

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

Islam (Re), 2025 SKREC 27

Date: December 8, 2025
Commission File: 2024-08

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF MIAN NADEEM ISLAM**

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

Chris Boychuk – Chairperson
Cliff Iverson
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. Islam breached Section 55(2) of the *Act* by advertising a trade in real estate without indicating the name of the brokerage for which he is authorized to act; and

Count 2:

- That, contrary to section 39(1)(c) of *The Real Estate Act*, Mr. Islam breached Commission Bylaw 701 by making untrue statements to the Commission.

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] Section 55(2) of *The Real Estate Act* states:

“No broker, branch manager, associate broker or salesperson shall advertise a trade in real estate unless the advertisement indicates the name of the brokerage for which the broker, branch manager, associate broker or salesperson is authorized to act.”

[4] Commission Bylaw 701 states:

“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.”

FACTS:

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

[6] Mr. Islam 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 May 31, 2013.

[7] Mr. Islam has taken the following real estate courses:

- Real Estate Practice in Sask. – Reciprocal Course

[8] Mr. Islam has completed the continuing professional development seminars each registration year since 2013-2014.

[9] Mr. Islam is presently registered under the provisions of *The Real Estate Act* as a salesperson with Sutton Group – Results Realty.

[10] The complainant is the next-door neighbour (the “Neighbour”) to a property in White City, Saskatchewan (the “Property”).

[11] The Owner of the Property is Mr. Islam’s friend and they both come from the same community in Pakistan (the “Owner”).

[12] The Owner does not live in the Property and keeps it as a rental property.

- [13] Mr. Islam visited the Property in the past to assist the owner with conversations with the tenant (the “Tenant”). The Tenant would convey her concerns to Mr. Islam, and he would convey them to the Owner in his dialect.
- [14] On February 8, 2024, Mr. Islam received correspondence from the Commission advising that the Neighbour had filed a complaint against him. The complaint alleges, among other things, that Mr. Islam was the manager of the Property.
- [15] On March 13, 2024, Mr. Islam told Commission staff that he is not the manager or owner of the Property, that the Property is owned by his friend who lives out of province, that he checks on the Property as a favour to his friend and that neither he nor his brokerage have any legal connection to managing or owning the Property.
- [16] Mr. Islam also provided a statement from the owner to the Commission which stated that he “was not in any way responsible for getting [the Tenant] and has nothing to do with her neither he manage my property.”
- [17] On April 11, 2024, Mr. Islam advised Commission staff that he had not advertised the Property for rent or shared any social media posts about the Property.
- [18] The Neighbour provided Commission staff with two screenshots of a Facebook post made by Mr. Islam on January 25, 2024, in the Facebook group INDIAN STUDENTS IN SASKATCHEWAN.
- [19] The Facebook post states: “\$2,800 / MONTH (SOLD) 5 bds 5 baths- House [Address] Canada”.
- [20] Mr. Islam wrote the following summary on the Facebook post: “Regina, white city 5 bed with 5Ensuite baths, with formal dining room, bonus room on 2nd floor,, back deck, 2 car heated garage, on Hwy1 interchange. Please serious enquiries only.”
- [21] The Facebook post does not include the name of the brokerage that is on Mr. Islam’s certificate of registration.
- [22] Mr. Islam’s broker told the Commission that he was unaware that Mr. Islam was advertising the Property for rent.
- [23] On April 16, 2024, Commission staff sent an email to Mr. Islam enclosing the screenshots and requesting an explanation in light of Mr. Islam’s previous statement that he had not advertised the Property for rent or shared any social media posts about the Property.
- [24] On April 30, 2024, Mr. Islam responded to Commission staff, advising that he posted this in his private account, and that this has nothing to do with the

complaint as his private life is personal, and since he is not legally responsible for the Property, he does not need to disclose his private life.

- [25] Commission Staff reviewed Mr. Islam's personal Facebook profile on May 1, 2024 and took screenshots of posts that he made that were related to his career as a registrant. On Mr. Islam's personal Facebook account, he indicated that he is a Real Estate Agent, but does not include the name of his brokerage. Mr. Islam has also previously made posts on his personal Facebook account related to real state and advertising properties.

