

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

*Singh (Re)*, 2025 SKREC 13

Date: September 25, 2025  
Commission File: 2025-41

**IN THE MATTER OF  
THE REAL ESTATE ACT, C. R-1.3 AND  
IN THE MATTER OF GURVINDER SINGH**

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 registrant is charged with and is admitting to professional misconduct as follows:

**Count 1:**

- That, Mr. Singh breached section 39(1)(c) of the *Act* by breaching Section 53(2) of the *Act* by trading in real estate other than on behalf of the brokerage stated on his certificate of registration.

**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 53(2) of *The Real Estate Act* states:

*“No broker, branch manager, associate broker or salesperson shall trade in real estate other than for or on behalf of the brokerage stated on his or her certificate of registration.”*

**FACTS:**

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

[5] Mr. Singh 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 December 23, 2022.

[6] Mr. Singh 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. Singh has completed the continuing professional development seminars each registration year since 2022-2023.

[8] Mr. Singh is presently registered under the provisions of *The Real Estate Act* as a salesperson with Century 21 Dome Realty Inc. (“Dome”).

[9] Broker A is the registered broker of Dome.

[10] On March 7, 2025, Mr. Singh entered into a listing agreement (“Listing Agreement 1”), as the listing agent on behalf of Dome, for the property (the “Property”) for a list price of \$519,900 with delayed presentation of offers set for March 10, 2025.

[11] On March 12, 2025, Listing Agreement 1 was cancelled.

[12] On March 12, 2025, Mr. Singh entered into a listing agreement (“Listing Agreement 2”), as the listing agent on behalf of Dome, for the Property for a list price of \$499,900.

[13] On March 17, 2025, the price was amended to \$490,900.

[14] On March 20, 2025, the price was amended to \$474,800.

- [15] On March 26, 2025, Mr. Singh made an offer to purchase through a lawyer for a purchase price of \$455,000 with a possession date of April 18, 2025.
- [16] On March 27, 2025, Listing Agreement 2 was cancelled.
- [17] On April 21, 2025, an amendment was signed adding Mr. Singh's wife as a purchaser and extending the closing date to April 22, 2025.
- [18] On April 22, 2025, Mr. Singh and his wife took possession of the Property.
- [19] Mr. Singh did not submit any documentation for this transaction to his brokerage. Broker A was unaware of the transaction.
- [20] On April 23, 2025, Broker A became aware of Mr. Singh's purchase of the Property and she contacted Mr. Singh to set an appointment with him.
- [21] Mr. Singh met with Broker A on April 25, 2025, and she advised him that all real estate transactions have to go through the brokerage. She obtained the transaction documents from Mr. Singh and had him get a Disclosure of Interest in Trade signed by the sellers after the meeting.
- [22] Broker A reported the purchase to the Commission.
- [23] Mr. Singh apologises and was unaware that as a Realtor®, he must go through the brokerage for the sale or purchase of a property, even if it is through a lawyer.
- [24] Mr. Singh states that he knows people who have gone through a lawyers office to buy or sell a house listed on Facebook and he thought he could do the same. He now understands that those persons were not Realtors® and he now understands his obligations and will not make this mistake in the future.

## **REASONS:**

### Mitigating Factors

- [25] Mr. Singh was co-operative with the investigation.
- [26] Mr. Singh has no previous sanction history.

### Aggravating Factors

- [27] Mr. Singh was personally involved in the transaction. A registrant's personal involvement in a transaction places a higher onus on that registrant to ensure compliance with the legislation.

[28] No other registrants were involved in the transaction.

[29] Mr. Singh's conduct voided his errors and omissions insurance for the transaction causing risk to the public.

#### Prior Decisions & Other Considerations

[30] 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.

[31] 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.*

[32] Mr. Singh was the listing agent for a property which he then purchased personally at a significant reduction from the last amended list price. Mr. Singh used a lawyer to prepare an offer to purchase, then cancelled the listing agreement. The transaction did not go through Mr. Singh's brokerage or any other brokerage.

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

[33] Mr. Singh was the only registrant involved in his breach of the legislation.

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

[34] Mr. Singh purchased the property for \$19,800 less than the last amended list price, and by cancelling the listing agreement no commission was shared with his brokerage.

