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Saskatchewan

Real Estate

Commission

July 2011



Part One - Definitions

In these Bylaws:

101 - ACT means *The Real Estate Act*.

102 - CONTINUOUS REGISTRATION means no lapse in registration greater than 30 days.

103 - Rescinded

103.1 - IMMEDIATE FAMILY MEMBER means any person connected with a registrant by blood relationship, marriage, common-law or adoption or a partnership, corporation, organization or business wholly or materially owned or controlled by an immediate family member to the registrant. For the purposes of this bylaw, persons are connected by:

- a) blood relationship if one is the child or other descendant or ascendant of the other or one is the brother or sister of the other;
- b) marriage if one is married to the other or to a person who is connected by blood relationship to the other;
- c) common-law if the persons have, for a period of not less than two years, cohabited in a relationship of some permanence or to a person who is connected by blood relationship to the other; and
- d) adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person.

104 - LISTING is an agency agreement between a seller and a brokerage to market the seller's property.

105 - PART-TIME REGISTRANT means a registrant who is engaged by, is under contract to, or has another occupation with any party other than his or her registered brokerage whereby the registrant may not be authorized to leave that other occupation to trade in real estate.

106 - Rescinded

107 - Rescinded

108 - Rescinded

109 - Rescinded

BROKER, BRANCH MANAGER or ASSOCIATE BROKER EDUCATION

109.1 - REAL ESTATE OFFICE MANAGEMENT

AND BROKERAGE is the broker's, associate broker's or branch manager's required course offered by an education provider and examination approved by the Commission.

110 - Rescinded

111 - Rescinded

SALESPERSON EDUCATION

112 - REAL ESTATE AS A PROFESSIONAL CAREER is the required introductory salesperson's course offered by an education provider and examination approved by the Commission.

113 - RESIDENTIAL REAL ESTATE AS A PROFESSIONAL CAREER is a residential real estate specialty salesperson's required course offered by an education provider and examination approved by the Commission.

114 - COMMERCIAL REAL ESTATE AS A PROFESSIONAL CAREER is a commercial real estate specialty salesperson's required course offered by an education provider and examination approved by the Commission.

115 - FARM REAL ESTATE AS A PROFESSIONAL CAREER is a farm real estate specialty salesperson's required course offered by an education provider and examination approved by the Commission.

115.1 - PROPERTY MANAGEMENT AS A PROFESSIONAL CAREER is a property management specialty salesperson's required course offered by an education provider and examination approved by the Commission.

115.2 - A salesperson's education shall consist of the *Real Estate as a Professional Career* course and one or more of the following: *Residential Real Estate as a Professional Career*; *Commercial Real Estate as a Professional Career*; *Farm Real Estate as a Professional Career*; or *Property Management as a Professional Career*.

116 - SERVICE AGREEMENT means an agreement that establishes a relationship between a brokerage and a person that identifies the responsibilities of each party and includes the services to be performed by the brokerage and the fee for service payable to the brokerage. A service agreement is considered to be a written agency agreement for the collection or

attempted collection of remuneration for services in connection with a trade in real estate pursuant to Section 68(2) of the *Act*.

117 - FEE FOR SERVICE means a lump sum payable to a brokerage established through a service agreement for a specific trade or combination of trades in real estate pursuant to the definition of trade in Section 2(bb) of the *Act*.

RECIPROCITY COURSE

118 - REAL ESTATE PRACTICE IN SASKATCHEWAN is a course offered by an education provider and approved by the Commission that is required by applicants qualifying for reciprocity who are from another jurisdiction.

Part Two – Commission Administration

PREAMBLE

The Commission is responsible for the general administration of the *Act*, its regulations and all matters related to the administration of the bylaws. The Commission is responsible for establishing standards for applicants and registrants in the real estate industry that will promote high standards of professionalism, competence and integrity for the protection of consumers.

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

201 - The Chairperson shall preside at all meetings of the Commission and the Executive Committee. The Chairperson shall perform such other duties that may from time-to-time be assigned to him or her by the Commission and it shall be the Chairperson's duty to be vigilant and active in promoting the objectives of the Commission.

202 - In addition to acting as Chairperson where the Chairperson is absent or the office of the Chairperson is vacant, the Vice-Chairperson shall perform any other duties assigned by the Commission.

203 - The Registrar shall be appointed by motion of the Commission. The Registrar shall serve as chief administrative officer of the Commission. The Registrar is the secretary to the Commission and shall attend all meetings and maintain a record of all proceedings of the Commission and its committees. The Registrar shall perform any other duties assigned

by the Commission.

204 - The Chairperson may call a meeting of the Commission at any time. Every Commission member shall be sent notice of every meeting of the Commission by letter, telephone or otherwise at least five days prior to the meeting date. The Commission may meet at any time without notice provided that a quorum of the Commission members waive notice of the meeting.

205 - The Commission shall elect a Chairperson and Vice Chairperson for the next fiscal year, from the Commission members, at the last meeting of the Commission in each fiscal year.

206 - Where the office of the Vice Chairperson becomes vacant, the Commission shall elect a successor, from the Commission, at its next regularly scheduled meeting.

FINANCIAL

207 - The Commission shall maintain its accounts in a financial institution in Saskatchewan as defined in the *Act*.

208 - All cheques, promissory notes, bills of exchange or other negotiable instruments shall be executed in the name of the Commission and signed in accordance with a motion passed by the Commission for that purpose.

209 - The fiscal year of the Commission shall be from July 1st to June 30th of the following year.

210 - The Commission shall have an annual audited financial statement prepared.

211 - Pursuant to section 6(6) and clause 14(k) of the *Act*, the Commission shall pay to the members remuneration as outlined in Schedule A attached to these Bylaws.

ELECTION PROCEDURES

212 - Rescinded

213 - Rescinded

213.1 - A Commission member elected or appointed pursuant to clauses 6(1)(b) or 6(1)(c) of the *Act* must be an individual who is a registrant.

214 - Rescinded

214.1 - The Election Day for the elected Commission

members shall be on or before April 8th of each year.

215 - Rescinded

216 - Rescinded

216.1 – The term of the Commission members elected or appointed pursuant to clauses 6(1)(b) or 6(1)(c) of the *Act* shall be a period of three years.

216.2 – The registrants shall, on a regional basis, elect two (2) Commission members from each of the three (3) regions: Region 1 – Saskatoon; Region 2 – Regina; and Region 3 - all areas of the province outside of Saskatoon and Regina, and any reference in these bylaws to a "region" shall mean one of the aforementioned regions. For the purposes of these bylaws and the physical boundaries of a region, the registrants in any brokerage office located within the corporate city limits of the cities of Saskatoon and Regina, are deemed to be in each of those respective regions. All registrants in brokerage offices located outside the corporate limits of Saskatoon and Regina are in Region 3.

216.3 – A candidate for election as a Commission member can only be a candidate in the region where an address for service is maintained, which shall be the same as the candidate's brokerage office, as registered pursuant to the *Act*.

