

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

Ziegler (Re), 2026 SKREC 4

Date: March 26, 2026
Commission File: 2025-19

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF SCOTT ZIEGLER**

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

Jeffrey P. Reimer - Chairperson

Wayne Bernakevitch

Lori Patrick

CHARGE and ADMISSION OF MISCONDUCT:

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

Count 1:

- That, Mr. Ziegler breached section 39(1)(c) of the *Act* by breaching Commission Bylaw 726(c), by undertaking or authorizing advertisements containing information that is reasonably capable of misleading the recipient.

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 726(c) 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:.... (c) reasonably capable of misleading the recipient or intended recipient.”

FACTS:

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

[5] Mr. Ziegler 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 from September 6, 2006 to November 19, 2025, and from November 25, 2025 to present.

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

- Real Estate as a Professional Career
- Residential Real Estate as a Professional Career
- Principles of Real Estate Appraisal
- Principles of Real Property Law

[7] Mr. Ziegler has completed the continuing professional development seminars each registration year since 2006-2008.

[8] Mr. Ziegler is presently registered under the provisions of *The Real Estate Act* as a salesperson with eXp Realty.

[9] Mr. Ziegler was the listing agent for a property in Saskatoon (the “**Property**”). Mr. Ziegler listed the Property in February of 2025.

[10] The photographs that Mr. Ziegler used in the advertisement were taken in or around 2019 and were used in the advertising when the seller bought the Property.

[11] Mr. Ziegler did not indicate in the advertising that these photographs were taken in 2019.

[12] The Property was occupied by tenants at the time of listing and there were personal artifacts and garbage strewn across the Property. Mr. Ziegler did not want to embarrass the tenants by publicly displaying the conditions that they lived in.

- [13] Due to the cleanliness of the Property at the time of listing from the current tenants, Mr. Ziegler did not believe that he could take new photos. He felt that if he had taken current photos, he would not have been honoring his fiduciary duty to his client as no one would have wanted to show the Property and it would not have sold.
- [14] The seller insisted that Mr. Ziegler use the old photos, and Mr. Ziegler acquired permission from the former listing agent to use the photos.
- [15] One of the offers received on the Property was made by Purchaser A. This offer was for the full asking price of \$110,000 and was conditional on financing and a walkthrough inspection. This offer was to include the fridge, stove, washer and dryer.
- [16] Purchaser A made this offer based on the photographs and description in the advertisement.
- [17] Upon arriving at the Property on February 15 for a walkthrough, Purchaser A discovered several discrepancies between the listing photos and the actual condition of the Property.
- [18] The listing photos depicted a stainless-steel cooktop stove, a black refrigerator, and a modern washer and dryer.
- [19] The actual appliances in the kitchen were an old white stove and an older white refrigerator, and the washer and dryer presently in the Property were different than the ones depicted in the listing.
- [20] Purchaser A filed a complaint against Mr. Ziegler, alleging that the advertisement contained misleading information which significantly impacted her purchasing decision and led to unforeseen expenses.
- [21] Purchaser A was aware of the discrepancy between the appliances shown in the listing photos and the actual appliances before conditions were removed.
- [22] With the knowledge of the discrepancy, Purchaser A removed conditions and completed the purchase of the Property.

REASONS:

Mitigating Factors

- [23] Mr. Ziegler was co-operative with the investigation.
- [24] Mr. Ziegler has been registered since 2006 and does not have a previous sanction history.

[25] Mr. Ziegler stated that due to the state of the property, he was instructed to use old pictures of the property in the listing by his client.

Aggravating Factors

[26] There are no aggravating factors.

Prior Decisions & Other Considerations

[27] 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.

[28] 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.*

[29] The advertising created by Mr. Ziegler to market property for sale used pictures from six years ago which misrepresented the state of the appliances in the property.

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

[30] Mr. Ziegler was the sole listing agent for the Property.

