

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

Bergquist (Re), 2026 SKREC 22

Date: October 14, 2026
Commission File: 2026-29

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF DENETTE BERGQUIST**

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

Amy Groothuis - Chairperson

David Ukrainetz

Kayla McQueen

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*, Ms. Bergquist breached Bylaw 723(c) by failing to notify the Commission of the commencement of civil proceedings with respect to a trade in real estate within 5 days.

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 723 states:

“In addition to the requirements set out in section 33 of the Act and subsection 54(2) of the Act, and subject to Bylaw 724, a registrant shall notify the Commission in writing no later than five (5) days after the occurrence of any of the following:

...

(c) commencement of civil proceedings against the registrant with respect to:

i. a trade in real estate;

ii. fraud;

iii. misrepresentation;

iv. undue influence; or

v. breach of trust;

and any settlement entered into by the registrant or judgment issued against the registrant as a result of those civil proceedings;”

FACTS:

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

[5] Ms. Bergquist was continuously registered as a salesperson under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission between February 23, 2016 and December 15, 2017, and again between November 8, 2019 and May 1, 2020.

[6] Ms. Bergquist 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 November 2, 2020.

[7] Ms. Bergquist 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; and
- Commercial Real Estate as a Professional Career.

[8] Ms. Bergquist has completed the continuing professional development seminars each registration year since 2015-2016.

[9] Ms. Bergquist is presently registered under the provisions of *The Real Estate Act* (the “Act”) as a Salesperson with eXp Realty.

- [10] On September 27, 2024, Ms. Bergquist was served with a Statement of Claim related to a trade in real estate in which Ms. Bergquist acted for the plaintiff in the purchase of the property at issue.
- [11] Ms. Bergquist and eXp Realty were both named as defendants.
- [12] On September 27, 2024, Ms. Bergquist notified her eXp Realty branch manager of the Statement of Claim by telephone conversation then emailed a copy of the Statement of Claim to the eXp Realty branch manager.
- [13] The eXp Realty branch manager advised Ms. Bergquist to promptly contact REIX and provide them with all documentation related to the matter and to organize all relevant transaction documents and communications with the plaintiff.
- [14] The eXp Realty branch manager advised Commission staff that her September 27, 2024 call with Ms. Bergquist was approximately 45 minutes long and that during this call she provided support and outlined the reporting processes that Ms. Bergquist needed to follow, including notifications to the Commission, REIX and eXp Realty.
- [15] Although Ms. Bergquist does not specifically recall being advised to notify the Commission directly, Ms. Bergquist does clearly recall discussing notification to REIX and gathering documents. At the time, Ms. Bergquist was extremely upset and overwhelmed with the situation and cannot confidently state all details of the conversation she had with the eXp Realty branch manager.
- [16] Ms. Bergquist immediately notified REIX, however she did not notify the Commission at this time.
- [17] On October 8, 2025, the matter went to mediation and was discontinued with no costs.
- [18] While completing a CPD course in March 2026, it came to the attention of Ms. Bergquist that she was required to notify the Commission.
- [19] On March 12, 2026, Ms. Bergquist emailed the Commission providing notice of the claim.
- [20] It was never Ms. Bergquist's intention to withhold this information; Ms. Bergquist simply misunderstood the specific reporting steps until she reviewed them in the course.

REASONS:

- [21] The Investigation Committee and Ms. Bergquist considered the following as relevant in agreeing to the within consent order:

Mitigating Factors

- [22] Ms. Bergquist self-reported.
- [23] Ms. Bergquist has no previous sanction history.
- [24] Ms. Bergquist was cooperative with the investigation.
- [25] The civil proceeding was discontinued and there was no consumer harm.

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.
- [29] *1. The nature and gravity of the breaches of the Code of Ethics.* Ms. Bergquist failed to notify the Commission of the commencement of civil proceedings related to a trade in real estate within the prescribed time. Ms. Bergquist did immediately notify her branch manager and REIX. The civil proceedings were later discontinued. Ms. Bergquist realized her mistake while working through the CPD course and self-reported her error.

2. *The role of the offending member in the breaches.*
- [30] The civil proceedings were initiated against both Ms. Bergquist and her brokerage. The brokerage also failed to notify the Commission of the civil proceedings
3. *Whether the offending member suffered or gained as a result of the breaches.*
- [31] There is no evidence to suggest that Ms. Bergquist suffered a loss or enjoyed a benefit as a result of her breach of the legislation.
4. *The impact of the breaches on complainants or others.*
- [32] Failure to provide notice of specific events as required by the legislation challenges the Commission's ability to provide oversight and regulate the real estate industry.
5. *The need for specific deterrence to protect the public.*
- [33] Ms. Bergquist must be made aware of the notice requirements of the legislation and the importance of notifying the Commission of relevant civil proceedings within the time prescribed. For the Commission to properly fulfill its obligations of protecting the public the Commission must be kept up to date with certain civil proceedings against registrants.
6. *The need for general deterrence to protect the public.*
- [34] All registrants must be reminded of the notice requirements of the legislation and the importance of notifying the Commission of certain civil proceedings within the time prescribed.
7. *The need to maintain the public's confidence in the integrity of the profession.*
- [35] The public interest is best served when the Commission is aware of and able to track the progress of certain civil proceedings against registrants. Registrants that fail to comply with the notification requirements of the legislation can hinder the ability of the Commission to protect the public. The public should be confident that the Commission is aware of relevant legal proceedings against registrants.
8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*
- [36] Ms. Bergquist'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 Ms. Bergquist's breach of Bylaw 723(c)?

