

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

Bashutski (Re), 2026 SKREC 12

Date: September 24, 2026
Commission File: 2022-42

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF ALBERT BASHUTSKI**

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

Christopher Boychuk - Chairperson

Alberta Mak

Micheal Genest

CHARGE and ADMISSION OF MISCONDUCT:

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

Count 1:

That, contrary to section 39(1)(c) of *The Real Estate Act*, Mr. Bashutski breached Commission Bylaw 712(e) by failing to take reasonable steps to ensure that the brokerage and its registrants are in compliance with the *Act*, the regulations and bylaws.

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] Bylaw 712 states:

A broker or branch manager shall be responsible for:

[...]

(e) taking reasonable steps to ensure that the brokerage and its registrants are in compliance with the Act, the regulations and the bylaws;

[...]

FACTS:

[4] In accordance with subsection 9(4) of The Real Estate Regulations (the “Regulations”), the Hearing Committee accepts Mr. Bashutski’s Statement of Facts and Admissions, which includes the following relevant points:

[5] Mr. Bashutski was continuously registered as a salesperson under the provisions of *The Real Estate Brokers Act*, SS 1968 and *The Real Estate Brokers Act*, RSS 1978 with the Superintendent of Insurance and the Saskatchewan Real Estate Commission from February 8, 1976 to April 23, 1980. Mr. Bashutski was continuously registered as a broker under the provisions of *The Real Estate Brokers Act*, RSS 1978, *The Real Estate Brokers Act*, 1987, and *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission from April 24, 1980 to April 29th, 2026.

[6] Mr. Bashutski has taken the following real estate courses:

- Pre-March 1976 Licensing Course;
- Real Estate 200; and
- Real Estate 300.

[7] Mr. Bashutski has completed the continuing professional development seminars each registration year since 2001-2002.

[8] Mr. Bashutski is presently not registered with the Saskatchewan Real Estate Commission to trade in real estate, but at all material times hereunder he was registered under the provisions of *The Real Estate Act* as a broker with Crawford Realty (1990) Ltd. O/A Homelife Crawford Realty.

[9] On June 1, 2022, Seller A and Seller B (the “**Sellers**”) signed a Seller’s MLS® Brokerage Contract listing the Property for sale with Brokerage A.

[10] Registrant A and Registrant B acted as the listing agents.

- [11] On June 20, 2022, a registrant under Mr. Bashutski's supervision, Registrant C, drafted an offer to purchase the Property on behalf of a client. The offer identified the buyer as "UNDISCLOSED BUYER OR ASSIGNEE" and named only Seller B as the seller. The offer was \$1,050,000 with a \$50,000 deposit by cheque that was to be received on or before June 23, 2022 and deposited within two business days of acceptance of the offer. The balance of the purchase price was to be paid by cash, and possession was to take place at 10:00 a.m. on July 1, 2022.
- [12] Buyer A was the Buyer.
- [13] On June 21, 2022, the Sellers wrote a Counter Offer that, among other things, moved the possession date to July 15, 2022 at 9:00 a.m., specified that all conditions were to be removed by June 24, 2022, and added Seller A as a seller. This Counter Offer was accepted by Buyer A on June 22, 2022.
- [14] On June 23, 2022, Buyer A signed a Notice to Remove Conditions purporting to remove all conditions on the purchase of the Property. The document stated: "ALL CONDITIONS ARE NOW REMOVED. SALE IS FINAL".
- [15] Registrant C did not receive a deposit from Buyer A on June 23, 2022.
- [16] On June 24, 2022, Registrant C sent an email to Registrant B advising that all conditions had been removed and the sale was final.
- [17] Registrant C did not advise the listing agents that he had not received the deposit.
- [18] Registrant C followed up with Buyer A about when he would receive the deposit, which he was assured was coming.
- [19] The Sellers proceeded to dispose of all of the contents of the Property, including garden equipment, dock, patio furniture, and household items. Many of these items were sold below value as they had a short time to dispose of everything prior to possession.
- [20] On July 12, 2022, Director A sent a letter to Registrant C advising that the financial institution used by Buyer A was holding \$2,000,000 in a custodial account for Numbered Company A. The letter states that the funds were scheduled to be released on June 30, 2022, but that the release had been rescheduled for a date on or before July 25, 2022. The letter stated that Numbered Company A. had instructed that \$1,170,000 plus closing costs be directed to the trust account of Law Firm A.
- [21] The Information Services Corporation Corporate Registry Profile Report for Numbered Company A names Buyer A as the sole Director.

