

**DECISION OF
THE SASKATCHEWAN REAL ESTATE COMMISSION
AND CONSENT ORDER**

Sander (Re), 2025 SKREC 18

Date: October 29, 2025
Commission File: 2020-64

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF DARREN SANDER**

Before: A Saskatchewan Real Estate Commission Hearing Committee
comprised of the following:

Jeffrey P. Reimer - Chairperson

Alberta Mak

Wayne Bernakevitch

CHARGE and ADMISSION OF MISCONDUCT:

[1] The registrant is charged with and is admitting to professional misconduct as follows:

Count 1:

- That, Mr. Sander breached section 39(1)(c) of the *Act* by breaching Commission Bylaw 702.1 by engaging in conduct that is disgraceful, unprofessional and unbecoming of a registrant by failing to comply with the demand of a regulating body; and

Count 2:

- That, Mr. Sander breached section 39(1)(c) of the *Act* by breaching Commission Bylaw 726 by creating false, inaccurate and misleading advertising that is harmful to the best interests of the public.

LEGISLATION:

[2] Section 39(1)(c) of *The Real Estate Act* states:

“Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act, if...it is a breach of this Act, the regulations or the bylaws or any terms or restrictions to which the registration is subject.”

[3] Commission Bylaw 702.1 states:

“A registrant shall not engage in conduct that is disgraceful, unprofessional or unbecoming of a registrant in the course of his or her practice.”

[4] Commission Bylaw 726 states:

“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.”

FACTS:

- [5] In accordance with subsection 9(4) of The Real Estate Regulations (“the Regulations”), the Hearing Committee accepts Mr. Sander’s Statement of Facts and Admissions, which includes the following relevant points:
- [6] Mr. Sander has been continuously registered as a salesperson under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission since April 17, 2013.
- [7] Mr. Sander has taken the following real estate courses:
- Phase 1 – Real Estate as a Professional Career
 - Residential Real Estate as a Professional Career
 - Farm Real Estate as a Professional Career
 - Commercial Real Estate as a Professional Career
- [8] Mr. Sander has completed the continuing professional development seminars each registration year since 2013-2014.
- [9] Mr. Sander is presently registered under the provisions of *The Real Estate Act* as a salesperson with Re/Max Saskatoon.
- [10] Mr. Sander is not and has never been registered to trade in real estate in Manitoba.

- [11] Mr. Sander also is not, and has never been, registered to trade in real estate in either Alberta or British Columbia.
- [12] On or about July 17, 2018, Mr. Sander received a phone call from Seller A from The Pas, Manitoba. Seller A advised Mr. Sander he had heard from a mutual acquaintance that Mr. Sander had sold several large farms in Saskatchewan. Mr. Sander confirmed this was the case and Seller A asked several questions about the sales and requested that Mr. Sander meet him. Mr. Sander informed Seller A that he was not licensed to sell farms in Manitoba, but thought his Saskatoon brokerage may have a brokerage in Manitoba that they could work with to facilitate Seller A's desire to list his farm.
- [13] Upon speaking to Mr. Sander's broker, Mr. Sander learned that his broker had a brokerage associate in Winnipeg who may have been interested in listing the farm. Mr. Sander's broker called Realtor B, his Re/Max associate in Winnipeg, and explained there was a farmer in The Pas who had contacted them about selling his farm. Realtor B agreed he would be interested in working on the listing and paying a referral fee to Re/Max Saskatoon.
- [14] Mr. Sander's broker then passed the referral information on to him.
- [15] Mr. Sander negotiated the terms of the agreement with Realtor B.
- [16] On August 30, 2018, Realtor B and Mr. Sander signed an Agreement on Commission between the brokerages outlining how the listing would be handled (the "Agreement on Commission").
- [17] Pursuant to the Agreement on Commission, upon successful sale, Re/Max Saskatoon and Mr. Sander agreed to pay Realtor B a fee of \$50,000 for which Realtor B would list the property through his brokerage, handle deposits through his trust account and conveyancing. Mr. Sander would cover all costs of advertising and handle all communications with the client. The balance of all commissions were to be paid to Mr. Sander and Re/Max Saskatoon.
- [18] On August 31, 2018, Realtor B listed Seller A's Farm for sale through his brokerage and Realtor B agreed that Mr. Sander would help market the farm in Saskatchewan.
- [19] Sometime thereafter, Seller A advised Mr. Sander that he had some neighbours who may be interested in selling their farms. Over the next 12 months three other farming families, Seller B, Seller C and Seller D came forward and expressed interest in listing and selling their family farms. Mr. Sander packaged the farms together for marketing purposes.
- [20] A September 25, 2019, article published on the Western Producer website indicated that Mr. Sander was the agent selling large parcels of farm property in Manitoba.

