

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

Bailey (Re), 2025 SKREC 22

Date: December 8, 2025
Commission File: 2025-61

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF CATHERINE (MICHELLE) BAILEY**

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

Christopher Boychuk - Chairperson

Cliff Iverson

Micheal Genest

CHARGE and ADMISSION OF MISCONDUCT:

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

Count 1:

- That, Ms. Bailey breached section 39(1)(c) of the *Act* by breaching Section 18(1)(d), by trading in real estate as a salesperson while she was not registered as a salesperson.

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 18(1)(d) of *The Real Estate Act* states:

“No person shall trade in real estate:.... (d) as a salesperson, unless the person is registered as a salesperson.”

FACTS:

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

[5] Ms. Bailey has been registered as a salesperson under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission from February 11, 2013, to June 30, 2019, from July 2, 2019 to June 30, 2024, from July 2, 2024, to June 30, 2025 and from July 3, 2025, to the present date.

[6] Ms. Bailey has taken the following real estate courses:

- Phase 1 – Real Estate as a Professional Career
- Residential Real Estate as a Professional Career

[7] Ms. Bailey has completed the continuing professional development seminars each registration year since 2012-2013.

[8] Ms. Bailey is presently registered under the provisions of *The Real Estate Act* as a salesperson with Century 21 Able Realty.

[9] Ms. Bailey’s 2024 - 2025 certificate of registration expired on June 30, 2025.

[10] Ms. Bailey neglected to renew her certificate of registration for the 2025 – 2026 year prior to the expiration of her 2024 - 2025 certificate.

[11] On July 3, 2025, Ms. Bailey renewed her certificate of registration for the 2025 – 2026 year.

[12] A review of Ms. Bailey’s social media was carried out by Commission staff prior to her becoming re-registered and found:

- Profile on Realtor.ca;
- Profile on Century 21 Able website;
- Facebook profile indicating she was a Realtor®;
- Active listings; and
- Listings advertised on REW and MLS®.

[13] Between July 1, 2025 and July 3, 2025, Ms. Bailey’s listings remained active and continued to be advertised on the MLS®.

- [14] Ms. Bailey states she was away with her grandkids at the lake and completely forgot.
- [15] Ms. Bailey states she did not take part in any other real estate related activities during the period in which she was not registered, and she had no internet service and no cell service.
- [16] Ms. Bailey states she has no excuse, she was just busy and excited to get away with the children and she forgot about the registration deadline.
- [17] Ms. Bailey’s social media presence, active listings and advertising constitute a trade in real estate pursuant to section 2(bb)(ii) and (vi) of *The Real Estate Act*.
- [18] Ms. Bailey previously failed to renew her certificate of registration on time. Ms. Bailey’s certificate of registration for the 2023 – 2024 year expired on June 30, 2024 and she did not renew her certificate until July 2, 2024.
- [19] On July 4, 2024, Ms. Bailey received an email from the Commission with the following notice and warning:

Pursuant to Commission Bylaw 315, unless suspended or cancelled earlier, every certificate of registration expires at midnight on June 30 next following the date of issuance.

As such, your certificate of registration expired at midnight on June 30, 2024. Since your certificate of registration had not been renewed prior to this point, you ceased to be registered with the Saskatchewan Real Estate Commission (the “Commission”) to trade in real estate in Saskatchewan on June 30, 2024.

According to our records, you did not renew your registration until July 2, 2024.

This means that any trades in real estate that you did between July 1 and July 2, 2024 were done while you were not registered and constitute a breach of s. 18 of *The Real Estate Act*. Clause 2(bb) of the *Act* defines a “trade” in real estate as:

- (i) a disposition of, an acquisition of or a transaction in real estate by sale, purchase, exchange, option, lease or otherwise;
- (ii) an offering, advertising, listing or showing of real estate for sale, purchase, exchange, option, lease or otherwise;
- (iii) an offer to purchase;
- (iv) property management;
- (v) the solicitation, negotiation or obtaining of a contract, agreement or any other arrangements to advertise real estate for sale, exchange, option, lease or other disposition of the real estate, either directly or indirectly, through any medium of advertising;
- (vi) holding oneself out as trading in real estate;
- (vii) any conduct, act or negotiation, in the furtherance or attempted furtherance of any one or more of the things mentioned in this clause.

As such, any marketing of properties or negotiation of offers you took part in between July 1 and July 2, 2024 constitutes unregistered trading, as would any social media profiles that include your listings or identify you as a registrant, such as professional Facebook profiles or Instagram accounts, that were not taken down while you were unregistered.

A review undertaken by Commission staff found evidence of ongoing trading on your part while you were not registered:

- 17 active listings on REALTOR.ca;
- Active website at michelle-bailey.c21.ca advertising you as a REALTOR® and offering real estate services; and,
- Active real estate agent profile on Facebook entitled “Michelle Bailey – Century 21 Able Realty”.

The Commission has elected not to pursue disciplinary charges against you at this time. That said, continued failures to renew your certificate of registration on time may result in a change in our position.