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

[31] There is no evidence to suggest that Mr. Ziegler 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.*

[32] There was no evidence provided of consumer harm, as the buyer was aware of the discrepancies in the advertisement before she removed conditions to purchase the property.

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

[33] Specific deterrence is needed to remind Mr. Ziegler that all of the information and photographs that he presents to the public in advertisements must be an accurate representation of the current condition of the property and its appliances. The public must be able to rely on pertinent information found in an advertisement, and there is the potential for harm to the public if a registrant creates advertising that is reasonably capable of misleading the recipient.

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

[34] General deterrence is needed to remind all registrants that the information that they present to the public in their advertisements must be clear, accurate and not misleading. The public and other agents expect that the condition of the property as presented in the advertisement will be an accurate representation of the current condition of the property.

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

[35] Members of the public must be reassured that all of the information that they receive from registrants in advertisements is clear, accurate and not misleading in any way. The public is relying on registrants to accurately advertise properties.

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

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

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

[37] There are a number of previous decisions pursuant to Bylaw 726(c). The following are the most applicable to the present case.

i. *Desrochers (Re)*, 2009 SKREC 1 (file # 2008-12) (“*Desrochers*”)

[38] In *Desrochers (Re)*, 2009 SKREC 1, Mr. Desrochers was issued a \$500 fine, and a letter of reprimand for violating Bylaw 726(c).

[39] Mr. Desrochers advertised a property for sale with underground parking when no underground parking in fact existed in relation to the property. The buyer stated that underground parking was a consideration when they made the offer. Disclosure on the estoppel certificate indicated that there was a dispute regarding parking allocation.

[40] Mr. Desrochers co-operated fully with the Investigation Committee and admitted that the information he provided to the MLS system was incorrect and potentially misleading.

[41] Mr. Desrochers claimed that there was never any malicious intent and that the misleading information was a result of simply checking the wrong box on the listing form.

[42] Mr. Ziegler’s violation of Bylaw 726(c) is similarly serious to the registrant in *Desrochers*. The MLS® Listing undertaken or authorized by Mr. Ziegler misled the buyer as to the condition of the appliances, and the buyer made a conditional offer based on the pictures and representations in the MLS® listing. The buyer was aware of the discrepancies between the actual appliances and the ones depicted in the MLS® listing prior to removing conditions so there was no evidence of consumer harm.

ii. *Emde (Re)*, 2003 SKREC 9 (file # 2002-56) (“*Emde*”)

[43] In *Emde*, Gary Emde was issued an order of reprimand and a fine of \$250.

[44] Mr. Emde prepared a feature sheet that did not clearly indicate if a basement apartment conformed or did not conform to the municipal bylaws. The buyers learned after beginning renovations on the basement that there was a zoning bylaw deficiency relating to the minimum distance of a building from the lot line and the minimum distance of a building to any other buildings on the lot. Many construction requirements were necessary to bring the building up to the national code.