- [21] A September 28, 2019, article in the Saskatoon Star Phoenix indicated that Mr. Sander was selling a “23,800-acre farm in Manitoba”.
- [22] An October 3, 2019, article in the Western Producer again indicated that Mr. Sander was the Realtor® selling large parcels of farm property in Manitoba.
- [23] A November 4, 2019, article in MacLean’s noted that it was Mr. Sander’s “idea to group several farms together to sell as a package...[s]o he approaches [his clients’] farming neighbours to see if any wanted to sell their land at the same time...”
- [24] A February 14, 2020, article on the CTV News website stated Mr. Sander was handling the large farmland sale.
- [25] The large farmland package being sold in the Pas, Manitoba was listed at \$56,975,000.00.
- [26] The listing notes that the farmland consisted of three separate farms that were being sold individually or as a package.
- [27] The listing included Mr. Sander’s phone number as the one to contact for further details on the listing.
- [28] Mr. Sander’s sign was on display at the farmland.
- [29] A September 1, 2020, article published on the Farming for Tomorrow website quotes Mr. Sander, noting that he is a Realtor® “whose territory covers a wide swath of Alberta, Saskatchewan, and Manitoba.”
- [30] The bio portion of Mr. Sander’s Instagram account stated: “Selling farms across western Canada under Remax Saskatoon”, followed by a link to Mr. Sander’s website, darrensander.ca. The most recent post on this account was on December 4, 2022.
- [31] On November 22, 2019, a Senior Investigator with the Manitoba Securities Commission, sent Mr. Sander a letter that specifically instructed Mr. Sander to cease trading in real estate in Manitoba.
- [32] Despite explicit instructions to Mr. Sander that he must stop trading in real estate in Manitoba while unlicensed, he continued to trade in real estate in Manitoba without a license.

Mitigating Factors

- [33] Mr. Sander has been continuously registered as a salesperson since April 17, 2013, and has no previous sanction history.

- [34] The Manitoba Securities Commission served a Freeze Order on the bank holding the trust account for the Manitoba brokerage that was involved, in the amount of \$153,582.50 being the commissions and fees related to the transaction. The Manitoba Securities Commission has since issued a decision approving a settlement agreement that the Manitoba brokerage will repay the funds to the seller.

Aggravating Factors

- [35] The Manitoba Securities Commission investigated Mr. Sander's conduct and concluded that he was trading in real estate in Manitoba without being registered in Manitoba in contravention of Manitoba legislation, creating a significant risk to the public. The Manitoba Securities Commission did not pursue formal charges against Mr. Sander, but reported his conduct to the Saskatchewan Real Estate Commission; and
- [36] Mr. Sander exhibited ungovernable behaviour by ignoring the Manitoba regulator.

