

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

ICR Brokerage Inc. (Re), 2025 SKREC 14

Date: September 25, 2025
Commission File: 2025-25

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF ICR BROKERAGE INC.**

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

Jeffrey P. Reimer- Chairperson

Lori Patrick

Tyler Badinski

CHARGE and ADMISSION OF MISCONDUCT:

[1] The brokerage 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*, ICR Brokerage Inc. breached Bylaw 712(e) by failing to ensure that his brokerage and its registrants were in compliance with the *Act*, the Regulations and the 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(e) 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 ICR Brokerage Inc.’s Statement of Facts and Admissions, which includes the following relevant points:

[5] ICR Brokerage Inc. has been registered as a brokerage under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission since July 1, 2003.

[6] Stacy Dybvig is the broker of ICR Brokerage Inc. (“ICR”).

[7] Salesperson A is a salesperson registered with ICR.

[8] In or around early 2023, ICR listed a commercial property for lease (the “Property”).

[9] In or around April 2023, Lessor B viewed the Property and then engaged the services of ICR to lease the Property, working directly with Salesperson A.

[10] On July 1, 2023, Lessor B took possession of the Property and shortly thereafter commenced operation of her business.

[11] Lessor B was subsequently advised by the City of Saskatoon that her business operations did not comply with the zoning bylaw.

[12] On March 30, 2024, Lessor B vacated the Property as a result of being unable to secure a business license.

[13] On October 10, 2024, Lessor B issued a Statement of Claim against Salesperson A and ICR, stating that she relied on Salesperson A’s representations that her intended use of the Property complied with all zoning requirements and she alleged:

- a) fraudulent misrepresentation as defined in the *Act*;
- b) negligent misrepresentation; and
- c) breach of fiduciary duty

[14] In the same Statement of Claim, Lessor B alleged that ICR was vicariously liable for the actions of Salesperson A as its employee.

- [15] On October 15, 2024, Salesperson A and ICR were served with Lessor B's Statement of Claim.
- [16] On November 15, 2024, counsel for Salesperson A and ICR signed a Statement of Defence. The date of filing is unclear from the Clerk's stamp.
- [17] Mediation took place on February 3, 2025.
- [18] On March 5, 2025, Mr. Dybvig sent an email to the Commission stating "[f]orgot to send to you" with the Statement of Claim attached.
- [19] Mr. Dybvig did not, at any time prior to March 5, 2025, advise the Commission of the civil proceeding commenced against ICR and Salesperson A.
- [20] Mr. Dybvig did not advise Salesperson A to notify the Commission of the civil proceedings against him.
- [21] Salesperson A did not advise the Commission of the civil proceeding against him until March 18, 2025, when he sent the Commission a copy of the Statement of Claim and Statement of Defence.
- [22] On March 18, 2025, Lessor B filed a complete discontinuance of her claim.
- [23] On March 20, 2025, Mr. Dybvig emailed a copy of the discontinuance of claim to the Commission.

REASONS:

Mitigating Factors

- [24] Mr. Dybvig has no previous sanction history.
- [25] The brokerage was co-operative with the investigation.

Aggravating Factors

- [26] Mr. Dybvig has been registered as a broker since November 1999 and as the people responsible for the supervision of registrants, brokers are held to a higher standard than other registrants.

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] Mr. Dybvig failed to notify the Commission of the commencement of civil proceedings against his brokerage and one of its registrants within the time prescribed by Bylaw 723. Mr. Dybvig also failed to ensure his registrant, who was named in the same action, notified the Commission of the commencement of civil proceedings against him within the prescribed time.

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

[30] Civil proceedings were commenced against both the brokerage and one of its registrants. As broker, Mr. Dybvig is responsible for the brokerage to remain compliant but is also responsible for ensuring that other registrants of the brokerage are also compliant. Mr. Dybvig's failure resulted in another registrant of the brokerage also breaching Bylaw 723.

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

[31] There is no evidence that Mr. Dybvig or his brokerage suffered a loss or gained as a result of the breaches.

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

[32] The Plaintiff filed a discontinuance of the claim and there is no evidence of consumer harm. However, Mr. Dybvig's failure to notify the Commission also resulted in a breach by a registrant of his brokerage. Failing to notify the Commission of certain events challenges its ability to regulate the industry and protect the public.

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

[33] Mr. Dybvig must be made aware of the importance of keeping the Commission up to date on certain civil proceedings against himself and his brokerage as well as the legislative notice requirements.

[34] Additionally, Mr. Dybvig must be made aware of his responsibility as broker to ensure registrants of his brokerage remain compliant with the legislation. Broker's supervision duties are key to protecting the public. Brokers are held to a higher standard of conduct and Mr. Dybvig breached this standard by failing to ensure his registrants complied with the notice requirements of Bylaw 723.

