

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

*Zurowski (Re)*, 2024 SKREC 25

Date: November 13, 2024  
Commission File: 2024-58

**IN THE MATTER OF  
THE REAL ESTATE ACT, C. R-1.3 AND  
IN THE MATTER OF BRENNAN ZUROWSKI**

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

Jeffrey P. Reimer - Chairperson

Cliff Iverson

David Ukrainetz

**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. Zurowski breached Commission Bylaw 726 by undertaking or authorizing advertisements containing information that is false, inaccurate and reasonably capable of misleading 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 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:**

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

[5] Mr. Zurowski has been continuously registered as a broker under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission since March 3, 2022. Prior to that, he was registered as a salesperson from March 12, 2014, to June 30, 2019, and thereafter registered as an associate broker from July 1, 2019, to March 3, 2022.

[6] Mr. Zurowski 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
- Real Estate Office Management & Brokerage

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

[8] Mr. Zurowski is presently registered under the provisions of *The Real Estate Act* as a broker with C & C Realty.

[9] Registrant A and Mr. Zurowski were the co-listing agents for Acreage B.

[10] Acreage B is located on Last Mountain Lake in the R.M. of McKillop and pays property taxes to the R.M. of McKillop.

[11] Registrant A and Mr. Zurowski listed Acreage B using Glen Harbour as the location.

[12] Glen Harbour is a resort village located in the R.M. of McKillop, with its own separate governance and tax base separate from the R.M. of McKillop.

[13] Acreage B is adjacent to, but not within, the boundaries of Glen Harbour.

## **REASONS:**

### Mitigating Factors

[14] Mr. Zurowski has no previous sanction history.

[15] Mr. Zurowski takes full responsibility, as the broker, for authorizing the use of the inaccurate listing location.

### Aggravating Factors

[16] Mr. Zurowski is registered as a broker.

[17] The inaccurate location was not removed from the listing even after contact by the complainant.

### Prior Decisions & Other Considerations

[18] 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.

[19] 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.*

[20] Mr. Zurowski was the co-listing agent with another registrant, who had familial ties to the property. Mr. Zurowski knowingly listed an incorrect location for the property despite having available proper location options that would have been accurate. The advertisement was misleading to the public. Mr. Zurowski acknowledged that he knew the property was not located in the resort village he used as its location and that there were other correct location options available. Mr. Zurowski said interested parties were advised of the correct location when they inquired about the property.
2. *The role of the offending member in the breaches.*

[21] Mr. Zurowski was a co-listing agent for the property, but accepts full responsibility for the breach for having authorized, as broker, the use of the inaccurate location.
3. *Whether the offending member suffered or gained as a result of the breaches.*

[22] There is no evidence to suggest that Mr. Zurowski enjoyed any benefits or suffered any losses as a result of his breach of the legislation.
4. *The impact of the breaches on complainants or others.*

[23] The complainant raised concerns that the listings were misleading to the public.
5. *The need for specific deterrence to protect the public.*

[24] Mr. Zurowski must be reminded that all of the information registrants present to the public in their advertisements must be clear, accurate and not misleading to the public. The public must be able to rely on pertinent information such as the location of a property.
6. *The need for general deterrence to protect the public.*

[25] General deterrence is needed to remind all registrants that the information they present to the public in their advertisements must be clear, accurate and not misleading to the public. The public must be able to rely on pertinent information such as the location of a property.
7. *The need to maintain the public's confidence in the integrity of the profession.*

[26] Members of the public must be reassured that all of the information they receive from registrants in advertisements is clear, accurate and not misleading in any way.
8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*

[27] Mr. Zurowski'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. Zurowski's breach of Bylaw 726?**