216.4 – Registrants shall only be entitled to vote for a candidate in the region where the registrant maintains an address for service, which shall be the same as the registrant's brokerage office, as registered pursuant to the *Act*.

217 - Rescinded

217.1 – On or before January 15th of each year, the Commission shall mail to all registrants at their brokerage office address, as registered pursuant to the *Act*, a nomination form and a notice requesting the nomination of registrants as an elected member of the Commission.

217.2 – The nomination of a registrant shall be in writing on the form approved by the Commission signed by two (2) registrants, neither of who is the nominee, and must be delivered to the office of the Commission prior to February 16th of each year. The Commission shall not be responsible for lost or delayed nomination forms. Where the deadline for delivering a duly completed and signed nomination form to the Commission occurs on a weekend or

holiday, the deadline shall be extended to not later than 4:00 p.m. Central Standard Time on the next day the Commission's office is open for business.

218 - Rescinded

218.1 - Rescinded

218.2 – In the event that there is a shortage of candidates for a region in any election, the Commission may appoint a registrant whose address for service is in that region, to sit as a Commission member for that region.

219 - Rescinded

219.1 – In the event that the number of candidates nominated for a region equals the number of vacancies from that region, the Registrar shall declare those candidates to have been elected.

219.2 – After the last day for the receipt of the signed nomination forms and prior to April 1st of each year, the Registrar shall cause to be sent to each registrant at his/her brokerage's address as shown in the records of the Commission:

- (a) a ballot paper listing, in alphabetical order, the names of all candidates in the region in which he/she is entitled to vote and stating the number of members to be elected in that region;
- (b) biographical profiles of the candidates;
- (c) instructions respecting the marking of the ballot paper and of its return to the Commission;
- (d) a ballot envelope; and
- (e) a mailing envelope.

219.3 – The Commission can extend any time period if there has been a disruption in mail services or some other unforeseen event requiring an extension. The inadvertent omission to deliver a notice of the nomination of candidates, a nomination form or any other election documents to any member shall not invalidate an election or election results. The Commission shall not be responsible for any ballots that have been lost, misdirected, delayed, mislaid, or have not been received.

219.4 – No proxy voting for the election of Commission members shall be permitted.

219.5 – Every registrant shall vote by marking his/her ballot paper. The ballot is then placed into the ballot envelope and the envelope is sealed. The registrant

must complete the reverse side of the envelope by printing and signing his/her name in the appropriate spaces. The ballot envelope is placed into the mailing envelope and that envelope is sealed. The mailing envelope must be delivered or mailed to the Registrar, no later than the Election Day.

219.6 – The ballots will be counted no sooner than ten days (10) from the Election Day. The Registrar and at least two scrutineers, appointed by the Registrar, shall cause the ballots to be opened and the scrutineers shall record each registrant who votes to ensure that each registrant only votes once. The ballot envelope containing the marked ballot is deposited into a ballot box to be counted. Any candidate or any person authorized in writing by such candidate is entitled to be present at the opening of the ballots and the scrutinizing and the counting of the ballots. Only original ballots will be counted and, if the Registrar receives a ballot delivered or mailed after the Election Day, the ballot shall not be counted.

219.7 – On the completion of the count, the scrutineers and the Registrar shall sign a record detailing the number of ballots received, the number of ballots counted for each candidate and the number of spoiled ballots. The Registrar shall then declare those candidates who have achieved the highest number of votes elected for that region. The Registrar shall notify all successful candidates of their election and their terms of office. The Registrar shall cause publication of such notice. In addition, the Registrar shall notify all unsuccessful candidates of the election results.

219.8 – In the event that the election of one or more candidates for a region has not been determined by a candidate having the highest number of votes, including after a recount, the Registrar shall pull from a box holding the names of each candidate, one or more of such names, sufficient to make up the required number of Commission members for that region. The Registrar shall declare the candidate or candidates whose name is drawn to be elected.

219.9 – The Registrar shall keep the ballots and other documents in respect of an election for four (4) weeks after the election. Upon the expiration of the four (4) week period, the Registrar shall destroy the ballots and other documents but shall retain the record of the count signed by him and other scrutineers as part of the records of the Commission. Those persons declared to be elected by the Registrar shall take office on July 1st following the election.

219.10 – If any candidate wishes a recount of the ballots it must be requested, from the Registrar, within (7) days of publication of the election results. Upon receipt of the request and a three hundred dollar (\$300.00) fee, the Registrar shall:

- (a) appoint a time and place for the recount within seven (7) days of the receipt of the request;
- (b) notify all candidates within that region of the recount and its date and that they, or any person authorized by them in writing, are entitled to be present for the recount and to examine the ballots and other documents; and
- (c) appoint two or more individuals to participate with the Registrar in the recounting of the ballots. After the recount, the Registrar shall declare the candidate who received the most votes to be the elected Commission member for that region.

219.11 – If the result of the recount is that the requesting candidate is declared elected, then that candidate is entitled to repayment, without interest, of the three hundred dollar (\$300.00) fee. The Registrar shall notify the elected candidate of the results of the election and term of office. The Registrar shall cause publication of such notice.

220 - Rescinded

221 - Rescinded

222 - Rescinded

223 - Rescinded

224 - Rescinded

225 - Rescinded

226 - Rescinded

226.1 - Rescinded

227 – Rescinded

MEETINGS

228 - Notice of an annual or special meeting pursuant to section 11 of the *Act* is to contain details of the business to be transacted at the meeting.

229 - At an annual or special meeting pursuant to section 11 of the *Act* each registrant in attendance is entitled to one vote on those issues requiring a vote.

THE REGISTER

230 - Pursuant to section 13 of the *Act*, the register shall contain a list of all current registrants, their office address and telephone numbers. The register shall be updated on a monthly basis.

VACANCY

231 - Rescinded

231.1 - Pursuant to clause 6(3)(b) of the *Act*, the Board of Directors of the Association of Saskatchewan REALTORS® shall appoint, by a majority vote of the Directors, an individual who is a registrant to serve a vacancy of a Commission member elected pursuant to clause 6(1)(b) of the *Act*. This individual shall meet all qualifications established in the *Act*, regulations and bylaws to represent the region in which the vacancy has occurred.

SELECTION COMMITTEE

232 - Pursuant to subsection 9(1) of the *Act* a Selection Committee will be established consisting of no fewer than three Commission members to:

- (a) evaluate applicants for suitability as an appointed Commission member in accordance with clauses 6(1) (c) and 6(3) (c) of the *Act*; and
- (b) recommend an applicant for appointment to the Commission.

232.1 -The Commission may:

- (a) appoint the applicant to the Commission; or
- (b) reject the Selection Committee's recommendation.

NOTICE OF VACANCY

233 - The Registrar shall notify all registrants of a vacancy on the Commission pursuant to clauses 6(1) (c) and 6(3) (c) of the *Act* and allow at least thirty (30) days for the submission of applications.