Prior Decisions & Other Considerations

- [37] In May of 2012, the Appeals Committee of the Real Estate Council of Ontario rendered a decision [*In the Matter of Suzette Thompson*](#) ("*Thompson*"). The Appeals Committee in *Thompson* set out a series of factors to be considered when determining the appropriate sanction for a registrant found in breach of the legislation. The factors are as follows:
1. The nature and gravity of the breaches of the Code of Ethics.
 2. The role of the offending member in the breaches.
 3. Whether the offending member suffered or gained as a result of the breaches.
 4. The impact of the breaches on complainants or others.
 5. The need for specific deterrence to protect the public.
 6. The need for general deterrence to protect the public.
 7. The need to maintain the public's confidence in the integrity of the profession.
 8. The degree to which the breaches are regarded as being outside the range of acceptable conduct.
 9. The range of sanction in similar cases.
- [38] These factors are reasonable considerations and can offer guidance to members of a Hearing Committee tasked with crafting an appropriate sanction for a registrant found to have committed professional misconduct. These factors have been consistently applied in Saskatchewan Real Estate Commission consent orders since September 2016.

1. *The nature and gravity of the breaches of the Code of Ethics.*
- [39] Mr. Sander, in consultation with a broker in Manitoba, created an arrangement which had the effect of violating the Manitoba legislation. Mr. Sander's agreement with the brokerage was that the brokerage would list the property, handle the conveyancing documents and allow deposits to flow through the brokerage's trust account while Mr. Sander handled all advertising, contact with the sellers and interested parties and negotiations. Mr. Sander would pay the Manitoba brokerage a set fee and the remainder of commissions would be paid to Mr. Sander and Re/Max Saskatoon. Mr. Sander was explicitly advised by the Manitoba Financial Services Agency – Securities Commission (the "Manitoba Securities Commission") to cease and desist his unregistered trading in real estate and he continued his actions despite this direction from the Manitoba regulator.
- [40] Mr. Sander advertised himself as having the ability to trade in real estate in Manitoba although he was not registered to do so.
2. *The role of the offending member in the breaches.*
- [41] Mr. Sanders breaches were aided by a registrant in Manitoba.
3. *Whether the offending member suffered or gained as a result of the breaches.*
- [42] The Manitoba Securities Commission placed a freeze order on the commission that was to be paid to Mr. Sander and Re/Max Saskatoon as a result of their conclusion that Mr. Sander was trading in real estate while unlicensed. The Manitoba Securities Commission has since issued a decision approving a settlement agreement that the Manitoba brokerage will repay the funds to the seller.
4. *The impact of the breaches on complainants or others.*
- [43] Unregistered trading in real estate and ungovernable conduct both pose a risk to members of the public.
- [44] Mr. Sander's advertising was reasonably capable of misleading members of the public regarding his ability to act on their behalf in the purchase and sale of the Manitoba farmland in question.
5. *The need for specific deterrence to protect the public.*
- [45] The Manitoba Securities Commission, the entity with the necessary expertise to review Mr. Sander's conduct and interpret the Manitoba legislation, concluded upon the completion of their investigation that Mr. Sander's actions constituted a trade in real estate in violation of the legislation. The Manitoba Securities Commission did not pursue formal charges against Mr. Sander, but reported his conduct to the Saskatchewan Real Estate Commission. Specific deterrence is needed to remind Mr. Sander that he works in a regulated industry, and that unregistered trading in real estate creates a risk to the public that will not be tolerated. Specific deterrence is also needed to make clear to Mr. Sander that

ungovernable conduct cannot be tolerated and that he must immediately comply with directions and orders from corresponding regulators.

- [46] Specific deterrence is also needed to make it clear to Mr. Sander that holding himself out as able to trade in real estate in provinces in which he is not registered to do so will not be tolerated.

6. The need for general deterrence to protect the public.

- [47] General deterrence is needed to remind all registrants that unregistered trading in real estate creates a risk to the public and will not be tolerated. Registrants must also be reminded of their obligations to follow direction from professional regulators and that a failure to comply with their specific directions is conduct that is disgraceful, unprofessional and unbecoming of a registrant.