- [22] On July 12, 2022, Buyer A signed an Amendment changing the possession date to July 29, 2022 and increasing the purchase price by \$10,000 to compensate the Sellers for any inconvenience.
- [23] It does not appear that the July 12 Amendment was signed by the Sellers.
- [24] On July 12, 2022, a real estate assistant for Law Firm B sent an email to the brokerage's accounting department requesting that the brokerage remit the \$25,850 it was holding in excess of its commissions to the law firm.
- [25] This is when the brokerage learned that Registrant C had not collected the deposit from the Buyer. The brokerage typically did not receive paperwork until a deposit was received, and the brokerage did not receive any paperwork until Law Firm B requested the funds on July 12, 2022.
- [26] Mr. Bashutski did not follow up with Registrant C to ensure the listing brokerage had been made aware that the brokerage was not holding a deposit, nor did Mr. Bashutski contact the listing agents.
- [27] On July 13, 2022, Law Firm B contacted them about the transaction. Law Firm B advised that Buyer A's lawyer had indicated that Buyer A did not have funds to close the deal on July 15 and that Law Firm B had been told that the \$50,000 deposit had never been paid.
- [28] Buyer A requested an extension to closing.
- [29] On July 14, 2022, Buyer A and the Sellers signed an Amendment changing the possession date to 11:59 a.m. on July 26, 2022 and permitting the Sellers to actively market the Property to other buyers. In the event the Sellers received an acceptable offer to purchase the Property, Buyer A would be given 24 hours' notice to complete the transaction or the offer would be deemed null and void. The purchase price was increased to \$1,170,000.
- [30] On July 25, 2022, Buyer A requested a further extension to closing, but that the Sellers did not agree.
- [31] On July 28, 2022, Law Firm B sent a letter to Mr. Bashutski's brokerage requesting that the \$50,000 deposit purportedly held by the brokerage be delivered to the lawyer's office within two business days.
- [32] On July 28, 2022, Buyer A signed a Notification Conditions Have Not Been Satisfied or Removed in Writing requesting the return of a "\$0.00" deposit.
- [33] Registrant C did not send a copy of the Notification Conditions Have Not Been Satisfied or Removed in Writing to the listing agents.

REASONS:

[34] The Investigation Committee and Mr. Bashutski considered the following as relevant in agreeing to the within consent order:

Mitigating Factors

[35] Mr. Bashutski was reasonably cooperative with the investigation.

Aggravating Factors

[36] At the time of the offence, Mr. Bashutski was registered as a broker. As the people responsible for ensuring that the registrants and employees of the brokerage are complying with the requirements set out in the legislation, brokers are held to a higher standard of conduct.

[37] Mr. Bashutski has a previous sanction history for failing to appropriately supervise a registrant under his supervision. In *Bashutski (Re)*, [2012 SKREC 1](#) (file #2011-07) ("*Bashutski*"), Mr. Bashutski was found guilty of breaching Bylaw 711 by failing to adequately supervise the activities of a registrant and other personnel for whom he was responsible and Bylaw 712(e) by failing to take reasonable steps to ensure that the brokerage and its registrants were in compliance with the legislation. In the course of an investigation, Commission staff requested information from Registrant C on several occasions. As Registrant C's broker, Mr. Bashutski was copied on this correspondence. Mr. Bashutski did not reply to the correspondence, nor did he compel Registrant C to reply.

Prior Decisions & Other Considerations

[38] 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.

