

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

Gay (*Re*), 2026 SKREC 11

Date: July 28, 2026
Commission File: 2026-19

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF RYAN GAY**

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

Jeffrey Reimer - Chairperson

Wayne Bernakevitch

Micheal Genest

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. Gay breached Commission Bylaw 714 by failing to take reasonable steps to discover facts pertaining to a property for which he accepted an agency agreement that a prudent registrant would take in order to fulfil the obligation to avoid error, misrepresentation or concealment of pertinent facts.

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 714 states:

A registrant shall take reasonable steps to discover facts pertaining to every property for which the registrant accepts an agency agreement that a prudent registrant would take in order to fulfil the obligation to avoid error, misrepresentation or concealment of pertinent facts.

FACTS:

- [4] In accordance with subsection 9(4) of The Real Estate Regulations (“the Regulations”), the Hearing Committee accepts Mr. Gay’s Statement of Facts and Admissions, which includes the following relevant points:
- [5] Mr. Gay 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 February 1, 2017.
- [6] Mr. Gay has taken the following real estate courses:
- Phase 1 – Real Estate as a Professional Career;
 - Residential Real Estate as a Professional Career;
 - Commercial Real Estate as a Professional Career;
 - Farm Real Estate as a Professional Career.
- [7] Mr. Gay has completed the continuing professional development seminars each registration year since 2016-2017.
- [8] Mr. Gay is presently registered under the provisions of *The Real Estate Act* as a salesperson with Boyes Group Realty Inc.
- [9] Mr. Gay was the listing agent for the Property.

- [10] The MLS® Listing indicated that the Property was built in 1962.
- [11] The Property was actually built in 1954.
- [12] Mr. Gay did not request information from SAMA to confirm the age of the Property.
- [13] Mr. Gay looked at the two previous MLS® listings for the Property, both of which showed the year built as 1962 and used this information to prepare the listing.
- [14] Boyes Group has a policy in place outlining the responsibility of registrants to verify all factual information for a listing, including year.
- [15] Mr. Gay failed to take reasonable steps to verify the age of the Property, relying instead on previous listings for the Property, with the result that his listing advertised the wrong age of the Property and the buyer's insurance coverage was affected.

REASONS:

- [16] The Investigation Committee and Mr. Gay considered the following as relevant in agreeing to the within consent order:

Mitigating Factors

- [17] Mr. Gay was co-operative with the investigation.
- [18] Mr. Gay acknowledged and accepted responsibility for his error.
- [19] Mr. Gay has no previous sanction history.

Aggravating Factors

- [20] Mr. Gay's breach resulted in consumer harm.

Prior Decisions & Other Considerations

- [21] 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.

[22] 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.

[23] Mr. Gay listed a property for sale and relied on information from a previous listing of the property for the date the property was built rather than obtaining appropriate verification of the build date. The date used was incorrect and this had an impact on the buyer's insurance coverage.

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

[24] Mr. Gay was the only registrant involved in his breach of Bylaw 714.

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

[25] There is no evidence to suggest that Mr. Gay suffered a loss or enjoyed a gain as a result of his conduct.

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

[26] The buyer's insurance coverage was affected by Mr. Gay's breach, with certain types of coverage being removed from his policy once the actual build date was determined because of the age of the property.

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

[27] Mr. Gay must be reminded that it is a registrant's responsibility to verify all facts related to the properties with which they accept an agency agreement.

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

[28] All registrants must be reminded that it is their responsibility to verify all facts related to the properties with which they accept an agency agreement.

7. *The need to maintain the public's confidence in the integrity of the profession.*
- [29] Members of the public rely on registrants to provide accurate information about the properties they are buying and selling. Failing to take reasonable steps to verify the facts related to these properties jeopardizes the trust the public places on registrants and threatens the integrity of the profession.
8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*
- [30] Mr. Gay'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. Gay's breach of Bylaw 714?