- [48] General deterrence is needed to remind all registrants of their ongoing obligation to ensure advertising for which they are responsible is correct and done in accordance with the legislative requirements. Registrants must not hold themselves out as able to trade in real estate with respect to which they are not registered to trade.

7. The need to maintain the public's confidence in the integrity of the profession.

- [49] Members of the public must be able to rely on the supervision and oversight inherent in a regulated industry. Unregistered trading in real estate and ungovernable conduct threatens the trust placed in registrants by members of the public. If a registrant is found to be trading in real estate while unregistered by a professional regulator, there is significant risk to the public that, in the event something went wrong with the transaction, their errors and omissions insurance would be voided.

8. The degree to which the breaches are regarded as being outside the range of acceptable conduct.

- [50] Mr. Sander's conduct falls below the standard expected of registrants, and it was egregious. His continued participation in unregistered trading in real estate after explicitly being told to cease and desist exhibits ungovernable conduct, lack of judgment and disregard for the welfare of members of the public to such an extent that his conduct was disgraceful, unprofessional and unbecoming.

9. The range of sanction in similar cases.

A. What is an appropriate sanction for Mr. Sander's breach of Bylaw 702.1?

- [51] There are no previous decisions pursuant to Bylaw 702.1 related to ignoring the direction of a regulator, but the following decisions highlight concepts that can be related to the issue at hand.

- [52] In *Wu (Re)*, [2018 SKREC 35](#) (file 2017-58) (*Wu*) Sky Wu was issued an order of reprimand and a \$1,500 fine for failure to make clear to buyers that he was not acting on their behalf.
- [53] Mr. Wu was one of two owners of a property. The property had been listed through Mr. Wu's brokerage, but that listing expired. Mr. Wu's business partner showed the property to interested buyers. Mr. Wu wrote the buyer's offer on a Residential Contract of Purchase and Sale. The offer does not indicate that the buyer or seller is represented by any brokerage and the sale of the property did not go through Mr. Wu's brokerage. Mr. Wu and his business partner accepted the buyer's offer. Rather than signing the offer with his signature, Mr. Wu simply wrote his name on one of the seller's signature lines; he also signed as witness to his own signature. Mr. Wu did not provide the buyer with a Disclosure of Interest in Trade form. Mr. Wu believed that the buyer understood that Mr. Wu was only involved in the transaction as a seller and that he was not representing the buyer in the transaction. As part of their complaint, the buyers stated that they believed Mr. Wu acted as their agent in the purchase of the property.
- [54] Mr. Wu had no previous sanction history and was co-operative with the investigation. He did not earn any commission on the transaction. Mr. Wu was personally involved in the transaction and there were no other registrants involved in the transaction. Mr. Wu's actions created confusion in the mind of the buyer.
- [55] The agency relationship between members of the public and the brokerage that represents them is a fundamental component of the real estate industry. Registrant conduct that undermines this relationship is not acceptable.
- [56] The Hearing Committee relied on the statement made in a prior decision that registrants cannot be anything less than professional, ethical and respectful in their dealings with each other at all times, otherwise they jeopardize the interest of their clients and the integrity of the industry.
- [57] Mr. Sander's breach is far more serious than that of the registrant in *Wu*. Mr. Sander works in a regulated industry and he understands this. His conduct had the effect of violating legislation put in place to protect members of the public and placed those members directly at risk. Mr. Sander's conduct jeopardized the interests of his clients and the integrity of the industry.
- [58] In *Worona (Re)*, [2024 SKREC 4](#) (file 2023-54), Michael Worona was issued an order of reprimand and an \$8,000 fine for unprofessional conduct.
- [59] Mr. Worona took a client to view a property, after which both Mr. Worona and his client proceeded to urinate in the front yard of the property. The property was unoccupied at the time, and the complainant had installed video surveillance to monitor the property. She reviewed the video surveillance and saw the actions of Mr. Worona and his client.