[39] 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.

[40] As a broker, Mr. Bashutski was responsible for ensuring that the brokerage and its registrants were complying with the professional obligations placed upon them by the legislation. Despite this responsibility, Mr. Bashutski did not realize that Registrant C, a registrant of his brokerage with a previous sanction history, had failed to collect a deposit of \$50,000 from a buyer client as required by the contract of purchase and sale, nor did he take note of the improper drafting of the contract prepared by Registrant C. Mr. Bashutski did not follow up with Registrant C to ensure that the listing brokerage had been made aware that his brokerage was not holding a deposit, nor did he reach out to the listing brokerage himself. Buyer A ultimately failed to complete the purchase of the Property, forfeiting the deposit to the Sellers. The Sellers have been unable to collect the forfeited deposit.

2. The role of the offending member in the breaches.

[41] As a broker, Mr. Bashutski had a responsibility to oversee the transactions that were carried out through his brokerage and to ensure that the registrants of the brokerage were meeting their professional obligations. Registrant C was also disciplined for his breaches of the legislation.

3. Whether the offending member suffered or gained as a result of the breaches.

[42] There is no evidence to suggest that Mr. Bashutski enjoyed a benefit or suffered a loss as a result of his breach of the legislation.

4. The impact of the breaches on complainants or others.

[43] Registrant C's failure to collect the deposit from his client or to notify the listing agents that no deposit was being held by his brokerage has caused actual harm to the Sellers. The Sellers liquidated the vast majority of the furniture and equipment in the Property in order to prepare for a sale that ultimately did not materialize. The Sellers have been unable to collect the forfeited deposit from Buyer A.

[44] It is not clear that there was any actual consumer harm arising out of the improper drafting of the contract of purchase and sale, but contracts that do not clearly identify the parties pose a risk to the public as a potential source of confusion and disagreement between the parties to a contract.

5. The need for specific deterrence to protect the public.

[45] Specific deterrence is needed to remind Mr. Bashutski that, in taking on a role as a broker, he assumed responsibility for appropriate oversight of the brokerage and its registrants.

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

[46] General deterrence is needed to remind all brokers of the importance of the supervisory role they occupy in the real estate industry. Broker supervision is an integral part of regulating the real estate industry and ensuring protection of the public.

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

[47] Members of the public place a great deal of trust in the registrants they engage to assist them with trades in real estate. The clients of a brokerage must be confident that the broker is applying his or her additional experience and knowledge in overseeing the operations of the brokerage to ensure that the clients' interests are protected.

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

[48] Mr. Bashutski's conduct falls well below the standard expected of registrants, but it was not egregious.

9. *The range of sanction in similar cases.*

A. What is an appropriate sanction for Albert Bashutski's breach of 712(e)?

i. *Emde (Re)*, 2025 SKREC 25 (file # 2024-74) ("Emde")

[49] In *Emde*, Mr. Emde was issued an order of reprimand and a \$6,000 fine for his violation of Bylaw 712. He was also issued an order of reprimand and an \$8,000 fine for breaching Bylaw 711.

[50] Salesperson A was registered at Brokerage A. At all material times, Mr. Emde was the broker of Brokerage A and Salesperson A's broker. Salesperson A was only registered to trade in residential real estate, although he had previously been registered to trade in residential, commercial and farm real estate before leaving the industry for a number of years. In 2019 and 2021, Salesperson A engaged in two commercial transactions with Salesperson B, who was registered to trade in commercial real estate. Salesperson A maintains that throughout each of these two commercial transactions, he sought out and relied upon the advice, knowledge and guidance of Mr. Emde. Mr. Emde denies that this occurred and stated that he had no knowledge of these transactions. Mr. Emde did not sign or initial the transaction documents for either transaction. In both transactions, the brokerage

received the standard agent split of the commission, and then paid both the buyer and seller portion of the commission to Salesperson A.