APPLICATION

234 - Every applicant for this vacancy shall file with the Commission a completed appointee application in the form prescribed by the Commission.

APPLICANT RECOMMENDATION

235 - Within 90 days of receiving applications and determining a suitable applicant the Selection Committee shall forward the recommendation to the Commission.

TERM of APPOINTMENT

236 - A member of the Commission appointed pursuant to clause 6(1) (c) of the *Act*:

- (a) holds office for a period not exceeding three years

from the date of the member's appointment and until a successor is appointed; and
(b) is eligible for reappointment but is not eligible to hold office for more than two consecutive terms.

Part Three – Registration

GENERAL REQUIREMENTS

301 - Rescinded

301.1 - Rescinded

301.2 - Rescinded

301.3 - An applicant for registration as a broker, branch manager or associate broker, except for Property Management, who has successfully completed the salesperson's education pursuant to Bylaws 112, 113, 114 and 115 meets the educational requirements if the applicant successfully completes the broker, branch manager or associate broker education pursuant to Bylaw 109.1 or has equivalent education approved by the Commission.

301.3.1 - An applicant for registration as a property management broker, branch manager or associate broker who has successfully completed the salesperson's education pursuant to Bylaws 112 and 115.1 meets the educational requirements if the applicant successfully completes the broker, branch manager or associate broker education pursuant to Bylaw 109.1 or has equivalent education approved by the Commission.

301.4 - Rescinded

301.5 - An applicant for registration as a broker or branch manager meets the educational requirements if the applicant is registered as an associate broker.

302 - Rescinded

302.1 - An applicant for specialty registration as a salesperson meets the educational requirements if the applicant successfully completes the applicable salesperson's education pursuant to Bylaws 112, 113, 114, 115 and 115.1 or has equivalent education approved by the Commission.

302.2 - Rescinded

302.3 - Rescinded

302.4 - Rescinded

302.5 - Rescinded

302.6 – DEFINITIONS: For the purposes of Part Three of the bylaws, the terms residential real estate, commercial real estate and farm real estate have the following meaning:

- (a) "residential real estate" means:
 - (i) any premises intended for residential purposes and the land upon which the premises are situated;
 - (ii) a building comprised of not more than four premises intended for residential purposes;
 - (iii) land intended or used as a site for residential purposes;
 - (iv) acreages, cottages and hobby farms used for residential purposes; or
 - (v) individually titled condominium units.
- (b) "commercial real estate" means real property:
 - (i) used for the conduct of retail or service businesses;
 - (ii) used as an office;
 - (iii) used for industrial purposes;
 - (iv) that consists of a building comprised of more than four premises intended for residential purposes;
 - (v) that is a condominium development plan pursuant to The Condominium Property Act of Saskatchewan; or
 - (vi) that is vacant land intended to be used for any of the purposes outlined in subclauses i to v above.
- (c) "farm real estate" means real property that is located outside a city, town, village, hamlet or resort village and with a primary purpose of farming, but does not include:
 - (i) minerals contained in, on or under that real property; and
 - (ii) land used primarily for the purposes of extracting, processing, storing and transporting minerals."

303 - Rescinded

COMPLETION DEADLINES

304 - An applicant has two (2) years after the date of successfully completing the salesperson's education pursuant to Bylaw 115.2 to apply for registration. In the opinion of the Commission, when appropriate, this date may be extended. Upon receipt of a registrant's written application and payment of a fee pursuant to Bylaw 409.1, the Commission may grant 30-day extensions.

304.1 - Rescinded

304.2 - Rescinded

305 - Rescinded

305.1 - Rescinded

305.2 - Rescinded

306 - Rescinded

306.1 - Rescinded

CRIMINAL RECORD CHECK

307 - An applicant for registration who is an individual shall provide the Commission with his/her criminal record check that is:

- (a) satisfactory to the Commission and
- (b) in accordance with any related Saskatchewan Real Estate Commission policy

unless it is determined that the applicant is continuously registered at the date of application or the applicant has previously provided the Commission with a criminal record check by fingerprint comparison.

GRADE 12 DIPLOMA OR EQUIVALENT

307.1 - An applicant, in addition to the requirements set out in Bylaw 115.2, must have a Grade 12 Diploma or an equivalency that in the opinion of the Commission is appropriate.

RE-REGISTRATION

308 - An applicant for registration in a specialty registration area as a salesperson, associate broker, branch manager or broker meets the applicable education requirements, if he/she:

- (a) has been registered within the preceding two years from the date of application to trade in an equivalent specialty registration; and
- (b) has completed the applicable Continuing Professional Development education during the period of absence stated in clause (a); or
- (c) has equivalent education approved by the Commission.

309 - Rescinded

310 - Rescinded

311 - Rescinded

312 - Rescinded

REGISTRATION IN ANOTHER JURISDICTION

313 - An applicant for registration from another jurisdiction meets the educational requirements in Saskatchewan if the applicant has successfully completed the applicable Saskatchewan reciprocity education pursuant to Bylaw 118, subject to the following:

- (a) is currently registered in another jurisdiction to trade in an equivalent specialty registration area;
- (b) was registered in another jurisdiction within the preceding two years from the date of application to trade in an equivalent specialty registration area; or
- (c) has equivalent education approved by the Commission.

REGISTRATION RENEWAL

314 - The registration year shall be July 1st to midnight June 30th of the following year.

315 - Unless suspended or cancelled earlier, every certificate of registration expires at midnight on June 30 next following the date of issuance.

316 - Rescinded

317 - A brokerage registration will not be renewed unless the Annual Financial Report referred to in Part Six of these bylaws and the fees pursuant to Bylaw 407 have been received and accepted by the Commission prior to the registration date. If extenuating circumstances exist, the Registrar has the discretion to extend the deadline for submission of the Annual Financial Report and/or the late filing fee. The Registrar has the discretion to waive the late filing fees if the Registrar is satisfied that valid circumstances exist for the late submission of the Annual Financial Report.

REGISTRATION FORMS

318 - An applicant shall complete a Commission approved application for registration.

319 - Rescinded

320 - Rescinded

REGISTRATION FEES

321 - An application for registration must be accompanied by the applicable fees as outlined in Part Four of these bylaws.

BROKER'S DESIGNATE

322 - A broker may appoint the branch manager(s) of

the brokerage's branch office(s) to have signing authority for all matters pertaining to that branch office. Notification of this delegation of authority must be made in writing to the Commission and must be accompanied by a sample signature from the designated branch manager.

323 - A broker, in his or her temporary absence, may appoint a registrant of the brokerage to have signing authority for the brokerage. This authority will not be effective until it is signed and approved by the Registrar. All requests for signing authority must be accompanied by a sample signature from the designated registrant. All signing authorities terminate on June 30th each year.

AUTHORIZATION OF REGISTRAR

324 - Pursuant to section 28 of the *Act*, the Commission delegates to the Registrar the power to:

- (a) register or reinstate applicants and grant Certificates of Registration pursuant to sections 25 and 27 of the *Act*; and
- (b) refuse to register or reinstate applicants pursuant to section 26 of the *Act*.