- [60] Mr. Worona stated that his actions and those of his client were an attempt to ensure no harm would come to the property in case the water was shut off or there was a plumbing leak as the property was vacant. However, there is no way to frame his actions as respectful to the seller or the property. Mr. Worona's behaviour, and that of his client, falls so far below the standard of professionalism expected of registrants that it caused the complainant to become alarmed and concerned that someone other than a registrant had been able to gain access to the property. Mr. Worona's behaviour was entirely disrespectful of the property and the seller in such a way that it harms the integrity of the industry.
- [61] Mr. Worona had no previous sanction history, was cooperative with the investigation, and fully admitted his wrongdoing. Mr. Worona provided a letter of apology to the complainant. Mr. Worona's broker also issued an internal reprimand and charged him to pay a fine of \$500 to a charity supported by the brokerage.
- [62] Mr. Sander's conduct is also more serious than that of the registrant in *Worona*. While Mr. Worona's conduct was found to be unprofessional to the extent that it harms the integrity of the industry he genuinely believed he was protecting the property from harm. Mr. Sander cannot in any way plead ignorance of the fact that he was acting outside the scope of his registration and in direct contravention of the legislation of Manitoba. He was not only informed by the Manitoba Securities Commission that his conduct constituted trading in real estate and that it required registration in Manitoba, but he was ordered to cease his activities and he did not do so. Such deliberate disrespect and defiance of the Manitoba regulator demonstrates a profound level of unprofessionalism and must not be tolerated.
- [63] While the following decision was rendered pursuant to a Section 18(1)(b) of the *Act*, it also highlights an important issue relatable to the matter at hand.
- [64] In *Harvey (Re)*, [2017 SKREC 11](#) (file 2017-08) George Harvey was issued an order of reprimand and a \$2,000 fine pursuant to Section 18(1)(b) of the *Act* for trading in real estate after neglecting to renew his registration.
- [65] Mr. Harvey is the broker and sole registrant of Wheatland Realty Ltd. His 2015-2016 certificate of registration expired on June 30, 2016. Mr. Harvey neglected to renew his certificate of registration for the 2016-2017 year. He did not realize that he had failed to renew his certificate of registration.
- [66] On October 6, 2016, the Sellers signed a listing agreement with Wheatland Realty Ltd. listing the property for sale. An advertisement was created and published with respect to the property.

- [67] On November 24, 2016 and December 9, 2016, Commission staff, sent an email to Mr. Harvey, at the email address he provided to the Commission, to inquire if he was acting as a broker. On January 30, 2017, Commission staff sent an email to the same email address attaching a letter advising that Mr. Harvey was not registered and that she had attempted to contact him on two previous occasions. Mr. Harvey received this email and contacted the Commission immediately. Mr. Harvey became registered on January 30, 2017.
- [68] Mr. Harvey was co-operative with the investigation and signed a Statement of Facts and Admissions acknowledging his misconduct. There was no activity in Mr. Harvey's trust account during the period of time during which he was not registered. The property was not sold while Mr. Harvey was not registered, nor did he receive any offers to purchase during that time. At the time he failed to renew his registration, Mr. Harvey was ill for two weeks and was also dealing with his sister in Washington D.C. who had been diagnosed with Alzheimer's disease. Mr. Harvey does very few transactions per year and there are no other registrants working out of his brokerage.
- [69] Mr. Harvey was unregistered for seven months. He failed to respond to several emails from the Commission regarding his registration status. The decision in *Harvey* noted that the ramifications of non-registration are significant: no REIX coverage for negligence and no defalcation coverage in the event of trust account violations.
- [70] Mr. Sander's conduct is more serious than that of the registrant in *Harvey*. While both Mr. Sander and Mr. Harvey were trading in real estate without being registered, leaving both registrants uncovered by professional liability insurance and exposing members of the public to risk, Mr. Harvey was not aware that he failed to renew his registration and he did not complete any transactions during that period. Mr. Sander, however, was clearly advised that his activities constituted trade in real estate for which he was required to be registered but was not registered. Mr. Sander persisted in conduct contravening the Manitoba legislation after demand that he cease such activities, and ultimately sold property.
- [71] Consideration must be given to the fact that the decisions in *Wu* and *Harvey* were rendered prior to May 2020. In May of 2020, the provincial legislature amended s. 38 of *The Real Estate Act* to increase the maximum fines that can be ordered against registrants found guilty of professional misconduct or professional incompetence. The previous iteration of the legislation capped fines at \$5,000 for each finding up to a maximum of \$15,000 in the aggregate for all findings. The new maximum fine for each finding of professional misconduct or professional incompetence was increased to \$25,000 up to \$100,000 in the aggregate for all findings. While this legislative change does not invalidate the precedents to be found in previous hearing decisions, it must be taken as a strong signal from lawmakers that the fines ordered against registrants should be increased so as to ensure the protection of the public.