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

[35] All registrants must be reminded of their obligation to notify the Commission of civil proceedings within the time prescribed and the importance of abiding by requirements of the *Act*, the Regulations and the Bylaws.

[36] Additionally, brokers must be made aware of the importance of their supervisory duties with regard to their registrants and ensuring compliance with the legislation.

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

[37] The public interest is best served when the Commission is aware of and able to track certain civil proceedings. Delays in notification can result in the Commission's inability to efficiently carry out their regulatory duties.

[38] Additionally, brokers play a key oversight role in the trade of real estate. Brokers are responsible for maintaining public confidence that registrants are compliant with the *Act*, the Regulations, and the Bylaws. If brokers fail to adequately supervise their registrants, it lowers the integrity of the profession.

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

[39] Mr. Dybvig'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. Dybvig's breach of Bylaw 712(e)?

[40] The following are the most relevant decisions pursuant to Bylaw 712(e).

[41] In *Duggleby (Re)*, [2024 SKREC 8](#), Mr. Duggleby was issued an order of reprimand, an \$8,000 fine, and required to re-take the broker course within 6 months, failing which he can no longer be registered as a broker, for breaching Bylaw 712(e) by failing to take reasonable steps to ensure a registrant under his supervision was in compliance with Bylaw 723.

- [42] A registrant under Mr. Duggleby's supervision initiated personal bankruptcy proceedings in or around April of 2021 and advised Mr. Duggleby of the same. Mr. Duggleby failed to advise the registrant to notify the Commission or of the notice requirements pursuant to Bylaw 723, nor did he notify the Commission on his registrant's behalf.
- [43] In or around December 2023 the Commission became aware of the registrant's previously undisclosed bankruptcy proceeding when the registrant submitted a New Application or Re-Instatement or Renewal form in order to transfer to a new brokerage.
- [44] Mr. Duggleby's breach was more severe than the breach of Mr. Dybvig. Mr. Duggleby had a previous sanction history and at no point did Mr. Duggleby notify the Commission of the bankruptcy proceedings. Mr. Dybvig did notify the commission of the proceedings against the brokerage and its registrant, though well past the 5-day window.
- [45] In *Chiple* (*Re*), [2020 SKREC 1](#), Ms. Chiple was issued an order of reprimand and a \$2,000 fine.
- [46] The owner of a property passed away leaving a Will that identified the Executor and another person as executors. The Executor initially listed the property for sale with Registrant A and the listing transferred to Ms. Chiple's brokerage when Registrant A joined in 2017. Thereafter, the listing was cancelled and re-listed by Registrant B, another registrant of Ms. Chiple's brokerage. After the property was listed for sale, Registrant B showed Ms. Chiple a copy of the Will and Ms. Chiple authorized Registrant B to proceed with the listing. Ms. Chiple had been advised on previous occasions by local lawyers that registrants could list properties while the probate process was underway. The Executor accepted an offer to purchase the property, but that transaction fell through when one of the lawyers handling the file discovered that the Will had not been probated. The buyers initiated a civil action against the Executor and the estate; the Executor filed a third party claim against Ms. Chiple and the brokerage.
- [47] Ms. Chiple had no previous sanction history since becoming registered with the Commission in 1979. She was co-operative with the investigation and took responsibility for her actions. Ms. Chiple had been advised by lawyers that properties could be listed even though probate was not complete. Ms. Chiple subsequently implemented a brokerage policy regarding the handling of estates.
- [48] Mr. Dybvig's breach was more severe than Ms. Chiple's breach. Ms. Chiple took responsibility for her actions and implemented a policy in her brokerage to ensure a breach such as this did not occur again. Mr. Dybvig failed to ensure that both his brokerage and one of its registrants were compliant with the legislation. Additionally, Mr. Dybvig did not initially inform the Commission that another registrant was named in the statement of claim.

- [49] It must be noted that *Chiple (Re)* was rendered prior to May 2020. 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.
- [50] An order of reprimand and a fine of \$3,000 are appropriate sanctions for Mr. Dybvig's breach of Bylaw 712(e).

CONSENT ORDER:

- [51] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of ICR Brokerage Inc. and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [52] 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. The brokerage shall receive an order of reprimand for the violation of Bylaw 712(e);
 - b. The brokerage shall, within 30 days 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. The brokerage's registration shall be terminated if it fails to make payment as set out above.
- [53] There shall be no order as to costs.

Dated at Regina, Saskatchewan this 25th day of September, 2025.

Jeffrey P. Reimer
Hearing Committee Chairperson