- [31] While there are many previous decisions pursuant to Bylaw 714, the following decisions most relate to the current matter.
- [32] In *Gartner (Re)*, [2024 SKREC 22](#) (file 2023-29) ("*Gartner*"), Raymond Gartner was issued an order of reprimand and a \$3,000 fine.
- [33] Mr. Gartner listed a property for sale and used measurements he had taken for the listing information. Mr. Gartner took measurements of the property with his seller client and relied on the information provided to him by his client, but did not confirm that the property lines were correct. The property size and property lines were readily available from the Saskatchewan Assessment Management Agency and the Information Services Corporation.
- [34] Mr. Gartner's failure to confirm the property lines and property size resulted in his listing the property as over 1000 square feet larger than it actually was.
- [35] Mr. Gartner had no previous sanction history and was cooperative with the investigation. There were no aggravating factors present.
- [36] Mr. Gay's breach is more serious than that of the registrant in *Gartner*. While both registrants failed to verify information about their listings that would have been easy to confirm through the Saskatchewan Assessment Management Agency, both were cooperative with the investigation and had no previous sanction history, Mr. Gay's breach caused actual consumer harm.
- [37] In *Rusnak (Re)*, [2016 SKREC 6](#) (file 2011-14) ("*Rusnak*"), Ms. Rusnak was issued a letter of reprimand and was ordered to pay a \$1500 fine.

- [38] Ms. Rusnak represented the sellers in the transaction. In the listing Ms. Rusnak stated that the property was approximately 868 square feet. Ms. Rusnak consulted the Rate Payer Profile provided by the Saskatchewan Assessment Management Agency, which listed the size of the property as 672 square feet. Notwithstanding this information, the MLS® Data Input Form and the listing advertisement Ms. Rusnak prepared stated the approximate size of the property as 868 square feet.
- [39] The property was sold to the buyers in 2008. Three years later, the buyers approached another registrant to list the property for sale. At this time, the other registrant consulted the profile for the property provided by the Saskatchewan Assessment Management Agency and informed the buyers that the property was smaller than the approximate size contained in the 2008 listing. The other registrant then measured the property and confirmed that it was 676 square feet, rather than 868 square feet.
- [40] The Hearing Committee noted as mitigating factors that Ms. Rusnak admitted her misconduct and signed a Statement of Facts and Admissions.
- [41] The Hearing Committee noted as an aggravating factor that Ms. Rusnak had a prior sanction history (2000-06A) for breach of a different bylaw where she also made inaccurate statements about a property in a feature sheet.
- [42] Ms. Rusnak relied on information from other sources (the SAMA profile) when stating the square footage of the property on the MLS® Data Input form, rather than taking a physical measurement of the property.
- [43] Mr. Gay's breach is similarly as serious as that of the registrant in *Rusnak*. Unlike the registrant in *Rusnak*, Mr. Gay failed to verify information about his listing that would have been easy to confirm through the Saskatchewan Assessment Management Agency. However, Ms. Rusnak failed to take her own measurements of the property which would have avoided the discrepancy altogether. While both registrants were cooperative with the investigation, Mr. Gay's breach caused actual consumer harm and Ms. Rusnak had a previous sanction history.
- [44] In *Maduck (Re)*, [2014 SKREC 3](#) (file 2011-07) ("*Maduck*"), Mr. Maduck was issued a \$2,000 fine and an order of reprimand.
- [45] The listing stated the square footage of the commercial property was 5,040 when, in fact, it was only 4,162 square feet. Mr. Maduck consulted the City of Regina Tax Assessment and an old MLS® Listing to determine the square footage.

- [46] The Hearing Committee considered that Mr. Maduck had no sanction history; readily admitted guilt; was co-operative, despite delay caused by another registrant's failure to reply to the request of a review officer; but noted the significant difference in square footage.
- [47] The Hearing Committee stated that "It is not sufficient to rely on information from other sources, particularly when the physical measurements are easily obtained."
- [48] Mr. Gay's breach is more serious than that of the registrant in *Maduck*. While Mr. Maduck failed to take his own measurements of the property which would have avoided the discrepancy altogether, Mr. Gay failed to confirm information about the property that was readily available and easy to confirm through the Saskatchewan Assessment Management Agency. Further, while both registrants were cooperative with the investigation and had no prior sanction histories, Mr. Gay's breach caused actual consumer harm.
- [49] It must be noted that the decisions in *Rusnak* and *Maduck* were rendered prior to the legislative change that occurred in 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.
- [50] An order of reprimand and a fine of \$4,000.00 are appropriate sanctions for Mr. Gay's breach of Bylaw 714.
- [51] As Mr. Gay has agreed to sign this consent order, there will be no order as to costs.

CONSENT ORDER:

- [52] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Gay, and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [53] 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 714:
- a. Mr. Gay shall receive an order of reprimand for the violation of Bylaw 714;

- b. Mr. Gay shall, within 6 months 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. Gay's registration shall be terminated if he fails to make payment as set out above.

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

Dated at Regina, Saskatchewan, this 28th day of July, 2026.

Jeffrey Reimer
Hearing Committee Chairperson