- [72] The following decision, rendered pursuant to section 39(1)(c) of the *Act*, is also directly relatable to this matter.
- [73] In *Schatz (Re)*, [2024 SKREC 23](#) (file # 2023-65) ("*Schatz*"), John Schatz received a fine in the full amount of the commission he received on a transaction in which he traded in real estate outside of the terms of his registration.
- [74] Mr. Schatz was approached to list a fishing camp, however he was not registered to trade in commercial real estate. Mr. Schatz had another registrant, who was registered to trade in commercial real estate, sign the listing documents for the property. Mr. Schatz then handled the resulting transaction, including drafting of a counteroffer.
- [75] While Mr. Schatz was previously registered as a commercial agent, was co-operative with the investigation, acknowledged his error, and claims to have sought the advice his broker, he also had a previous sanction history and litigation occurred as a result of the counteroffer that he drafted.
- [76] The decision in *Schatz* states as follows:
- [90] Several Canadian jurisdictions have begun taking this approach when disciplining their registrants for professional misconduct and the Commission believes it is a logical way to determine a sanction. If a registrant stands to gain a significant commission by acting contrary to the terms of their registration, and only risks an insignificant fine, it is less likely there will be any effective deterrence from further misconduct.
- [91] The Value for Money Audit conducted by the Real Estate Council of Ontario in November of 2022 specifically noted this issue. The report done by the Office of the Auditor General of Ontario stated:
- In our review of a sample of discipline cases, we found that 67% of registrants were fined a lower amount than the commission earned in the related real estate transaction. When a fine is significantly lower than the commission earned on a transaction, there is a risk that the fine may not act as a sufficient deterrent to future misconduct, and instead signal to a registrant that the fine is just a cost of doing business.*
- [92] *The Real Estate Services Act* in British Columbia specifically notes that the superintendent can require a licensee to pay an additional penalty up to the amount of the remuneration accepted by the licensee for the real estate services in respect of which the contravention occurred.