REASONS:

Mitigating Factors

- [26] Mr. Islam has no prior sanction history.

Aggravating Factors

- [27] Mr. Islam has been continuously registered as a salesperson since May 31, 2013;

- [28] Mr. Islam was not cooperative with the investigation.

Prior Decisions & Other Considerations

- [29] 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.
- [30] 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.

[31] Mr. Islam advertised a trade in real estate without including the name of his brokerage.

[32] Mr. Islam made untrue statements to the Commission.

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

[33] Mr. Islam was the only registrant involved in his breach.

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

[34] There is no evidence to suggest Mr. Islam suffered any losses as a result of his breaches of the legislation.

[35] It is unknown whether Mr. Islam enjoyed any benefits as a result of his breaches of the legislation due to his lack of co-operation with the investigation.

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

[36] Advertising a trade in real estate without including the name of the brokerage on behalf of which the registrant is authorized to act, providing untrue statements to the Commission, and a lack of cooperation with the Commission's investigation all challenge the Commission's ability to regulate the real estate industry which can, in turn, damage the public perception of the Commission's ability to ensure registrants are conducting themselves appropriately in the course of their practice.

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

[37] Mr. Islam must be reminded that all advertisements must include the name of his brokerage, even if they are posted on a personal social media page.

[38] Specific deterrence is also needed to remind Mr. Islam that submitting untrue statements to the Commission is a serious offence and will not be tolerated.

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

[39] General deterrence is needed to remind all registrants that it is a legislated requirement that all advertisements for a trade in real estate must include the name of the brokerage which appears on their certificate of registration.

[40] General deterrence is also needed to make it clear to all registrants that submitting untrue statements to the Commission in the course of an investigation will not be tolerated.

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

[41] Members of the public should be able to count on the fact that registrants are advertising trades in real estate in accordance with the legislation.

[42] Members of the public must be confident that the registrants they deal with are conducting themselves with honesty and in compliance with the requirements set out in the legislation. The public must be reassured that the Commission is receiving the information it needs in order to properly regulate its registrants.

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

[43] Mr. Islam's conduct falls below the standard expected of registrants, and it is egregious as he provided untrue statements to his regulator.

9. The range of sanction in similar cases.

A. What is an appropriate sanction for Mr. Islam's breach of Section 55(2)?

i. *Zareh (Re)*, 2018 SKREC 30 (file # 2013-61A) ("Zareh")

[44] In *Zareh*, Mr. Zareh was issued an order of reprimand and a \$1,500 fine for advertising a trade in real estate without indicating the name of the brokerage for which he was authorized to act.

[45] Although he was registered with Royal LePage Regina Realty, Mr. Zareh was also employed by Night Hawk Properties. Through Night Hawk, Mr. Zareh created advertisements and provided property management services with respect to thirteen properties, most of which he owned or in which he had an interest. Mr. Zareh sent a notice to tenants of one of these properties advising that Night Hawk would be managing the property beginning December 1, 2013 and that rent could be paid at Night Hawk's office. Mr. Zareh did not complete a Disclosure of Interest in Trade form with respect to any of the properties he owned or in which he had an interest, nor did he otherwise disclose in writing to the tenants of the properties that, although he was a registrant, *The Real Estate Act* did not apply to the lease or rental agreement.

[46] Mr. Zareh had no previous sanction history and was co-operative with the investigation. He signed a Consent Order acknowledging his misconduct.

[47] Mr. Zareh created advertisements which were sent to a number of tenants that did not include the name of his brokerage as it appeared on his certificate of registration.

[48] Mr. Islam's conduct is similarly serious to that of Mr. Zareh. Both Mr. Zareh and Mr. Islam created an advertisement that did not include the name of the brokerages for which they are authorized to act.

ii. *Foord (Re)*, 2015 SKREC 6 (file # 2011-23) ("*Foord*").

