DECISION OF
THE SASKATCHEWAN REAL ESTATE COMMISSION
AND CONSENT ORDER

Sander (Re), 2025 SKREC 19

Date: October 29, 2025
Commission File: 2024-17

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 Section 55(2) of the *Act* by creating an advertisement that failed to include the name of his brokerage.

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) 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.”*

FACTS:

[4] 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:

[5] 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.

[6] 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

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

[8] Mr. Sander is presently registered under the provisions of *The Real Estate Act* as a salesperson with Re/Max Saskatoon.

[9] On March 14, 2024, Mr. Sander placed an advertisement in the Western Producer plus a feature sheet for the MLS Listing SK958277.

[10] The advertisement in the Western Producer did not include the name of Mr. Sander’s brokerage.

[11] When the advertisement was placed in the Western Producer, Mr. Sander was sure his brokerage’s name was included.

[12] Mr. Sander is uncertain if the oversight was on his end or on the Western Producer’s end.

[13] Mr. Sander states it was certainly not an intentional omission on his end and there was no benefit or advantage for him to intentionally not include that.

Mitigating Factors

[14] The mitigating factor is that Mr. Sander was co-operative with the investigation.

Aggravating Factors

[15] There are no aggravating factors.

Prior Decisions & Other Considerations

[16] 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.

[17] 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.

[18] Mr. Sander placed an advertisement in the Western Producer that did not include the name of his brokerage.

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

[19] Mr. Sander was the only registrant involved in the breach.

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

[20] There is no evidence to suggest that Mr. Sander enjoyed a benefit or suffered a loss as a result of his breach.

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

[21] All advertisements for trade in real estate must include the name of the brokerage with which the property is listed so that members of the public are able to clearly ascertain who they are dealing with, and that they are dealing with a registrant rather than another member of the public.

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

[22] Specific deterrence is needed to remind Mr. Sander that he must adhere to the advertising requirements, including clearly indicating the name of his brokerage, at all times.

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

[23] General deterrence is needed to remind all registrants that they must adhere to the advertising requirements and that the name of the brokerage for which they are authorized to trade must be clearly indicated in all advertising.

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

[24] Members of the public must always be able to easily identify when they are dealing with a registrant, as well as the brokerage involved. Advertising that lacks clarity and/or does not abide by the legislative requirements threatens the trust placed in registrants by members of the public.

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

[25] Mr. Sander's conduct falls 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 Mr. Sander's breach of Section 55(2)?

[26] There are several previous decisions dealing with breaches of section 55(2) that offer helpful guidance as to an appropriate sanction for Mr. Sander's misconduct.

[27] In *Zareh (Re)*, 2018 SKREC 30 (file #2013-61) ("*Zareh*"), Mr. Zareh received an order of reprimand and a $1,500 fine when he advertised a trade in real estate without indicating the name of the brokerage for which he was authorized to act.

[28] Although he was registered with Royal LePage Regina Realty, Mr. Zareh was also employed by Night Hawk Properties. Through Night Hawk, Mr. Zareh 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.

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

[30] Mr. Zareh operated an extensive property management business, comprising over a dozen properties, outside his brokerage.

[31] Mr. Sander's breach was slightly less serious than that of the registrant in *Zareh*. Though Mr. Sander's advertisement did not contain the name of his brokerage, this omission was not done intentionally by Mr. Sander due to some other arrangement he had in place with another company, as was the case in *Zareh*.

[32] In *Foord (Re)*, 2015 SKREC 6 (file #2011-23) ("*Foord*"), Ms. Foord was issued an order of reprimand and ordered to pay a $1,500 fine when she authorized the publication of an advertisement that did not contain the name of her brokerage.

[33] Ms. Foord and her assistant reviewed proofs from the publisher that did not contain the brokerage's name. Neither Ms. Foord nor her assistant requested that the brokerage's name be included in the ad. As the deadline for publication was rapidly approaching, neither Ms. Foord nor her assistant viewed a final proof of the advertisement. The advertisement was published in a weekly newspaper real estate feature without any reference to the brokerage for which Ms. Foord is authorized to act.

[34] Ms. Foord had no prior sanction history and had only been registered for approximately a year and a half when the advertisement was published.

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

[36] Ms. Foord agreed to sign a consent order, so no order as to costs.

[37] Mr. Sander's breach is similarly as serious as that of the registrant in *Foord*.

[38] Mr. Sander claims it was possibly a newspaper error that resulted in the advertisement being published without the name of his brokerage. A similar issue was addressed by the Hearing Committee in *Shank (Re)*, 2011 SKREC 3 (file #2010-45) ("*Shank*"). In *Shank*, Ms. Shank received a letter of reprimand and a $500 fine when she referred to "new listings" in her advertisement when the listings did not meet the criteria for her "new listing" policy.

[39] The newspaper in which the advertisements were published failed to make changes to correct the error after the first proof was viewed. However, Ms.

Shank's team did not wait for the second proofread before approving the advertisement.

[40] Following the error, Ms. Shank's brokerage changed their policy to require that the final, correct proof be viewed prior to approval of the advertisement.

[41] The Hearing Committee considered that Ms. Shank had no prior sanction history and that she had been in the industry for fourteen years. The brokerage had not intended for the misleading advertisement to proceed. The acknowledged error from the newspaper kept Ms. Shank's fine from being significantly higher.

[42] The Committee stressed that brokerages must ensure misleading or incorrect advertising is not placed before the public, leading to a lack of respect for the real estate industry. Registrants and brokers must supervise the advertising process. This includes setting up proper and effective system for the review of the advertising that is going out from their brokerage.

[43] Further, we must take into account that the sanctions levied in *Zareh* and *Foord* occurred prior to the provincial legislature amendment, in May 2020, to s. 38 of *The Real Estate Act* increasing 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.

[44] An order of reprimand and a fine of $3,500 are appropriate sanctions for Mr. Sander's breach of Section 55(2).

CONSENT ORDER:

[45] 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:

[46] 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 Section 55(2) of *The Real Estate Act*;

b. Mr. Sander shall, within 3 months of the date of this order, pay to the Saskatchewan Real Estate Commission a $3,500 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.

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

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

Jeffrey P. Reimer
Hearing Committee Chairperson