- [93] In the Northwest Territories and in Nunavut, the legislation provides that in addition to any other punishment imposed, a person who is convicted of trading without being properly licensed shall return the commission or other remuneration paid by any person on whose behalf the agent acted while unlicensed.
- [94] Section 38(1)(g) of the *Act* grants the Commission authority to make any other order that the Commission considers just. In the circumstances at hand, the Commission maintains that it is right and just for Mr. Schatz's penalty to be determined based on the amount of remuneration he received for the trade in real estate that resulted in this complaint.
- [77] The Hearing Committee found that any fine less than the amount of commission received would result in Mr. Schatz profiting off of his misconduct in trading outside the terms of his registration.
- [78] Mr. Sander's conduct was more serious than that of the registrant in *Schatz*. Not only did Mr. Sander's arrangement have the effect of violating the legislation in Manitoba, he persisted in his conduct after being ordered by the Manitoba regulator to cease his activities.
- [79] Unregistered trading in real estate is a significant concern as it places members of the public directly at risk. Unregistered trading in real estate is not covered by professional liability insurance. Protection of the public is one of the main objectives of the legislation and the Commission. Mr. Sander has shown disregard for the welfare of the public which cannot be tolerated.
- [80] *The Real Estate Brokers Act*, Manitoba, (the "Manitoba Act") prohibits a person from trading or transacting in real estate unless that person is registered in Manitoba to do so.
- [81] The Manitoba Securities Commission found that Mr. Sander breached the *Manitoba Act* by trading in real estate in Manitoba without registration.
- [82] The position of the Manitoba Securities Commission is that Mr. Sander is not entitled to receive commission or remuneration of any sort in connection with the trades in real estate he was involved with in Manitoba as he was not licensed as a salesperson pursuant to the *Manitoba Act*. The Manitoba Securities Commission is of the further position that the exemption pursuant to section 24(2) of the *Manitoba Act* does not apply because Mr. Sander acted in violation of the applicable laws of Manitoba.
- [83] As a result, the Manitoba Securities Commission served a Freeze Order on the bank holding the trust account for the Manitoba brokerage that was involved, in the amount of \$153,582.50, the entire amount of fees and commissions related to the transaction. On June 30, 2025, the Manitoba Securities Commission

issued a decision approving a settlement agreement that the Manitoba brokerage would repay the funds to the seller.

- [84] Similarly, *The Real Estate Act* of Saskatchewan prohibits payment of commission to a person who is required to be registered but who is not registered. Mr. Sander is not entitled to receive any commissions, fees, remuneration or payments of any kind as a result of transactions related to unlicensed trade in real estate in Manitoba.
- [85] Mr. Sander was clearly and unequivocally advised by the Manitoba Securities Commission that he must be registered in Manitoba to trade in real estate in the Province and was in breach of the Manitoba legislation. Continuing such conduct in the face of demands to cease by the Manitoba Securities Commission demonstrates ungovernability. Further, Mr. Sander's willingness to disregard the Manitoba regulator demonstrates his willingness to break rules and disregard the Saskatchewan Real Estate Commission.
- [86] It is submitted that in consideration of the serious nature of Mr. Sander's conduct a fine in the maximum amount is warranted, and in light of the decision of the Manitoba Securities Commission the maximum sanction will be sufficient.
- [87] A letter of reprimand and a \$25,000 fine are appropriate sanctions for Mr. Sander's breach of Bylaw 702.1.

B. What is an appropriate sanction for Mr. Sander's breach of Bylaw 726?

- [88] There are several previous decisions dealing with breaches of Bylaw 726. The following are most similar to Mr. Sander's misconduct and provide helpful guidance as to what an appropriate fine is in Mr. Sander's case.
- [89] In *Bird (Re)*, [2018 SKREC 28](#) (file #2018-12) ("*Bird*"), Mr. Bird received an order of reprimand and a \$750 fine when he created a commercial that claimed: "In Saskatoon, no agent spends more marketing dollars, sells more homes, and attracts more buyers than Cam Bird".
- [90] Mr. Bird prepared the advertisement based on information he received from his accountant regarding his expenses. Mr. Bird calculated the number of registrants who are members of the Saskatchewan Region Association of REALTORS® who actively sold residential real estate. He then searched the number of sales per registrant. He counted the number of sales he was involved in for the same time period to arrive at the ratio of his sales to the city average. While these calculations could support a claim that he sells more than the average agent in Saskatoon, they did not support a claim that he sold more than any other agent in Saskatoon.