- [51] Mr. Emde was co-operative with the investigation.
- [52] Mr. Emde failed to review and initial all real estate agreements in a timely manner, failed to ensure that the brokerage utilized only registered personnel to perform duties of registrants on behalf of the brokerage, and failed to take reasonable steps to ensure that the brokerage and its registrants were in compliance with the legislation. Mr. Emde is also registered as a broker, and as the people in charge of ensuring other registrants remain in compliance with the legislation, brokers are held to a higher standard of conduct. Mr. Emde also had three prior sanction histories.
- [53] Mr. Bashutski's conduct is slightly more serious than Mr. Emde's. Although both Mr. Emde and Mr. Bashutski have previous sanction histories and are registered as brokers, in the present case there was actual harm to the public. Because of Mr. Bashutski's failure to adequately supervise Registrant C, a registrant with a prior sanction history, the sellers in the present case liquidated the vast majority of the furniture and equipment in the Property to prepare for a sale that ultimately did not materialize and have been unable to recover the deposit from the buyer.

ii. Stewart (Re), 2021 SKREC 11 (file #2021-13) ("Stewart")

- [54] In *Stewart*, Mr. Stewart was issued an order of reprimand and a \$12,000 fine for breaching Bylaw 712(b) by failing to properly review advertising of his brokerage and its registrants. As a result, several advertisements and websites operated by the brokerage and its registrants were not compliant with the legislative requirements.
- [55] Mr. Stewart had a prior sanction for breach of Bylaw 726(c) for authorizing and failing to review advertising in a real estate publication that included inaccurate information about his brokerage's relative market share.
- [56] Mr. Stewart signed a Statement of Facts and Admissions acknowledging his error.
- [57] Commission staff identified several issues with the advertising produced and published by Mr. Stewart's brokerage and by individual registrants of the brokerage.
- [58] Mr. Bashutski's breach is significantly more serious than that of the registrant in *Stewart*. Mr. Stewart failed to ensure the compliance of the advertising of several registrants of his brokerage as well as the advertising and signage of the brokerage itself. Mr. Bashutski failed to ensure that Registrant C collected a deposit of \$50,000 from a buyer client as required by the contract of purchase and sale, and also failed to take note of the improper drafting of the contract prepared by Registrant C. Mr. Bashutski did not follow up with Registrant C to ensure that the

listing brokerage had been made aware that his brokerage was not holding a deposit, nor did he reach out to the listing brokerage himself. Because of these failures, actual harm to the public occurred.

iii. *Batty (Re)*, 2019 SKREC 12 (file #2017-19) (“Batty”)

- [59] In *Batty*, Mr. Batty was issued an order of reprimand and a \$1,000 fine for his breach of Bylaw 712(e). A registrant under Mr. Batty’s supervision, Registrant A, represented the buyer and seller of a property as a limited dual agent. Mr. Batty provided Registrant A with assistance in drafting terms set out in a Schedule “A” to the buyer’s offer, which directed that \$3,700 of the deposit be returned to the buyer in the event the transaction collapsed. Registrant A received the deposit from the buyer’s ex-husband and signed a memorandum with him stating that the \$3,700 would be returned to him in the event the transaction collapsed. Mr. Batty became aware of Registrant A’s agreement with the buyer’s ex-husband shortly after it was made.
- [60] Mr. Batty had no previous sanction history and had been a registrant since 1981. He was cooperative with the investigation.
- [61] Mr. Batty was registered as a broker. As the people responsible for ensuring that the registrants and employees under their supervision are complying with the legislation, brokers are held to a higher standard of conduct.
- [62] Mr. Bashutski’s breach of Bylaw 712(e) is more serious than that of the registrant in *Batty*. Mr. Batty was not initially aware of the memorandum between Registrant A and the buyer’s ex-husband that contradicted the terms set out in the Schedule “A”. Mr. Bashutski, on the other hand, did not take steps to properly supervise Registrant C, a registrant with a previous sanction history, and did not follow up with Registrant C to ensure that the listing brokerage had been made aware that his brokerage was not holding a deposit, nor did he reach out to the listing brokerage himself.