4. *The impact of the breaches on complainants or others.*
- [35] It is not clear whether any actual consumer harm resulted from Mr. Singh's breach of the legislation.
5. *The need for specific deterrence to protect the public.*
- [36] It must be made clear to Mr. Singh that all trades in which a registrant is personally involved must go through a brokerage, whether the registrant's brokerage or another brokerage.
6. *The need for general deterrence to protect the public.*
- [37] It must be made clear to all registrants that trades in which a registrant is personally involved must go through a brokerage, whether the registrant's brokerage or another brokerage.
7. *The need to maintain the public's confidence in the integrity of the profession.*
- [38] The public should be able to rely on the fact that transactions in which registrants are personally involved are subject to the appropriate oversight, are being done in compliance with the legislation, and are covered by errors and omissions insurance.
8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*
- [39] Mr. Singh'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. Singh's breach of Section 53(2)?**

- [40] While there are many decisions pursuant to Section 53(2), the following decisions are most applicable.
- [41] In *Elenko (Re)*, [2019 SKREC 2](#) (file #2016-34) ("*Elenko*"), Jayson Elenko was issued an order of reprimand and a \$1,250 fine for failing to utilize a brokerage for his personal purchase of a property.
- [42] The sellers had listed the property for sale with Registrant A. Mr. Elenko contacted Registrant A's brokerage to assist him in searching for a home to rent. The sellers ultimately entered into a rental agreement with Mr. Elenko. Mr. Elenko agreed to a one-year lease of the property on the understanding that it would be listed for sale again the following spring. The listing expired in June. In December, Mr. Elenko and his wife wrote an offer to purchase the property. The offer did not name a salesperson or brokerage representing either the buyers or the sellers. The offer did not go through Mr. Elenko's brokerage or any brokerage. There was no deposit to be held in trust and Mr. Elenko did the paperwork himself. Mr. Elenko believes the sellers were aware he was a registrant, but he did not provide the sellers with a Disclosure of Interest in Trade form. Mr. Elenko and his wife signed a Notice to

Remove Conditions Precedent rather than the mandatory Notice to Remove Condition(s) on Residential Contract of Purchase and Sale.

- [43] Mr. Elenko had no previous sanction history and was co-operative with the investigation. He signed a consent order acknowledging his errors.
- [44] Mr. Elenko was personally involved in the transaction. A registrant's personal involvement places a higher onus on that registrant to ensure that all necessary documents are properly completed.
- [45] Mr. Singh's breach was more serious than that of the registrant in *Elenko*. While both registrants were co-operative with the investigation, lacked previous sanction history, and were personally involved in the transactions, Mr. Singh was involved as the listing agent for the property he purchased. Mr. Singh's agency relationship with the sellers raises fiduciary obligations and places a higher onus on him to ensure the transaction is compliant with the legislation.
- [46] In *Wu (Re)*, [2018 SKREC 35](#) (file #2017-58) ("*Wu*"), Sky Wu was issued an order of reprimand and a \$1,750 fine.
- [47] Mr. Wu was one of two owners of a property. The property had been listed through Mr. Wu's brokerage, but that listing expired. Mr. Wu's business partner showed the property to interested buyers. Mr. Wu wrote the buyer's offer on a Residential Contract of Purchase and Sale. The offer does not indicate that the buyer or seller is represented by any brokerage and the sale of the property did not go through Mr. Wu's brokerage. Mr. Wu and his business partner accepted the buyer's offer. Rather than signing the offer with his signature, Mr. Wu simply wrote his name on one of the seller's signature lines; he also signed as witness to his own signature. Mr. Wu did not provide the buyer with a Disclosure of Interest in Trade form. Mr. Wu believed that the buyer understood that Mr. Wu was only involved in the transaction as a seller and that he was not representing the buyer in the transaction. As part of their complaint, the buyers stated that they believed Mr. Wu acted as their agent in the purchase of the property.
- [48] Mr. Wu had no previous sanction history and was co-operative with the investigation. He did not earn any commission on the transaction.
- [49] The agency relationship between members of the public and the brokerage that represent them is a fundamental component of the real estate industry. Registrant conduct that undermines this relationship is not acceptable. Mr. Wu was personally involved in the transaction and there were no other registrants involved in the transaction.
- [50] Mr. Singh's breach was similarly serious to that of the registrant in *Wu*. While the buyers in *Wu* mistakenly believed that Mr. Wu was acting as their agent, Mr. Singh was the listing agent for the property he purchased. Although Mr. Singh and the sellers had the agreement for sale prepared by a lawyer, as the only

registrant involved in the transaction it was incumbent upon Mr. Singh to protect the interests of his clients by ensuring the transaction was compliant with the legislation.