- [45] Mr. Emde was aware that the basement was a non-legal suite and indicated this fact on advertisements published in a magazine. The Committee noted that there was no intent to mislead on Mr. Emde's part. Mr. Emde was not representing the buyers. Registrants may not know what is important to different buyers or why it is important, and as a result they must provide accurate information that will not be capable of misleading consumers.
- [46] Mr. Ziegler's conduct is similarly serious to the conduct of the registrant's in *Emde*. Like the registrant in *Emde*, Mr. Ziegler was not representing the buyer and there is no evidence that he intended to mislead her. However, the 6-year old photographs used by Mr. Ziegler did not accurately capture the current condition of the appliances and misled the buyer.
- [47] *Emde* was decided in 2003. In 2008, a significant expansion occurred in the Saskatchewan real estate market that drastically increased property values and the commissions registrants could expect to earn on trades in real estate. Sanctions ordered against registrants must keep pace with the impact the changing real estate market and inflation have had on property values, or the Commission runs the risk of fines becoming a "cost of doing business".
- iii. *Mahon (Re)*, 2018 SKREC 20 (file # 2016-70) ("*Mahon*")
- [48] In *Mahon*, Ms. Mahon was issued an order of reprimand and was ordered to pay a \$2,000 fine.
- [49] Ms. Mahon listed a property for sale that was comprised of two lots. Ms. Mahon assumed that the Property was made up of two lots that were separated by a fence. One of the lots included a house with a garage in the back and the other lot was clear. She tried to contact the Town office but could not get any information because there was no Administrator. She did not take any other steps to determine how the lots that made up the Property were split.
- [50] Ms. Mahon created an MLS® Listing that stated: "Great location on 2 lots. Corner lot has 1 bedroom house with single garage, other lot is clear."
- [51] The Buyer contacted Ms. Mahon because she was interested in purchasing the Property. Ms. Mahon told the Buyer that the Property included the lot with the "For Sale" sign on it that was surrounded by a fence and the vacant lot next to it. The Buyer purchased the Property, brought in her recreational camper and placed it on the vacant lot.
- [52] A Bylaw Officer contacted the Buyer and advised that she would have to remove the camper from the vacant lot because the vacant lot was Town property. After she was contacted by the Buyer, Ms. Mahon measured the lot and discovered that her initial assumption was incorrect and that the Property only extended to the fence. The vacant lot on the other side of the fence was not part of the Property.

- [53] 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.
- [54] Mr. Ziegler's conduct is less serious than the registrants in *Mahon*. In *Mahon* there was consumer harm as the buyer purchased the property believing it had two lots. In the present case, there was no consumer harm as the buyer became aware of the discrepancies between the pictures posted on the MLS® listing and the current state of the appliances before conditions were removed on the purchase. As such, the buyer had the opportunity to collapse the transaction and/or renegotiate the terms of the agreement, thereby negating or reducing the alleged loss or damage.

iv. *Ursan (Re)*, 2009 SKREC 9 (file # 2008-26A) ("*Ursan*")

- [55] In *Ursan*, Ms. Ursan was issued a \$3,000 fine and a letter of reprimand.
- [56] Ms. Ursan issued an advertisement that did not clearly explain and or qualify what was included in the MLS listing. Despite the statement in the listing that the sale included the adjacent, vacant Lot 4, the Residential Contract of Purchase and Sale only referred to Lot 3.
- [57] The Committee considered that Ms. Ursan had no prior sanction history, was cooperative, and had no malicious intent.
- [58] The Committee also considered the significant harm to the buyer and the buyer's representative, and that the accurate legal description of the property is one of the core elements of a trade.
- [59] Mr. Ziegler's conduct is less serious than the registrant in *Ursan*. Although the pictures used on the MLS® Listing were six-years old and were not an accurate representation of the condition of the appliances, there was no harm to the buyer in the present case as she was aware of the discrepancies before she removed conditions.
- [60] 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 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

finest ordered against registrants should be increased so as to ensure the protection of the public.

- [61] 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 *Desrochers, Emde, Mahon* and *Ursan*, which all pre-date this legislative amendment.
- [62] A letter of reprimand and a fine of \$2,500 are appropriate sanctions for Mr. Ziegler's breach of Bylaw 726(c).

CONSENT ORDER:

- [63] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Ziegler and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [64] With respect to Count 1, the charge of professional misconduct contrary to Section 39(1)(c) of *The Real Estate Act*:
- a. Mr. Ziegler shall receive an order of reprimand for the violation of Commission Bylaw 726(c).
 - b. Mr. Ziegler shall, within four months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$2,500 fine for the said violation of the *Act*; and,
 - c. Mr. Ziegler's registration shall be terminated if he fails to make payment as set out above.
- [65] There shall be no order as to costs.

Dated at Regina, Saskatchewan, this 26th day of March, 2026.

Jeffrey P. Reimer
Hearing Committee Chairperson