REASONS:

Mitigating Factors

[20] Ms. Bailey was cooperative with the investigation.

[21] Ms. Bailey has no previous sanction history.

Aggravating Factors

[22] This is the second year in a row Ms. Bailey failed to renew her registration before it expired.

[23] Ms. Bailey has previously received a notice and warning for failure to renew on time and unregistered trading.

Prior Decisions & Other Considerations

[24] 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.

[25] 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.

[26] Ms. Bailey failed to renew her certificate of registration and continued to trade in real estate while not registered to do so.

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

[27] Ms. Bailey was the sole perpetrator of her breach of the legislation.

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

[28] There is no evidence to suggest that Ms. Bailey benefited from her breach of the legislation, nor is there any evidence that she suffered a loss.

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

[29] There is no evidence to suggest that any other parties were harmed by Ms. Bailey's breach of the legislation.

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

[30] While it does appear to be the result of an oversight rather than a deliberate decision to trade while unregistered, specific deterrence is needed to reiterate to Ms. Bailey that trading in real estate on behalf of other people is a serious undertaking that requires registration with the Commission.

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

[31] General deterrence is needed to ensure that other registrants know that the Commission will not tolerate registrants continuing to trade in real estate after allowing their certificate of registration to lapse.

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

[32] The public must be reassured that individuals trading in real estate are registered with the Commission to do so.

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

[33] Ms. Bailey's conduct falls outside the range of acceptable registrant conduct, but her breach of the legislation was not egregious.

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

A. What is an appropriate sanction for Ms. Bailey's breach of section 18(1)(d)?

[34] There are several previous and recent decisions dealing with a breach of s. 18(1).

[35] In *Harvey (Re)*, [2017 SKREC 11](#) (file #2017-08) ("Harvey"), George Harvey was issued an order of reprimand and \$2,000 fine for neglecting to renew his certificate of registration.

[36] Mr. Harvey is the broker and sole registrant of Wheatland Realty Ltd. His 2015-2016 certificate of registration expired on June 30, 2016. Mr. Harvey neglected to renew his certificate of registration for the 2016-2017 year. He did not realize that he had failed to renew his certificate of registration.

[37] On October 6, 2016, the sellers signed a listing agreement with Wheatland Realty Ltd. listing the property for sale. An advertisement was created and published with respect to the property.

[38] On November 24, 2016 and December 9, 2016, the Registration and Office Administrator of the Saskatchewan Real Estate Commission, sent an email to Mr. Harvey, at the email address he provided to the Commission, to inquire if he was acting as a broker. On January 30, 2017, the Registration and Office Administrator sent an email to the same email address attaching a letter advising that Mr. Harvey was not registered and that she had attempted to contact him on two previous occasions. Mr. Harvey received this email and contacted the Registration and Office Administrator immediately. Mr. Harvey became registered on January 30, 2017.

[39] Mr. Harvey was co-operative with the investigation and signed a Statement of Facts and Admissions acknowledging his misconduct. There was no activity in Mr. Harvey's trust account during the period of time during which he was not registered. The property was not sold while Mr. Harvey was not registered, nor did he receive any offers to purchase during that time. At the time he failed to renew his registration, Mr. Harvey was ill for two weeks and was also dealing with his sister in Washington D.C. who had been diagnosed with Alzheimer's disease. Mr. Harvey does very few transactions per year and there are no other registrants working out of his brokerage.

- [40] Mr. Harvey was unregistered for seven months. He failed to respond to several emails from the Commission regarding his registration status. The ramifications of non-registration are significant: no REIX coverage for negligence and no defalcation coverage in the event of trust account violations.
- [41] Ms. Bailey's breach of the legislation is similarly serious to that of the registrant in *Harvey* although the details are different. While Mr. Harvey was unregistered for a lengthy period of time there were extenuating circumstances surrounding his failure to renew. Mr. Harvey was a broker, and the only registrant of his brokerage, and while he did list one property during that period, he was not otherwise involved in any trades in real estate. Ms. Bailey was unregistered for just 1 day, but she continued to run her social media profiles indicating that she is a real estate agent, and had active listings advertised on multiple forums. Further, having failed to renew her certificate on time the previous year, Ms. Bailey had received prior notice from the Commission of the ramifications of allowing her registration to expire and was fully aware that continuing to hold herself out as a Realtor® and advertise during this period is a breach of the legislation.
- [42] 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.
- [43] In *MacDonald (Re)*, [2025 SKREC 2](#), (file2024-57) ("*MacDonald*"), Catrina MacDonald, was issued an order of reprimand and \$4,000 fine for breaching Section 18(1)(b) of *The Real Estate Act* by trading in real estate as a broker while she was not registered to do so. Ms. MacDonald was also issued an order of reprimand and \$4,000 fine for breach of Section 8(4) of *The Real Estate Regulations* by failing to respond to requests for information from the Commission.
- [44] Ms. MacDonald failed to renew her certificate of registration for the 2024-2025 year prior to the expiration of her 2023-2024 certificate on June 30, 2023. Ms. MacDonald renewed her certificate for the 2024-2025 year on July 2, 2024. Ms. MacDonald continued to have active social media profiles, continued to advertise as a registrant and remained listed as the broker for 2 Percent Realty Elite while she was not registered. This was the third time Ms. MacDonald failed to renew her registration before it expired and Ms. MacDonald received previous warnings.