[49] In *Foord*, the registrant was issued an order of reprimand and ordered to pay a \$1,500 fine for advertising a trade in real estate without indicating the name of the brokerage for which she was authorized to act.

[50] Ms. Foord's assistant and a representative of a Saskatoon newspaper communicated back and forth about an advertisement Ms. Foord had submitted for placement in the newspaper's weekly real estate feature. At no point did Ms. Foord or her assistant note that the name of the brokerage was not included in the advertisement, nor did Ms. Foord or her assistant view the final proof of the advertisement before it was published. Ms. Foord did not submit the advertisement to her broker, her branch manager or the front desk staff at the office for review prior to publication as required by her brokerage's advertising policy. The advertisement that appeared in the weekly real estate feature did not contain any reference to Ms. Foord's brokerage.

[51] Ms. Foord had no prior sanction history and she had only been registered for about 18 months when the advertisement was published.

[52] Ms. Foord did not comply with her brokerage's advertising policy, nor did she provide the advertisement directly to her broker or branch manager for review.

[53] Mr. Islam's actions are slightly more serious than those of the registrant in *Foord*. Where the registrant in *Foord* was a new registrant, Mr. Islam has been registered for more than ten years.

iii. *Schriml (Re)*, 2009 SKREC 25 (file # 2008-54) ("*Schriml*")

[54] In *Schriml*, the registrant was issued an order of reprimand and fined \$2,000 for publishing or causing to be published 42 advertisements without identifying his brokerage between May 10 and July 26, 2008. In May of 2008, Mr. Schriml had met with his branch manager to discuss his advertising practices as a result of internal concern from a fellow registrant. Mr. Schriml failed to provide copies of the 42 advertisements to his branch manager or broker for review prior to publication.

- [55] Mr. Schriml admitted his error and apologized for the incident. He was experiencing serious medical problems at the time and had open heart surgery in June. Mr. Schriml had been a registrant for 24 years at the time of the infraction.
- [56] The fact that the breaches occurred over a two-month time period, took place after Mr. Schriml discussed proper advertising practices with his branch manager, and only ceased after the complaint was filed were aggravating factors. The Hearing Committee stated that the advertising requirements are for the protection of the public and the sanctions must give the public confidence that advertising has to comply with the Act, so as not to confuse the public. All registrants must feel confident that such a breach will be dealt with seriously.
- [57] Mr. Schriml unsuccessfully appealed this decision on the basis that the quantum of the penalties was excessive when compared with previous decisions, especially as there was less harm associated with his contraventions than with contraventions that recently received much lower penalty decisions from the Commission. The Deputy Superintendent of Real Estate found that the quantum of penalties was reasonable in light of the number of advertisements involved, the length of time over which the advertisements were published and the fact that Mr. Schriml had very recently met with his branch manager and agreed to provide all advertisements to him for review prior to publication. The Deputy Superintendent confirmed the Committee's statements about public protection and dealing seriously with registrants' breaches and noted the importance of ensuring the public can have confidence in the transparency of real estate advertisements.
- [58] Mr. Islam's actions are less serious than those of the registrant in *Schriml*. Mr. Schriml published 42 advertisements that did not include the name of his brokerage and had very recently met with his branch manager to discuss concerns about his advertising practices.
- iv. *Ahmed (Re)*, 2011 SKREC 5 (file # 2009-34) ("Ahmed")
- [59] In *Ahmed*, the Hearing Committee issued an order of reprimand to the registrant and ordered him to pay a \$2,000 fine for an advertisement that did not contain the name of his brokerage.
- [60] Mr. Ahmed insisted that he was not aware of the advertisement until he was contacted by the Commission. He believes that a former assistant, who was dismissed after only 25 days of work, was responsible for publishing the advertisement. The Hearing Committee stated that advertising rules must be adhered to or there will be serious sanctions imposed.
- [61] Mr. Ahmed appealed the decision of the Hearing Committee, arguing that the Committee had not had all relevant evidence before it when the decision was made. Mr. Ahmed and his branch manager both believed that the former assistant