325 - Rescinded

NOTIFICATION TO APPLICANT

326 - Where the Registrar refuses to register or reinstate an applicant, the Registrar shall advise the applicant of the reasons why the registration cannot be issued or reinstated and shall inform the applicant that he or she has a right of review before the Commission under the provisions of subsection 28(4) of the *Act*.

REGISTRATION HEARINGS

327 - Upon receipt of a written request from an applicant to be heard pursuant to subsections 26(3), 27(2) or 28(4) of the *Act*, the Registrar shall, within seven (7) days of receiving a written request, fix a date for a hearing.

328 - The Registrar shall notify the applicant in writing of the:

- (a) date, time and place of the hearing; and
- (b) that he or she is responsible for his or her own expenses associated with the applicant's appearance at the hearing.

CONTINUING PROFESSIONAL DEVELOPMENT

329 - A registrant shall complete any continuing professional development courses approved by the Commission. The continuing professional development standard is a Commission approved

course as set out in policy.

330 - Subject to Bylaw 331, where an applicant for re-registration fails to complete any educational requirements for continuing professional development, the individual's application for registration shall be refused.

331 - Upon receipt of a registrant's written application and upon payment of a fee pursuant to Bylaw 409, the Registrar may grant 30-day extensions from the date for completion of the Continuing Professional Development requirements.

TRANSITIONAL

332(1) Notwithstanding the repeal to Part 3 of *The Saskatchewan Real Estate Commission Bylaws* in force on June 30, 2007, any initial certificate of registration as a salesperson issued to a registrant that was valid on the day before these Bylaws come into force:

- (a) continues to remain in force; and
- (b) Bylaws 305.1, 305.2 and 306.1 of *The Saskatchewan Real Estate Commission Bylaws* in force on June 30, 2007 continue to apply.

(2) If on July 1, 2007:

- (a) an individual has not been issued an initial certificate of registration; and
- (b) the individual:
 - (i) is enrolled in the course titled *Real Estate as a Professional Career*;
 - (ii) has successfully completed the course titled *Real Estate as a Professional Career*;
 - (iii) enrolled in the course titled *Property Management as a Professional Career*; or
 - (iv) has successfully completed the course titled *Property Management as a Professional Career*

that individual meets the educational requirements set out in Bylaw 302.1 and may apply for a certificate of registration if, before July 1, 2009, the individual successfully completes the following courses:

- (c) in the case mentioned in subclause (b)(i), *Real Estate as a Professional Career*;
- (d) *Residential Real Estate as a Professional Career*, *Commercial Real Estate as a Professional Career*, or *Farm Real Estate as a Professional Career*;
- (e) *Principles of Real Estate Appraisal*; and
- (f) *Principles of Real Property Law*;
- (g) in the case mentioned in subclause (b)(iii),

Property Management as a Professional Career and *Principles of Real Property Law*;

- (h) in the case mentioned in subclause (b)(iv), *Principles of Real Property Law*.

333 - A brokerage, broker, associate broker, branch manager or salesperson of a brokerage is exempt from meeting the specialty education requirements for trades in real estate while trading on one's own behalf.

Part Four – Fees

REGISTRATION

401 - The annual registration fee for an individual applying:

- (a) from July 1st to March 31st inclusive shall be:
 - (i) Brokerage..... \$200.00
 - (ii) Broker \$300.00
 - (iii) Branch Manager \$300.00
 - (iv) Associate Broker \$300.00
 - (v) Salesperson \$300.00
- (b) from April 1st to June 30th inclusive:
 - (i) Brokerage..... \$100.00
 - (ii) Broker \$100.00
 - (iii) Branch Manager \$100.00
 - (iv) Associate Broker \$100.00
 - (v) Salesperson \$100.00
- (c) from July 1st to June 30th inclusive:
 - (i) Re-registration (broker, branch manager, associate broker or salesperson) in the current registration year\$50.00

REINSTATEMENT

402 - There will be no registration fee for the reinstatement of a sole proprietor, partnership or corporation because of a change in business name pursuant to subsection 26(2) of the *Act*.

REAL ESTATE ASSURANCE FUND LEVY

403 - Every brokerage making application for renewal of registration shall be assessed a fund levy of \$10.00 for each broker, branch manager, associate broker or salesperson registered with the brokerage.

403.1 - When an individual is making an initial application for registration as a broker, branch manager, associate broker or salesperson representing a brokerage, the brokerage shall be assessed a levy of \$100.00.

404 - Rescinded

MISCELLANEOUS CHARGES

405 - A \$25.00 fee will be charged for the following

(unless exceptional circumstances exist):

- (a) The return of an NSF cheque payable to the Saskatchewan Real Estate Commission.
- (b) The issuance of a new Certificate of Registration resulting from the change of a registrant's name, unless processed by a brokerage through SREC On-line.
- (c) The amending of the Commission's records as a result of a registrant moving to another office location (branch office) of the same brokerage, unless processed by a brokerage through SREC On-line.
- (d) The preparation of correspondence for a registrant outlining his or her registration and/or sanction history in the Province of Saskatchewan.

406 - Pursuant to subsection 43(5) of the *Act*, the Commission shall charge \$2.00/page to produce a hearing transcript and 30¢/page for other documents relating to an appeal to the Superintendent. The documentation shall be sent to the appellant or his or her solicitor or agent, upon receipt of payment in accordance with subsections 43(4) and (5) of *The Real Estate Act*. The \$2.00 per page charge for the hearing transcript and the 30¢/page charge for other documents relating to an appeal shall be the amounts deemed to be the cost of producing this information.

407 - Pursuant to Bylaw 317, the Annual Financial Report late filing fee shall be \$300.00.

408 - Rescinded

409 - Pursuant to Bylaw 331, the filing fee for each application for an extension to complete the continuing professional development requirements shall be \$300.00.

409.1 - Pursuant to Bylaw 304, the filing fee for an extension of the submission of an initial application for registration shall be \$300.00.

410 - Pursuant to Section 18.1 of *The Real Estate Regulations*, the insurance premium for each registration year:

- (a) as a brokerage shall be \$100.00;
- (b) as a broker, branch manager, associate broker and salesperson shall be \$205.00 from July 1st to March 31st inclusive; and \$100 from April 1st to June 30th inclusive.

411 - There is no rebate of the insurance premium or a portion thereof.

Part Five – Real Estate Assurance Fund

501 - The Commission is to levy an assessment on every brokerage in accordance with Part Four of the Bylaws.

502 - No assessment shall be levied if a sole proprietor, partnership or corporation changes its business name.

503 - Rescinded

504 - Rescinded

505 - No brokerage is entitled to a refund of its levy.

506 - Where the fund may fall below the amount required by subsection 48(4) of the *Act*, or where the fund may be insufficient to make all payments pursuant to sections 49 and 50 of the *Act* and section 12 of the Regulations, the Commission may make a special assessment against the brokerages and the notice of assessment shall contain an explanation for the levy.