- [45] Ms. Bailey's breach is similarly serious to that of the registrant in *MacDonald*. Both Ms. Bailey and Ms. MacDonald had no previous sanction history, and both had received previous warnings for failure to renew on time. While Ms. MacDonald is a broker and brokers are held to a higher standard, Ms. Bailey also had active listings which she continued to advertise across multiple platforms while she was unregistered.
- [46] In *Nakarani (Re)*, [2024 SKREC 11](#), (file #2023-48) ("*Nakarani*"), Ms. Nakarani was issued an order of reprimand and a \$3,000 fine for breaching section 18(1)(d) of the *Act* by trading in real estate as a salesperson while she was not registered as a salesperson.
- [47] Ms. Nakarani failed to renew her certificate of registration for the 2023-2024 year prior to the expiration of her 2022-2023 certificate on June 30, 2023. Ms. Nakarani renewed her certificate on July 6, 2023. Ms. Nakarani continued to have active social media profiles continuing to advertise and remained listed as a REALTOR® on the Platinum Realty Specialists brokerage website while she was unregistered. During the time period that she was unregistered, Ms. Nakarani had 3 active listings.
- [48] Ms. Nakarani had no previous sanction history.
- [49] Ms. Nakarani had also failed to renew her registration before it expired the previous year and had been issued a notice and warning from the Commission.
- [50] Ms. Bailey's breach of the legislation is similarly serious to that of the registrant in *Nakarani*. Both Ms. Bailey and Ms. Nakarani had no previous sanction history, had previously been warned about trading in real estate after their certificates of registration expired, and continued to have active listings and advertising while unregistered.
- [51] In *Strieb (Re)*, [2024 SKREC 10](#), (file #2023-47) ("*Strieb*"), Ms. Strieb was issued an order of reprimand and a \$3,000 fine for breaching section 18(1)(d) of the *Act* by trading in real estate as a salesperson while she was not registered as a salesperson.
- [52] Ms. Strieb failed to renew her certificate of registration for the 2023-2024 year prior to the expiration of her 2022-2023 certificate on June 30, 2023. Ms. Strieb renewed her certificate on July 6, 2023. Ms. Strieb continued to have active professional social media profiles continuing to advertise and listings on the Re/Max of Swift Current brokerage website between July 1, 2023 and July 5, 2023 while she was unregistered.
- [53] Ms. Strieb was co-operative with the investigation and had no previous sanction history.

- [54] Ms. Strieb had also failed to renew her registration before it expired the previous year and had been issued a notice and warning from the Commission.
- [55] Ms. Bailey's breach is similarly serious to that of the registrant in *Strieb*. Both Ms. Bailey and Ms. Strieb had no previous sanction history, had previously been warned about trading in real estate after their certificates of registration expired, and continued to have active listings and advertising while unregistered.
- [56] In *Houston (Re)*, [2024 SKREC 9](#), (file #2023-45) ("*Houston*"), Ms. Houston was issued an order of reprimand and a \$3,000 fine for breaching section 18(1)(d) of the *Act* by trading in real estate as a salesperson while she was not registered as a salesperson.
- [57] Ms. Houston failed to renew her certificate of registration for the 2023-2024 year prior to the expiration of her 2022-2023 certificate on June 30, 2023. Ms. Houston renewed her certificate on July 4, 2023. Ms. Houston continued to run social media posts, have a professional social media presence and active listings on MLS® between July 1, 2023 and July 3, 2023 while she was unregistered.
- [58] Ms. Houston had also failed to renew her registration before it expired the previous year and had been issued a notice and warning from the Commission.
- [59] Ms. Houston was co-operative with the investigation and had no previous sanction history. However, it was the second year in a row that Ms. Houston failed to renew her registration before it expired.
- [60] Ms. Bailey's breach is similarly serious to that of the registrant in *Houston*. Both Ms. Bailey and Ms. Houston had no previous sanction history, had previously been warned about trading in real estate after their certificates of registration expired, had social media presence and active listings and advertising while unregistered.
- [61] A letter of reprimand and a fine of \$3,000 are appropriate sanctions for Ms. Bailey's breach of section 18(1)(d) of the *Act*.

CONSENT ORDER:

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

- a. Ms. Bailey shall receive an order of reprimand for the violation of Section 18(1(d) of *The Real Estate Act*;
- b. Ms. Bailey shall, within 3 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$3,000 fine for the said violation of the *Act*; and,
- c. Ms. Bailey's registration shall be terminated if she fails to make payment as set out above.

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

Dated at Saskatoon, Saskatchewan, this 8th day of December, 2025.

Christopher Boychuk
Hearing Committee Chairperson