was responsible for the advertisement, but the Investigation Committee Representative refused to amend the signed Statement of Facts to include these statements. The Hearing Committee refused to hear these submissions at the hearing on the basis that it was only entitled to consider facts set out in the agreed statement. The Deputy Superintendent found that the Investigation Committee Representative had been misleading when he made the unilateral decision to omit information relevant to penalty determination in his submissions to the Committee and when he denied having knowledge of this information at the hearing. The Deputy Superintendent found that, while it was not appropriate to strike the charge in its entirety, because that would send a message to registrants that a failure to supervise staff could result in a lesser penalty, Mr. Ahmed's noted diligence in having supervisors review his advertisements was a significant mitigating factor. The fine was decreased to \$1,000.

[62] Mr. Islam's actions are more serious than those of the registrant in *Ahmed*. While the registrant in *Ahmed* was unaware of the advertisement and believes it was created by a former assistant, Mr. Islam confirmed that he was the author of the Facebook post.

v. *Chubb (Re)*, [1999 SKREC 17](#) (file # 1999-46) ("*Chubb*")

[63] In *Chubb*, the registrant was issued an order of reprimand and ordered to pay a \$500 fine for not including the name of his brokerage in an advertisement.

[64] Mr. Chubb had no previous sanction history and co-operated fully with the Commission in the investigation. There was no evidence of any consumer harm.

[65] Mr. Chubb's actions, compounded by the fact that Mr. Chubb resided a significant distance from his brokerage office, would cause confusion about the identify of the brokerage with which Mr. Chubb was registered as a salesperson. It could appear to the public that Mr. Chubb was operating as a brokerage. The public would not know the brokerage with which to register a concern if they were having a problem with Mr. Chubb. The Hearing Committee noted that the brokerage was also at some risk with the inability of consumers to communicate directly with the brokerage.

[66] Mr. Islam's actions are as serious as those of the registrant in *Chubb*. By advertising the property for rent on Facebook without including the name of his brokerage, it could cause confusion to the public, who would not know the brokerage with which to register a concern if they were having problems.

[67] As the decision in *Chubb* was made in November of 1999, an appropriate sanction for Mr. Islam's breach of s. 55(2) must account for inflation and the impact rising property values have had on commission payable to registrants. As property values increase, registrants can expect increased commissions on the purchase and sale of those properties. If sanctions do not keep pace with commissions, fines ordered against registrants may come to be regarded as a "cost of doing business".

- [68] 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.
- [69] An order of reprimand and a \$3,000 fine are appropriate sanctions for Mr. Islam's breach of Section 55(2).

B. What is an appropriate sanction for Mr. Islam's breach of Bylaw 701?

- i. *Hnatiuk (Re)*, 2025 SKREC 8 (file # 2022-60) ("Hnatiuk")
- [70] In *Hnatiuk*, the registrant was issued an order of reprimand and a \$6,000 fine for providing untrue statements to the Commission.
- [71] On September 6, 2022, seller A signed a Seller's MLS® Brokerage Contract listing the property for Sale. The asking price was \$34,700, with a \$4,500 commission to the seller's brokerage and a \$2,000 commission to the buyer's brokerage. Mr. Hnatiuk was the listing agent.
- [72] On October 2, 2022, buyer B wrote an offer to purchase the property. Seller A made a statement to the Commission that she noticed after signing all the sale documents the commission that Mr. Hnatiuk was charging. On October 20, 2022, seller A sent a text message to Mr. Hnatiuk stating "Hey regan. Your commission is still \$5,000 even though it only sold for \$28,000?" Mr. Hnatiuk replied the same day via text, stating: "The other agent is taking most of that. I don't have a choice. It's a flat fee. If it was all just me I could have given you a deal."
- [73] Concern arose about whether buyer B was going to complete the purchase of the property. Seller A provided the Commission with an updated text conversation with Mr. Hnatiuk, where he explained to her that the original buyers had to buy the property they would lose their \$3,000 deposit to her. seller A responded "of which you get \$1500m?*" Mr. Hnatiuk responded "I don't get any of the deposit. It's all yours." Seller A also provided the Commission with a recording of a telephone conversation with Mr. Hnatiuk in which Mr. Hnatiuk again stated that seller A would get the full \$3,000 deposit.
- [74] Buyer B failed to complete the purchase of the property and forfeited her deposit. The brokerage collected \$1,351.35 and paid \$574.18 to Mr. Hnatiuk after the brokerage split, taxes and expenses. On October 31, 2022, a cheque was issued

to seller A in the amount of \$1,351.35 for the remaining amount of the forfeited deposit.