Part Six – Records & Handling of Trust Accounts

DETAIL OF BOOKS, RECORDS AND ACCOUNTS TO BE KEPT

601 - Pursuant to section 31 of the *Act*, every brokerage shall maintain an adequate accounting system with respect to its trades in real estate, including at least the following books, records and accounts:

- (a) books of account and all supporting records, including bank statements, duplicate deposit slips or other records of all deposits, receipts of funds, cancelled cheques and cheque stubs, a trust control ledger, the monthly trust reconciliations, the monthly trust liability listings and similar documents;
- (b) agency agreements and amendments to agency agreements;
- (c) property management agreements and amendments to property management agreements;
- (d) accepted offers to purchase, including Residential Contracts of Purchase and Sale, Schedule "C": Special Conditions for Contract of Purchase and

Sale of a Condominium Unit, Counter Offers to Contracts of Purchase and Sale, Amendments to Residential Contracts of Purchase and Sale, Notices to Remove Condition(s) on Residential Contracts of Purchase and Sale, Ancillary Services in the Purchase of Residential Real Estate forms, all schedules attached to any documents, offers to lease and amendments to offers to lease;

- (e) disclosure statements pursuant to section 65 of the *Act* and sections 725.2 and 725.3 of the Commission Bylaws;
- (f) any promises, guarantees or undertakings made in writing; and
- (g) written records of the notification of the completion of a transaction and the authorization of disbursement of trust funds.

601.1 - A brokerage shall maintain, at every office operated by the brokerage for the purpose of trading in real estate, a copy of:

- a) the Real Estate Insurance Exchange Agreement;
- b) the insurance policy; and
- c) all significant documentation of a general nature that relates to the application, interpretation or administration of the Agreement or the insurance policy

and shall make the Agreement, insurance policy and documentation available for examination by the brokerage's brokers, branch managers, associate brokers and salespersons.

602 - A brokerage shall record each transaction promptly, in chronological order, and in an easily identifiable form.

603 - Every brokerage shall enter in its records in respect of each trade:

- (a) the nature of the trade;
- (b) a description of the real estate sufficient to identify it;
- (c) the names and addresses of all parties to the trade;
- (d) copies of any written correspondence between the parties to the trade;
- (e) the full value of the trade;
- (f) each amount of money received by the brokerage as a deposit and each amount disbursed from the trust account pursuant to section 71 of the *Act*; and
- (g) the amount of commission or other remuneration paid or payable to a brokerage, the name of the party paying it and the name of every brokerage that receives it.

604 - A brokerage shall keep records respecting trust

accounts established pursuant to section 71 of the *Act* and a trust ledger in which the branch shall maintain a separate record of trust funds received on behalf of each person. The trust ledger shall contain a record of all:

- (a) funds that the brokerage receives in trust;
- (b) funds that the brokerage holds in trust;
- (c) interest on funds that the brokerage holds in trust; and
- (d) disbursements the brokerage makes from funds received in trust.

605 - Every brokerage shall retain all records under this part for:

- (a) at least six (6) years; or
- (b) any longer period the Commission may direct.

HANDLING OF ACCOUNTS

606 - A brokerage shall complete and submit to the Commission, the "Annual Financial Report", in respect of the trust account, prior to March 15th in the year immediately following the calendar year for which the report is due.

607 - The broker or, where applicable, the branch manager shall ensure that all records, books and accounts are kept up-to-date. The broker or branch manager shall remain accountable and responsible for all trust funds until the funds have been disbursed in accordance with the trust conditions and a full accounting has been made to the parties to the trade.

608 - It is the responsibility of the broker/branch manager to ensure that all trust funds received by a broker, branch manager or salesperson of the brokerage are properly deposited pursuant to the requirements of clause 71(1)(b) of the *Act*.

609 - Trust accounts shall be maintained in the brokerage's name followed by the words, "REAL ESTATE TRUST ACCOUNT" or "PROPERTY MANAGEMENT or P.M. TRUST ACCOUNT". A brokerage shall use this name only for trust accounts. This name shall appear on all trust account records including, but not limited to, deposit books and cheques.

610 - In respect of the brokerage's trust account, every brokerage shall instruct its financial institution to remit interest earned less any charges of the financial institution for servicing each account to the Commission, at least semi-annually in April and October for the preceding six-month period ending March 31 and September 30 respectively. Each payment is to be accompanied by the "Interest-Bearing

Trust Account" form, approved by the Commission for that purpose.

611 - The broker shall maintain trust account cheques numbered consecutively, except for electronic transfers. A reference to the transaction must be on each cheque drawn on the trust account. All voided cheques must be accounted for.

612 - All files and records for transactions negotiated through the brokerage's main office shall be maintained at the brokerage's main office or electronic storage location.

613 - All files and records for transactions negotiated through the brokerage's branch office shall be maintained at the brokerage's main office, branch office or electronic storage location.

613.1 - The brokerage's files and records shall be maintained at the brokerage's office or electronic storage location for a period of at least two years from the date of their origin. A brokerage may store files and records that are older than two years at a Saskatchewan location other than the brokerage's office provided that notification of the location is provided to the Commission. The brokerage shall make these records and files available to the Saskatchewan Real Estate Commission at the offices of the Commission or at the brokerage office location as it appears on its Certificate of Registration on reasonable notice and retain the records and files as required by *The Real Estate Act* and including Bylaw 605.

614 - The broker or, where applicable, the branch manager is responsible for ensuring that each trust account is reconciled monthly with the bank statement. A trust liability listing must contain the following information for all trust funds held in accordance with section 71 of the *Act*:

- (a) the names of the parties to the transaction;
- (b) the trust account number and the name of the financial institution;
- (c) the address relating to the transaction; and
- (d) the amount of funds being held in trust for each transaction.

615 - The broker is to ensure that all disbursements from trust accounts are made by cheque except for electronic transfers.

616 - The Commission may order and/or provide for the audit of a brokerage's books, records and accounts and may require the brokerage to pay a reasonable

sum to cover the cost of the audit.

PROPERTY MANAGEMENT AGREEMENT

617 - A written property management agreement shall be executed between a brokerage and the landlord and shall contain:

- (a) the name and address of the brokerage and landlord;
- (b) the identity of the property to be managed by street address, if applicable, and legal description;
- (c) the amount of fee or commission to be paid to the brokerage and when the fee or commission will be paid;
- (d) the conditions on which the brokerage holds funds in trust for a landlord;
- (e) authorization of the landlord to transfer trust funds, when conditions of trust have been met, to an operating account on the landlord's behalf;
- (f) a disclaimer which states that once funds are removed from the property management trust account, in accordance with the conditions of trust, the funds are no longer considered as trust funds under *The Real Estate Act*. No claim can be made under the Real Estate Assurance Fund once funds are removed from the property management trust account in accordance with item (e).
- (g) all the terms and conditions under which the property is to be managed;
- (h) an expiry date of the agreement;
- (i) the date of agreement.