- [51] In *Downey (Re)*, (file #1999-79) ("*Downey*"), Lyndon Downey's certificate of registration was suspended for a period of fifteen days for failing to trade through his brokerage with respect to a property. Although Mr. Downey was involved in the sale of the property, he did not inform his brokerage of the transaction. He did put a sold sign on the property after it was sold.
- [52] Mr. Downey had no previous sanction history, admitted his guilt and expressed remorse for his actions. There was no evidence of consumer harm and Mr. Downey did not personally gain from the transaction. The Hearing Committee considered Mr. Downey's actions to be an isolated incident and considered the turmoil occurring in Mr. Downey's personal life at the time of the violation.
- [53] The Hearing Committee did find that a suspension of Mr. Downey's certificate of registration was warranted because a registrant trading in real estate other than through his or her brokerage is a very serious violation.
- [54] Mr. Singh's breach of the legislation is more serious than that of the registrant in *Downey*. Mr. Singh was not only personally involved in the purchase, he was also the listing agent for the property. He had an agency relationship with the sellers which created fiduciary obligations.
- [55] *Downey* was decided almost twenty years ago and, since that time, Hearing Committees of the Commission have been ordering suspensions more sparingly and for a narrower range of violations. As such, although it does indicate the seriousness of a registrant trading outside his or her brokerage, the decision in *Downey* is of limited value in determining an appropriate sanction for Mr. Singh's breach of s. 29(4) of the *Act*.
- [56] In *Grabowski (Re)* (file #2002-14) ("*Grabowski*"), Gerald Grabowski was issued an order of reprimand and ordered to pay a \$1,000 fine for entering into three separate contracts to purchase real estate that he did not report to his brokerage and for acting on behalf of the buyer and seller in the purchases of two properties that he did not report to his brokerage.
- [57] Mr. Grabowski had no previous sanction history and was co-operative with the investigation. He acknowledged his mistake and showed remorse for his actions. The Hearing Committee noted that, although the fact that Mr. Grabowski facilitated the sale of property within his wife's family did not relieve him of his obligation to conduct himself within the requirements of the legislation, it was considered a mitigating factor. Mr. Grabowski did not receive any commission with respect to the trades in real estate and his actions were not intended to avoid payment of any commission to his brokerage. The Hearing Committee did

not find that Mr. Grabowski intended any wrongdoing in the transaction and there was no evidence of consumer harm.

- [59] The Hearing Committee did note, however, that the concept of a registrant only trading in real estate on behalf of the brokerage named on his or her certificate of registration is one of the basic principles of real estate legislation. Trading in real estate outside of a registrant's brokerage was considered a very serious violation.
- [60] Mr. Singh's breach is less serious than that of the registrant in *Grabowski*. Mr. Grabowski was involved in five trades in real estate that were not reported to his brokerage, while Mr. Singh was only involved in one.
- [61] Both *Downey* and *Grabowski* were decided before 2008. In 2008, the real estate market in Saskatchewan underwent significant change. Property values increased considerably and, as a result, the commissions registrants can expect to earn on trades in real estate increased as well. Sanctions ordered against registrants must keep pace with these increases or the Commission runs the risk of fines becoming a "cost of doing business". Consideration must also be paid to the general inflation that has occurred in the years since these decisions were rendered.
- [62] Consideration must also be given to the fact that all of the above decisions were rendered prior to May 2020. 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.
- [63] An order of reprimand and fine of \$6,000 are appropriate sanctions for Mr. Singh's breach of Section 53(2) of the *Act*.

#### **CONSENT ORDER:**

- [64] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Singh and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [65] With respect to Count 1, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act*:



- a. Mr. Singh shall receive an order of reprimand for the violation of Section 53(2) of *The Real Estate Act*;
- b. Mr. Singh shall, within 3 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$6,000 fine for the said violation of the *Act*; and,
- c. Mr. Singh's registration shall be terminated if he fails to make payment as set out above.

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

Dated at Regina, Saskatchewan this 25<sup>th</sup> day of September 2025.

Jeffrey P. Reimer  
Hearing Committee Chairperson