- [75] Mr. Hnatiuk provided conflicting statements to the Commission with respect to the payout of the deposit. On April 28, 2023, Mr. Hnatiuk provided a statement to the Commission that he told seller A she would receive a portion of the deposit. Seller A provided both text and telephone recordings that show Mr. Hnatiuk told her she would receive the full deposit.
- [76] On May 16, 2023, Mr. Hnatiuk provided a statement to the Commission that a representative of the brokerage called him about the deposit and the decision was made mutually that a portion of the deposit would go to the brokerage.
- [77] Commission staff sent a letter to broker D, Mr. Hnatiuk's broker, asking him to clarify who made the decision to split the deposit. Broker D responded, stating that the decision to claim half of the deposit was made by Mr. Hnatiuk alone.
- [78] There were no mitigating factors.
- [79] Mr. Hnatiuk has been continuously registered as a salesperson since August 22, 2012, and Mr. Hnatiuk had a previous sanction history. Mr. Hnatiuk also received an order of reprimand and a \$3,000 fine for violating Bylaw 702.1.
- [80] Mr. Islam's violation of Bylaw 701 is slightly less serious than that of the registrant in *Hnatiuk*. Both the registrant in *Hnatiuk* and Mr. Islam made untrue statements of a material fact to the Commission, but unlike the registrant in *Hnatiuk*, Mr. Islam does not have a previous sanction history.

ii. *Tomyn (Re)*, 2020 SKREC 10 (file # 2019-58) ("*Tomyn*")

- [81] In *Tomyn*, the registrant was issued an order of reprimand and a \$3,000 fine, and his certificate of registration was suspended for a period of 30 days.
- [82] Mr. Tomyn wrote an Offer to Lease on behalf of his client. The Offer stated that the tenant was to pay a deposit to Mr. Tomyn's brokerage within five business days of acceptance of the offer. The tenant wrote a deposit cheque that was deposited into the brokerage's trust account. The deposit cheque was returned NSF. Mr. Tomyn called the tenant to ask what had happened, but did not contact the landlord or the listing agent to advise that the cheque had been returned. Mr. Tomyn obtained a replacement cheque from the tenant that was deposited into the brokerage's trust account. In his initial response to the complaint, Mr. Tomyn did not make reference to the second deposit cheque. After learning that an administrator at his brokerage had provided information to the Commission that made reference to the second cheque, Mr. Tomyn provided a revised response to Commission staff that included information about the second deposit cheque. The tenant decided not to proceed with the transaction. Mr. Tomyn sent an email to his brokerage directing the return of the tenant's deposit. Two days after the

deposit cheque was returned to the tenant, Mr. Tomy advised the registrant representing the landlord that the tenant would not be proceeding with the transaction. The listing agent requested that Mr. Tomy's brokerage retain the deposit as the landlord intended to claim entitlement to it. Mr. Tomy thereafter advised the listing agent that the tenant's deposit cheque had been returned NSF. This was the first the listing brokerage had heard about the returned cheque and Mr. Tomy did not mention the second deposit cheque that had been obtained and returned to the tenant.