618 - 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; and
- (b) any other financial statement that the broker agrees to provide to the client.

The broker shall keep these statements on file and shall make them available to property management clients on request.

Electronic Records

619 - A brokerage may convert and store written, printed or any paper records into electronic format if the following conditions are met:

- (a) the storage location and medium where the electronic records are to be stored is reliable and can reasonably be expected to maintain the integrity of the information from the time the electronic record was created;
- (b) the identity of the person who made the electronic copy of the written, printed or any paper record and date of the recording into electronic form is embedded in the document without altering the information contained in the written, printed or any paper record;
- (c) the information is maintained in an electronic form that does not materially alter the information originally contained in the written, printed or any paper record;
- (d) the record in electronic form is safeguarded by password or security codes controlled by the brokerage so that the record cannot be altered;
- (e) the brokerage maintains a copy of the computer program or of any other electronic devices required for the electronic records to be viewed and reproduced in printed form in a timely manner;
- (f) the electronic records are located in a physical premise, accessible by the broker in Saskatchewan;
- (g) the physical location where the electronic records are stored is secure and is only accessible by the broker or by persons authorized by the broker; and
- (h) the brokerage has a system to ensure all electronic documents created in respect to a trade or potential trade, deal or potential deal are stored together or are linked so as to create a complete record of all documents or records relating to the trade or potential trade, deal or potential deal.

620 - A brokerage may retain in electronic form records created, sent or received in electronic form if:

- (a) the storage location and medium where the electronic records are to be stored is reliable and can reasonably be expected to maintain the integrity of the electronic information;
- (b) where the electronic record was sent or received, information, if any, that identifies its origin and destination is also retained;
- (c) the information in electronic form is maintained in the format in which it was created, sent or received, or in a format that does not materially alter the information of the original record in electronic form;
- (d) the brokerage maintains a copy of the computer program or of any other electronic devices required for the electronic records to be viewed and be reproduced in printed form in a timely

manner;

- (e) the document in electronic form is safeguarded by password or security codes controlled by the broker so that the records cannot be altered;
- (f) the electronic records are located in a physical premise, accessible by the broker in Saskatchewan;
- (g) the premises where the electronic records are stored are secure and are only accessible by the broker or by persons authorized by the broker; and
- (h) the brokerage has a system to ensure all electronic records created in respect to a trade or potential trade, deal or potential deal are stored together or are linked so as to create a complete record of all documents or records relating to the trade or potential trade, deal or potential deal.

621 - The broker or a person authorized by the broker may only delete electronic records in compliance with the record keeping requirements under Bylaw 605.

Electronic Copies of Trust Fund Cheques

622 - A brokerage may receive electronic copies of cheques used to make disbursements from a financial institution account in which money is held in trust, only if copies of both the front and the back of the original cheque are received.

Depositing Funds Electronically

623.1 - A brokerage that deposits funds electronically, using an ABM bank card and an automatic banking machine, into an account in which money is held in trust shall maintain the automated banking machine deposit receipt that indicates the account number, time, date and amount of the deposit.

623.2 - A brokerage that deposits funds electronically, using the Internet, into an account in which money is held in trust shall maintain a written record signed and dated by the broker or authorized person that indicates the account number, date, amount and details of the deposit.

Electronic Transfer of Trust Funds

624.1 - An ABM card may be used to transfer funds from an account in which money is held in trust only if the following conditions can and will be met:

- (a) the ABM card must be issued prohibiting cash withdrawals from the account;
- (b) before funds are transferred from the account to another account there must be written authorization for the transfer and an ABM record of the transfer must be kept; and
- (c) the record is reviewed, signed and dated by the

broker or by a person authorized by the broker on the date of the transfer or the next business day.

624.2 - A brokerage shall not make an electronic transfer using Internet banking from an account in which money is held in trust unless the following conditions can and will be met:

- (a) before the funds are transferred from the account to another account, there must be written authorization supporting the transfer;
- (b) a printed record providing details of the Internet transfer is kept; and
- (c) the printed record of the transfer is reviewed, signed and dated by the broker or by a person authorized by the broker on the date of the transfer or the next business day.”

Electronic Signature

625 - Where *The Real Estate Act* requires an agreement to include a written signature, the signature requirement will be satisfied by an electronic signature that is:

- a) originally created by a handwritten signature; and
- b) digitized and embedded permanently in the agreement to which it pertains.

Part Seven – Conduct & Trade Practices

PREAMBLE

A registrant shall have an adequate knowledge of all laws regulating the real estate industry in Saskatchewan.

STANDARDS OF PRACTICE

701 - No registrant shall make or permit to be made, whether orally or otherwise, a statement, record, report, notice or other document required by this *Act*, the regulations or the bylaws that:

- (a) contains an untrue statement of a material fact; or
- (b) omits to state a material fact.

702 - 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.

703 - A registrant shall not discourage parties to a transaction from seeking legal counsel.

704 - A registrant shall, prior to the execution of an agreement, inform the buyer or seller, as the case may be, of the nature of the expenses for which that party

may normally pay to the registrant.

705 - In providing an opinion of the value of real property, a registrant shall not undertake to provide such an opinion if it is outside the registrant's field of experience to do so, unless this fact is disclosed to the client. A registrant shall not provide an opinion of the value on a property in which the registrant has a present or contemplated interest without disclosing this fact to the client.

706 - A registrant shall not publicly discredit a competitor. If a registrant's opinion is sought regarding a specific transaction, it shall be rendered with strict professional integrity and courtesy.

707 - A registrant shall not knowingly approach a seller whose property is subject to an exclusive written agency agreement for the purpose of soliciting an agency agreement for the registrant's brokerage on the seller's property that is currently listed.

708 - A registrant, at the time of signing an in-house exclusive written agreement, must have written notification from the seller that the seller requests the registrant's brokerage to co-operate or to not co-operate with other brokerages in the marketing of the seller's property. If the seller directs the brokerage not to co-operate with other brokerages, the brokerage shall state the implications of this arrangement to the seller in writing.

709 - Negotiations concerning exclusively listed property or negotiations with any party who is exclusively represented shall be carried on with the client's agent and not with the client directly, except with the consent of the client's agent.

710 - A registrant shall present all written offers in an objective and unbiased manner.

711 - A broker or branch manager shall adequately supervise the activities of the registrants and other personnel for whom he or she is responsible. In determining the adequacy of the supervision, the Commission will consider the following factors, but will not be limited to making a determination on these factors alone:

- (a) whether the broker or branch manager was physically available to supervise;
- (b) whether the broker or branch manager had established written policies and procedures;
- (c) whether the broker or branch manager held regular staff meetings to determine that policies or procedures were properly implemented;

- (d) whether the broker or branch manager had undertaken all reasonable steps to ensure compliance by all salespersons and other personnel; and
- (e) whether the broker or branch manager took corrective and remedial action when a violation by a salesperson or other personnel was discovered.

