition of the real estate, either directly or indirectly, through any medium of advertising;
8. The nature of the Rod York's activities read with the definition of trade contained in the Act support the position that the activities set out above fall within the definition of a "trade" in real estate;
9. In order to charge a fee for services rendered in connection with a trade in real estate persons must be registered under section 67 of the Act;
10. Rod York is not registered as a salesperson, associate broker, branch manager or broker under the Act;
11. Rod York has not applied for registration under the Act;
12. It appears that Rod York is in contravention of section 18 of the Act;

AND WHEREAS the activities referred to above concerning property not owned by Rod York 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 Rod York 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 June 16, 2008, Rod York 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 16th day of June, 2008 at the City of Regina, in the Province of Saskatchewan.



J. Whitridge
Deputy Superintendent
of Real Estate