- [83] Mr. Tomy did not have a previous sanction history. The coronavirus pandemic had a significant and largely negative impact on the real estate market and on registrants' incomes generally.
- [84] Mr. Tomy failed to provide the listing brokerage with important information about the deposit on multiple occasions. He did not notify the listing brokerage when he was advised that the initial deposit cheque had been returned, when he obtained a second deposit cheque from the tenant, or when the second deposit was returned to the tenant at Mr. Tomy's request. Mr. Tomy was specifically advised by an administrator at his brokerage that he was obligated to notify the listing brokerage of the returned cheque. His decision to withhold information about the deposit from the listing brokerage appeared quite deliberate. Mr. Tomy also appeared to have deliberately withheld material information from the Commission. Registrant conduct that interferes with the Commission's ability to regulate the industry and investigate complaints in the public interest is a serious issue.
- [85] Mr. Islam's violation of Bylaw 701 is similarly serious to that of the registrant in *Tomy*. In *Tomy*, the registrant deliberately withheld material information from the Commission, but later provided a revised response including that information. Mr. Islam provided an untrue statement to Commission staff, stating that he had not advertised the property for rent or shared about it on social media, despite having made a Facebook post advertising the property for rent a few months earlier.
- iii. *Schmidt (Re)*, 2007 SKREC 7 (file #2006-51B) ("Schmidt")
- [86] In *Schmidt*, the registrant received a number of sanctions, including a \$5,000 fine and 90 day suspension of his certificate of registration for breaching Bylaw 701 by providing false information to a Review Officer of the Commission.
- [87] Mr. Schmidt and his common-law spouse, who was also a registrant, purchased the property in the fall of 2005 and listed the property for sale in the spring of 2006. In the MLS® descriptors, they stated that the property received new shingles in 2004. Mr. Schmidt did not own the property in 2004 and had no knowledge whether the owner of the property at that time had replaced the shingles. In May 2006, they accepted an offer on the property from a buyer represented by a different

registrant. This offer was subject to a satisfactory building inspection and, as the condition was not removed, the offer collapsed and the listing was withdrawn.

- [88] In August 2006, Mr. Schmidt and his spouse provided the Review Officer of the Commission with written and verbal representations that claimed they had replaced the shingles in 2006. Mr. Schmidt was adamant that the shingles were new until he was confronted with clear evidence that they had not been replaced. Throughout the investigation, Mr. Schmidt was not co-operative, antagonistic, and at one point indicated to the Review Officer that he had done the shingles himself.
- [89] The sanctions imposed were significant; however, misleading and providing false information to the Review Officer cannot be tolerated. In addition, Mr. Schmidt had previously been sanctioned for a serious offence and this contributed to the amount of the fine. Potential purchasers should be able to have confidence that the information contained in the listing is correct and the investigations undertaken by the Commission must be taken seriously.
- [90] Mr. Islam's breach of Bylaw 701 was similarly serious to that of the registrant in *Schmidt*. Both registrants provided false information to the Commission in the course of an investigation, which is significant, and both registrants were uncooperative with the investigation. However, the registrant in *Schmidt* had a previous sanction history while Mr. Islam does not.
- [91] The decision in *Schmidt* was rendered prior to the 2008 expansion of the real estate market and the May 2020 legislative changes. For the reasons set out above, this decision must be considered in light of the both the impact the changing real estate market and general inflation have had on commission as well as the signal from lawmakers that the fines ordered against registrants should be increased so as to ensure the protection of the public.
- [92] A letter of reprimand and a \$5,000 fine are appropriate sanctions for Mr. Islam's breach of Bylaw 701.

CONSENT ORDER:

- [93] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Islam, and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [94] With respect to Count 1, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act* for breach of Section 55(2):
- a. Mr. Islam shall receive an order of reprimand for the violation of Section 55(2);

- b. Mr. Islam shall, within 6 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$3,000.00 fine for the said violation of the *Act*; and
- c. Mr. Islam's registration shall be terminated if he fails to make payment as set out above.

[95] With respect to Count 2, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act* for breach of Bylaw 701:

- a. Mr. Islam shall receive an order of reprimand for the violation of Bylaw 701;
- b. Mr. Islam shall, within 6 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$5,000.00 fine for the said violation of the *Act*; and
- c. Mr. Islam's registration shall be terminated if he fails to make payment as set out above.

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

Dated at Saskatoon, Saskatchewan this 8th day of December, 2025.

Christopher Boychuk
Hearing Committee Chairperson