712 - A broker or branch manager shall be responsible for:

- (a) reviewing and initialling all real estate agreements in a timely manner, including but not limited to those related to agency relationships and accepted offers to purchase;
- (b) reviewing and approving all advertising to ensure compliance with the *Act*, the regulations and the bylaws;
- (c) ensuring that the brokerage utilizes only registered personnel to perform the duties of registrants on behalf of the brokerage;
- (d) providing all registrants and personnel with written policies and procedures by which they are expected to operate; and
- (e) taking reasonable steps to ensure that the brokerage and its registrants are in compliance with the *Act*, the regulations and the bylaws.

713 - No registrant shall trade in real estate as a part-time registrant unless he or she discloses this fact in writing to a buyer or seller prior to the establishment of an agency agreement. All business cards and letterhead must also indicate part-time.

714 - 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 fulfil the obligation to avoid error, misrepresentation or concealment of pertinent facts.

715 - Prior to obtaining an offer to purchase on a property from a client, a registrant shall take reasonable steps to discover facts pertaining to the property that a prudent registrant would take in order to fulfil the obligation to avoid error, misrepresentation or concealment of pertinent facts.

716 - A registrant shall not accept compensation from more than one party to a trade without first making full disclosure in writing of the intent to do so to all parties involved in the trade.

717 - No broker, branch manager, associate broker or salesperson shall trade in real estate under any name other than the name on his or her certificate of

registration.

718 - No brokerage shall trade in real estate under a name if the name of the brokerage is so similar to a current brokerage as to be confusing to the public.

718.1 - In the event that a brokerage wishes to conduct business under a business name, it shall be limited to the use of one business name for the purposes of *The Real Estate Act*.

719 - A registrant shall not, in any manner by specific direction or suggestion, advise a party to a contract that the party should attempt to breach the contract.

720 - A registrant shall not make an affidavit that contains false information.

721 - In addition to subsection 60(1) of *The Real Estate Act*, any registrant who makes any promises, guarantees or undertakings to a buyer or seller must do so in writing.

722 - For the purposes of clause 68(2)(b) of the *Act*, no brokerage shall collect or attempt to collect any commissions or remuneration unless the trade in real estate has been completed which:

- (a) in the case of a sale of real estate:
 - (i) when the title has been registered at Land Titles; or
 - (ii) when the commissions have been released to the brokerage and/or the brokerage receives notification to release commissions from a lawyer who is registered with the Law Society of Saskatchewan and represents the buyer or seller, as the case may be and the buyer has taken possession;
- (b) in the case of a sale by an agreement for sale:
 - (i) when a buyer's caveat with respect to the agreement for sale has been registered at Land Titles; or
 - (ii) when the final agreement for sale documentation has been signed by the buyer and seller and the buyer has taken possession;
- (c) in the case of a lease, when final lease documentation has been signed by all parties to the transaction; or
- (d) in the case where the brokerage has obtained special written agreement from the parties to the transaction.

723 - In addition to the requirements set out in section 33 of the *Act* and subsection 54(2) of the *Act*, and subject to Bylaw 724, 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);
- (g) the registrant is subject to any proceedings pursuant to the *Companies' Creditors Arrangement Act* (Canada);
- (h) 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
- (i) 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.

724 - If a broker of a brokerage or a brokerage becomes insolvent within the meaning of the *Bankruptcy and Insolvency Act* (Canada); makes an assignment or proposed assignment; is the subject of a receiving order; or makes a proposal pursuant to the *Bankruptcy and Insolvency Act* (Canada):

- (a) in the case of a sole proprietor, the sole proprietor pursuant to subsection 20(1) of the *Act*;
- (b) in the case of a firm:
 - (i) except as provided in subclause (ii), the individual designated by the firm as the broker pursuant to clause 21(2)(c) of the *Act*;
 - or
 - (ii) in the case of a firm where all the partners are corporations, the official accountable to

the Commission pursuant to subsection 21(4);
and

- (c) in all other cases, the brokerage;
shall promptly notify the Commission, in writing.

725 - Where a brokerage is served with a Statement of Claim or a notice of other court proceedings with respect to funds held in trust, the brokerage shall, within five days, notify all parties to the transaction in writing at the last known addresses of the parties to the transaction.

725.1 - A salesperson or associate broker shall give written notice to the broker or branch manager in person or at the office of the brokerage when he/she is ceasing to represent the brokerage. This notice shall be given prior to termination and shall indicate the date that the salesperson will cease to represent the brokerage.

725.2 - Prior to the seller accepting an offer to purchase, a broker, branch manager, associate broker or salesperson shall disclose in writing to a seller the registrant's relationship to the buyer when the buyer is an immediate family member of the registrant.

725.3 - Prior to the seller receiving an offer to purchase, a broker, branch manager, associate broker or salesperson shall disclose in writing to a buyer the registrant's relationship to the seller when the seller is an immediate family member of the registrant.

725.4 - A broker, branch manager, associate broker or salesperson shall, upon execution of any documents as set forth in Bylaw 601 or any other notice required by the Act, its regulations or the Commission Bylaws, immediately deliver a copy of the documents to his/her brokerage.

ADVERTISING STANDARDS

726 - 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.

727 - 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.

728 - Signs which designate property as being on the market, such as “for sale”, “sold”, “for rent”, “will develop to suit”, etc. may not be placed on the property without the written consent of the owner of that property or an authorized representative of the owner.

729 - A salesperson or associate broker shall submit all advertising to his or her broker or branch manager for approval prior to publication.

MANDATORY FORMS

730 - The following approved forms, provided by the Association of Saskatchewan REALTORS®, shall be mandatory:

- (a) Residential Contract of Purchase and Sale (does not apply to the sale of new condominiums);
- (b) Schedule "C": Specified Terms for Contract of Purchase and Sale of a Condominium Unit (does not apply to the sale of new condominiums);
- (c) Counter Offer to Residential Contract of Purchase and Sale;
- (d) Amendment to Residential Contract of Purchase and Sale;
- (e) Notice to Remove Condition(s) on Residential Contract of Purchase and Sale;
- (f) Disclosure of Interest in Trade; and
- (g) Ancillary Services in the Purchase of Residential Real Estate (applies only to re-sale residential real estate).

731 - A brokerage shall ensure that the “Notice to Remove Condition(s) on Residential Contract of Purchase and Sale” form is properly completed to remove the applicable conditions on or before the expiry date of the conditions on an offer. A copy of the form must be delivered to all parties to the trade as soon as reasonably possible after execution of the document.

Service Agreement

732 - Every service agreement must be in writing and executed in the presence of witnesses.

733 - A service agreement must contain, in addition to the requirements of an agency agreement pursuant to Section 57(1) of the *Act*:

- (a) the name and address of all parties;
- (b) the date the agreement was signed and the commencement date of the agreement;

- (c) the specific trade in real estate and duration of the trade for which a fee for service applies; and
- (d) disclosure stating the amount of the fee for service and that the fee is not payable until the trade is complete.