- [91] Mr. Bird had been registered with the Commission since 1985 and had no previous sanction history. He was co-operative with the investigation and there was no evidence of consumer harm. Mr. Bird signed a Consent Order acknowledging his error.
- [92] Mr. Sander's breach is more serious than that of the registrant in *Bird*. While the representations perpetuated by the registrants are similar as they were both capable of misleading the recipients, Mr. Sander's representation that he can trade in real estate in Manitoba has the potential to put the public at direct risk as unregistered trading is not covered by Mr. Sander's professional liability insurance.
- [93] In *Roh (Re)*, [2013 SKREC 3](#) (file #2012-09) ("*Roh*"), Mr. Roh was issued an order of reprimand, a \$1,750 fine and \$1,083 in hearing costs when he posted an advertisement that contained the contact information of an agent licensed to trade in residential real estate only, next to a photo of a commercial property.
- [94] Mr. Roh's error had the potential of creating confusion with the general public and an unfair advantage to the particular brokerage or other brokerages that may have had commercial registrants.
- [95] The Hearing Committee noted the length of time Mr. Roh had been a registrant. The Committee considered that the advertisement only ran once and that the broker put procedures in place immediately following the error to ensure that similar errors would not occur in the future. The Committee stated that this was a matter of oversight, not repetitive behaviour.
- [96] The Committee stated that Mr. Roh was cooperative with the investigation and did not create excessive cost in the investigation or otherwise. As such, it was reasonable for him to bear half the costs in the circumstance.
- [97] Mr. Sander's breach is more serious than that of the registrant in *Roh*. Mr. Roh ran a single advertisement once, while Mr. Sander held himself out as capable of trading in real estate in Manitoba, while not registered to do so, across multiple platforms including a sign on property in Manitoba, social media, and newspaper and magazine articles.
- [98] In *Miller (Re)*, [2009 SKREC 9](#) (file #2000-04) ("*Miller*"), Mr. Miller received a \$500 fine and an order of reprimand when he authorized a radio advertisement stating that Re/Max PA Realty sold more houses than all other offices combined, which was untrue. Mr. Miller admitted that the advertisement was factually incorrect.

- [99] The Hearing Committee considered Mr. Miller's cooperation with the investigation and his ready admission of his errors. He had no previous sanction history. Mr. Miller's actions were not a deliberate attempt to mislead.
- [100] The Committee stated that disciplinary action in cases like this serve as a deterrent to ensure advertisements are within guidelines of legislation. Disciplinary action also serves as a general deterrent to ensure public confidence in the real estate industry, that this type of violation is taken seriously and that registrants understand the important of accurate advertisements.
- [101] Mr. Sander's breach is more serious than that of the registration in *Miller*. While both registrants perpetuated claims that were factually incorrect, Mr. Sander's representation that he can trade in real estate in Manitoba has the potential to place the public at direct risk as unregistered trade is not covered by Mr. Sander's professional liability insurance.
- [102] Given the change to the legislation in May of 2020, as outlined previously, the fines suggested in this sanction recommendation will be higher than those found in the precedents that pre-date this legislative amendment.
- [103] An order of reprimand and a fine of \$15,000 are appropriate sanctions for Mr. Sander's breach of Bylaw 726.

CONSENT ORDER:

- [104] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Sander and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [105] With respect to Count 1, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act*:
- a. Mr. Sander shall receive an order of reprimand for the violation of Bylaw 702.1 of *The Real Estate Act*;
 - b. Mr. Sander shall, within 12 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$25,000 fine for the said violation of the *Act*; and,
 - c. Mr. Sander's registration shall be terminated if he fails to make payment as set out above.
- [106] With respect to Count 2, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act*:

- a. Mr. Sander shall receive an order of reprimand for the violation of Bylaw 726 of *The Real Estate Act*;
- b. Mr. Sander shall, within 12 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$15,000 fine for the said violation of the *Act*; and,
- c. Mr. Sander's registration shall be terminated if he fails to make payment as set out above.

[107] There shall be no order as to costs.

Dated at Regina, Saskatchewan, this 29th day of October, 2025.

Jeffrey P. Reimer
Hearing Committee Chairperson