- [28] While there are many previous decisions pursuant to Bylaw 726, the following decision, which speaks to advertising an incorrect location, is the most relatable.
- [29] In *Lautermilch (Re)*, [2019 SKREC 7](#) (file #2018-26) ("*Lautermilch*"), Eldon Lautermilch was issued an order of reprimand and a \$1,750 fine for advertising a property using an incorrect location.
- [30] Mr. Lautermilch acted as the listing agent for the owners of a property on an unnamed island with no legal description or civic address. The brokerage contract and MLS® Data Input Form stated that the property was located on [Named] Island when, in fact, the property was not located on [Named] Island. The island on which the property was located became an issue because the MLS® System would not allow a listing without including a civic address. Mr. Lautermilch consulted with his broker and the Association of Regina REALTORS®. Association staff sent an email to Mr. Lautermilch's broker that the property had been named as "Island near La Ronge." According to the Association's audit logs, Association staff changed the name of the property to [Named] Island near La Ronge and an MLS® Listing was created and published that identified the address of the property using this name. Comments on the listing stated that the property was on its own unnamed island. The owner of the only property actually located on [Named] Island contacted Mr. Lautermilch about the listing and requested that he remove "[Named] Island" from the advertisement. Mr. Lautermilch did not amend the MLS® Listing after speaking to the property owner.
- [31] Mr. Lautermilch had no previous sanction history and was co-operative with the investigation. Mr. Lautermilch consulted with his broker and the Association about how to advertise the property on the MLS® System.
- [32] Mr. Lautermilch did not amend the listing after he was contacted by the property owner and specifically asked to do so.
- [33] Mr. Zurowski's breach of Bylaw 726 is more serious than that of the registrant in *Lautermilch*. While Mr. Lautermilch struggled to determine how to enter an address as required by the MLS® system for a property that did not in fact have either a civic address or legal description, Mr. Zurowski acknowledged that he knowingly allowed to be entered an incorrect location for the property when correct and accurate location information was available. Similar to Mr. Lautermilch, Mr. Zurowski failed to remove the incorrect and inaccurate location information after being contacted about the issue. Mr. Zurowski is also a broker, and as brokers are responsible for supervising registrants they are held to a higher standard.

- [34] Also of note are the following two decisions which speak to inaccurately described property.
- [35] In *Mahon (Re)*, [2018 SKREC 20](#) (file #2016-70) ("*Mahon*"), Marianne Mahon was issued an order of reprimand and a \$2,000 fine for creating an advertisement that inaccurately stated what was included in the property. Ms. Mahon listed a property for sale that was comprised of two lots. She assumed the property included two lots that were separated by a fence. One lot included a house and garage, the other was clear. Ms. Mahon was unable to obtain information from the Town office and did not take any other steps to determine how the lots that made up the property were split. She created an MLS® Listing that stated: "Great location on 2 lots. Corner lot has 1 bedroom house with single garage, other lot is clear." Ms. Mahon also represented the buyer of the property. After taking possession, the buyer learned that the property only extended to the fence and that the vacant lot on the other side of the fence was not part of the property.
- [36] Ms. Mahon had no previous sanction history and was co-operative with the investigation. She acknowledged her error and apologized when questioned by her buyer client. Ms. Mahon signed a Consent Order acknowledging her error.
- [37] Ms. Mahon was acting as a limited dual agent in the transaction. Registrants must be even more diligent when there are no other registrants involved to ensure the information presented to the parties is accurate and the transaction is managed properly.
- [38] In *Ursan (Re)*, [2009 SKREC 9](#) (file #2008-26A) ("*Ursan*"), Hazel Ursan was issued an order of reprimand and a \$3,000 fine for issuing an advertisement that did not clearly explain or qualify what was included in the MLS® Listing. Despite the statement in the listing that the sale included that adjacent, vacant lot, the contract of purchase and sale only referred to one of the two lots that comprised the property.
- [39] Ms. Ursan had no prior sanction history, was co-operative and had no malicious intent.
- [40] The Hearing Committee considered the significant harm to the buyer and the buyer's representative and found that the manner in which the MLS® Data input sheet and other documentation was done did not reflect well on the real estate industry or Ms. Ursan herself. The Hearing Committee stressed that the accurate legal description of the property is one of the core elements of a trade.

- [41] Mr. Zurowski's breach of Bylaw 726 is more serious than those of the registrants in *Mahon* and *Ursan* in that he knowingly authorized setting the location of the property inaccurately despite knowing of accurate and correct location options. Further, Mr. Zurowski is registered as a broker and must be held to a higher standard.
- [42] In May of 2020, the provincial legislature amended section 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 from \$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.
- [43] In deciding an appropriate sanction, consideration must be given to the fact that all of the above noted decisions were rendered prior to the legislative changes of May 2020.
- [44] A Letter of Reprimand and a fine of \$4,000 are appropriate sanctions for Mr. Zurowski's breach of Bylaw 726.

**CONSENT ORDER:**

- [44] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Brennan Zurowski and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [45] 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 726:
- a. Mr. Zurowski shall receive an order of reprimand for the violation of Bylaw 726;
  - b. Mr. Zurowski shall, within 30 days of the date of this order, pay to the Saskatchewan Real Estate Commission a \$4,000.00 fine for the said violation of the *Act*; and
  - c. Mr. Zurowski's registration shall be terminated if he fails to make payment as set out above.

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

Dated at Regina, Saskatchewan, this 13<sup>th</sup> day of November, 2024.

Jeffrey P. Reimer \_\_\_\_\_  
Hearing Committee Chairperson