734(1) Subject to subsection (2), no registrant's brokerage shall pay or cause to be paid any commission or other remuneration from a trade in real estate to a person who is not a registrant.

(2) An assignment of the commission or other remuneration from the registrant to a registrant's private corporation is allowed provided that the assignment is in writing and contains the following information:

- (a) the name of the registrant assigning the commission or other remuneration and the name of the registrant's brokerage;
- (b) the amount of commission or other remuneration to be assigned;
- (c) the details of the trade in real estate relating to the assigned commission or other remuneration;
- (d) the name of the private corporation the assigned commission or other remuneration is to be paid to;
- (e) the position or beneficial interest the registrant has in the private corporation;
- (f) the date of the assignment; and
- (g) a statement that the private corporation is not receiving the commission or other remuneration as a result of the private corporation trading in real estate.

(3) For the purposes of this section, a “private corporation” shall be defined as a corporation in which the registrant owns more than 40% of the common shares of the corporation.”

Part Eight – Investigation/ Hearing Process

INVESTIGATION COMMITTEE

801 - A member appointed, by motion of the Commission, to the investigation committee pursuant to subsection 34(1) of the *Act* shall hold this position until the Commission, by motion, terminates the member's term.

HEARING COMMITTEE

802 - The hearing committee is established consisting of not fewer than three (3) individuals who are Commission members or registrants but may include one individual who is a practicing lawyer in good standing with the Law Society of Saskatchewan, who is not a Commission member or registrant.

803 - The Commission, pursuant to subsection 9(3) of the *Act*, delegates to the hearing committee its powers and duties to:

- (a) hear a complaint pursuant to section 37 of the *Act*; and
- (b) make an order pursuant to section 38 of the *Act*.

804 - Upon receiving a written report pursuant to clause 35(2)(a) of the *Act*, the members of the hearing panel who will conduct the hearing will be selected from the Commission's established Hearing Committee.

DISCIPLINE HEARING PROCESS

805 - The registrant who is the subject of the hearing is responsible for his or her expenses for attendance at the hearing.

806 - The Chairperson of the hearing committee may, from time-to-time, adjourn the hearing.

807 - The hearing committee shall determine the practice and procedures to be followed at the hearing.

808 - The following is an outline of the manner in which hearings will generally be conducted:

- (a) The Chairperson calls the hearing to order and introduces himself or herself and requests all other parties to the hearing to identify themselves for the record.
- (b) The Chairperson advises those present that the registrant shall have an opportunity to present his or her views. To prevent confusion and to ensure an orderly hearing, the Chairperson shall require that only one person speak at a time.
- (c) The Chairperson shall establish valid service of the Notice of Hearing by asking the registrant who is the subject of the hearing whether he or she is prepared to admit that notice has been given. If he or she does not admit service, the Commission representative will file an Affidavit of Service as proof of service.
- (d) The Chairperson shall describe the manner in which the hearing will be conducted. While the hearing committee determines its own procedure and there may be some variation, the procedure is generally as follows:
 - (i) to hear applications affecting the charges, if

any;

- (ii) to hear evidence from witnesses for the prosecution and from the registrant and any of the registrant's witnesses regarding the various allegations;
 - (iii) to hear argument;
 - (iv) to adjourn the hearing;
 - (v) to consider all evidence and reach a decision;
 - (vi) to send a copy of the decision to the registrant.
- (e) The prosecutor presents his or her case first to establish the allegations against the registrant.
 - (f) Each witness is "sworn in" by the Chairperson.
 - (g) Prosecution witnesses give their testimony and documents are entered as exhibits, if allowed by the Chairperson.
 - (h) The registrant or his or her counsel may cross-examine each witness presented by the prosecution.
 - (i) The hearing committee members may ask questions of each of the prosecution's witnesses.
 - (j) The registrant may then call witnesses to give testimony, at his or her choice, and documents are entered as exhibits, if allowed by the Chairperson.
 - (k) The prosecutor may cross-examine each of the registrant's witnesses.
 - (l) The hearing committee members may ask questions of each of the registrant's witnesses.
 - (m) The registrant or his or her counsel and the prosecutor make their closing summaries and arguments.
 - (n) The hearing is adjourned.
 - (o) Following adjournment of the hearing, the hearing committee shall consider all the evidence and reach a decision.
 - (p) Upon determination, by the hearing committee that a registrant has been found in violation, a certified copy, by the Registrar, of the registrant's sanction history will be provided to the committee. A copy of the sanction history will be provided to the registrant or his or her counsel prior to the hearing.

If the registrant objects to the accuracy of the sanction history, the Registrar's certified copy shall not be given to the hearing committee. The prosecutor, however, may present evidence of the sanction history of the registrant to the hearing committee at a subsequent hearing for this purpose. The registrant may cross-examine each of the prosecutor's witnesses and present evidence regarding his or her sanction history. The prosecutor may cross-examine each of the witnesses the registrant calls for this purpose.

809 - Not later than thirty (30) days after completion

of the hearing, the hearing committee shall notify the registrant whose conduct was the subject of the hearing of its decision in writing, and, where appropriate, the notification shall include mention of the registrant's right to appeal the decision to the Superintendent pursuant to subsection 43(1) of the *Act*.

- other incidental expenses (i.e. telephone calls, parking, etc.) as authorized by the Commission.
8. Compensation for other expenses will also be allowed as prescribed in the Commission's annual budget.

LIMITATION ON INVESTIGATION

810 - Subject to section 34.1 of the Act, if a complaint is not received within six years of the date of the alleged contravention; the Commission will not proceed with an investigation involving a possible contravention of the *Act*, its regulations or the Commission Bylaws.

SCHEDULE A

TRAVEL AND OTHER EXPENSE POLICY

1. Commission members attending a regular Commission meeting or a committee meeting, including travel time will be compensated at a per diem rate of \$350 per day. For meetings less than four hours in duration, a per diem rate of \$50 per hour will be paid.
2. Individuals other than Commission members serving as members on a Hearing Committee will be compensated at a per diem rate of \$50 per hour, including travel time, to a maximum of \$350 per day.
3. Where a Commission member spends time on Commission business that is authorized by the Commission, the member will be compensated at a per diem rate of \$50 per hour, including travel time, to a maximum of \$350 per day.
4. A claim for meals can be made by Commission members if departure for a regular Commission meeting or a committee meeting is earlier or return time is later than the times indicated below. If meals are being provided by the Commission at the meeting, no claim will be allowed.

Departure Time/Return Time		
7:30 a.m.	8:30 a.m.	\$10.00/Breakfast
11:30 a.m.	12:30 p.m.	\$16.00/Lunch
5:30 p.m.	6:30 p.m.	\$25.00/Dinner
5. The claim allowed for travel by automobile is \$.50/kilometre.
6. Commission members will be compensated the actual charges for one night accommodation for a regular Commission meeting or a committee meeting to a reasonable rate per day plus taxes (supported by a receipt), if travel is beyond 300 km or attendance is required prior to 10:00 a.m.
7. Commission members will be compensated for