iv. *Bashutski (Re)*, 2012 SKREC 1 (file #2011-07A) (“Bashutski”)

- [63] Mr. Bashutski has a previous sanction history. In *Bashutski*, Mr. Bashutski was issued an order of reprimand and a \$2,000 fine and was ordered to pay \$1,000 in hearing costs for his breach of Bylaw 712. Mr. Bashutski did not take reasonable steps to ensure that a salesperson under his supervision, the same salesperson as in the present case, was responding to requests for information from a review officer of the Commission. In the course of an investigation, Commission staff were corresponding with a registrant of Mr. Bashutski’s brokerage. As the broker, Mr. Bashutski was copied on this correspondence. Mr. Bashutski mentioned to the registrant that they should reply to the review officer and thought it had been done. Mr. Bashutski did not reply to the correspondence himself, nor did he follow up with the registrant to ensure that a response had been provided.

- [64] Mr. Bashutski did not have a previous sanction history and he apologized for not replying himself or pushing the registrant more firmly to reply. There was no evidence of monetary loss to the client.
- [65] The Hearing Committee stated that a broker cannot simply state that he or she thought something had taken place. It is the obligation of the broker to supervise their registrants to make sure they are in compliance with the legislation.
- [66] Mr. Bashutski's previous sanction history significantly exacerbates the seriousness of his breach of Bylaw 712(e). Not only has Mr. Bashutski been previously sanctioned for his failure to appropriately supervise a registrant under his supervision, but both cases also involve Mr. Bashutski's failure to supervise the same registrant.
- [67] It is also important to note that the registrant that Mr. Bashutski failed to adequately supervise had four previous sanctions at the time of this transaction. Despite this history, Mr. Bashutski chose not to adequately supervise this registrant.
- [68] As there have been several recent instances of a registrant being disciplined for issues surrounding the collection of deposits, the need for general deterrence to ensure that the industry as a whole understands the issue is of particular importance. The deposit is an integral aspect of a real estate transaction and it is critical that the registrants representing the buyer are handling the deposit appropriately. As it is the buyer's brokerage that typically collects and holds the deposit on a transaction, the buyer's brokerage must be held responsible for notifying the registrants representing the seller of the status of that deposit. The importance of the proper handling of the deposit and information surrounding the deposit must be stressed to the industry.
- [69] In recognition of the severity of the misconduct, the sanctions imposed upon Registrant C were significant. In *Matharu (Re)*, [2025 SKREC 24](#) (file #2022-39) ("*Matharu*"), Registrant C received a fine of \$25,000 for his breach of section 39(1)(a) by failing to collect the deposit, and also received a fine of \$3,000 for his breach of section 58(1)(b)(ii) by drafting an offer to purchase that did not include the name and address of the buyer.
- [70] Mr. Bashutski's failure to properly supervise Registrant C's handling of the deposit constitutes a breach of Bylaw 712(e). Mr. Bashutski's breach of Bylaw 712(e) has contributed to the Sellers' inability to collect the Buyer's forfeited deposit. As per paragraph 1.2(b) of the Residential Contract of Purchase and Sale, the deposit was to be \$50,000. Given the seriousness of the allegations against Mr. Bashutski and the impact of his misconduct on the sellers, Mr. Bashutski's breach must also be met with a significant sanction.
- [71] In May of 2020, the provincial legislature amended s. 38 of the *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] An order of reprimand and a \$10,000.00 fine are appropriate sanctions for Mr. Bashutski's breach of Bylaw 712(e).

[73] As Mr. Bashutski has agreed to sign this consent order, there will be no order as to costs.

CONSENT ORDER:

[74] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Bashutski, and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:

[75] With respect to Count 1, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act* for breach of Bylaw 712(e):
a. Mr. Bashutski shall, within three months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$10,000.00 fine for the said violation of the *Act*.

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

Dated at Saskatoon, Saskatchewan, this 24th day of September, 2026.

Christopher Boychuk
Hearing Committee Chairperson