- [37] In *Paul (Re)*, [2026 SKREC 6](#) (file 2025-113) ("*Paul*"), Donna Paul was issued an order of reprimand and \$5,000 fine for breaching Bylaw 723(c) by failing to notify the Commission within the prescribed time limit of the commencement of civil proceedings against her with respect to misrepresentation and trade in real estate.

- [38] Ms. Paul was the listing agent for a property. Registrant B showed the property, then wrote an offer for the buyer that was below the list price with no conditions. Registrant B sent the offer to Ms. Paul and followed up with a courtesy call to explain why the offer was so low. Ms. Paul sent the offer to her clients and advised them that the offer was low because the buyer believed the electrical panel needed work and other electrical work was required. The sellers declined the offer and further negotiations took place with the sellers ultimately accepting an offer. After possession, Registrant B sent Ms. Paul an email advising that the listing stated the building had a 200 amp electrical panel when it was actually 100 amp and that the buyer would give her and the sellers the opportunity to upgrade the panel. On June 17, 2025, the buyer filed a Statement of Claim in Small Claims in the Provincial Court. Ms. Paul was served sometime in early August 2025. Ms. Paul did not notify the Commission. The Commission became aware of the civil proceedings against Ms. Paul on January 6, 2026, when Ms. Paul responded to a complaint filed against her by the buyer.
- [39] Ms. Paul did not have a previous sanction history and was co-operative with the investigation. However, Ms. Paul is a broker and as the people responsible for ensuring that registrants of the brokerage are complying with the requirements set out in the legislation, brokers are held to a higher standard.
- [40] Ms. Bergquist's breach of Bylaw 723(c) is less serious than that of the registrant in *Paul*. While both registrants failed to notify the Commission of civil proceedings, Ms. Paul is a broker and must be held to a higher standard. Further, although she failed to notify the Commission within the prescribed time limit, Ms. Bergquist self-reported her error and Commission Hearing Committees have recognized self-reporting as a significant mitigating factor.
- [41] In *Peterson (Re)*, [2025 SKREC 15](#) (file 2025-24) ("*Peterson*"), Corey Peterson was issued an order of reprimand and \$3,000 fine for breaching Commission Bylaw 723(c) by failing to notify the Commission of the commencement of civil proceedings against him no later than 5 days after the commencement of the civil proceedings.
- [42] In or around early 2023 Brokerage A listed a commercial property for lease. In or around April 2023, the lessor viewed the property and then engaged the services of Brokerage A to lease the property working directly with Mr. Peterson. On July 1, 2023, the lessor took possession of the property and shortly thereafter commenced operation of her business. The lessor was subsequently advised by the City of Saskatoon that her business operations did not comply with the zoning bylaw. On March 30, 2024, the lessor vacated the property as a result of being unable to secure a business license. On October 10, 2024, the lessor issued a Statement of Claim against Mr. Peterson and Brokerage A. On March 5, 2025, the broker of Brokerage A sent an email to the Commission stating "[f]orgot to send to you" with the Statement of Claim attached. Mr. Peterson did not at any time prior to March 5, 2025, notify the Commission of the civil proceedings against him.

- [43] Mr. Peterson was continuously registered as a salesperson since October 15, 2008, with no previous sanction history. While Mr. Peterson was co-operative with the investigation and acknowledged his error, he only acknowledged his error after he received a letter from the Commission regarding the investigation.
- [44] Ms. Bergquist's breach of the legislation is less serious than that of the registrant in *Peterson*. Both Ms. Bergquist and Mr. Peterson were co-operative with the investigation, and neither had a previous sanction history. While both registrants failed to notify the Commission within the prescribed time that civil proceedings had been commenced against them, Ms. Bergquist recognized her error and self-reported.
- [45] In *Matharu (Re)*, [2025 SKREC 6](#) (file 2024-02) ("*Matharu*"), Ajit Matharu was issued an order of reprimand and a \$6,000 fine.
- [46] On December 22, 2015, Corporation A and Plaintiff B issued a Statement of Claim against multiple defendants, including Mr. Matharu and his professional corporation, in the Court of Queen's Bench for Saskatchewan ("Claim 1"). Claim 1 arose out of a real estate transaction in which Mr. Matharu represented Corporation C for the sale of an apartment building property located in Regina, Saskatchewan. Mr. Matharu did not notify the Commission of Claim 1, and the Commission first became aware of Claim 1 on October 10, 2023, as a result of the CanLII publication of the decision from the Court of King's Bench. Commission staff contacted Mr. Matharu regarding his failure to comply with the Bylaw 723 notice requirements and specifically noted his obligations regarding both the commencement of civil proceedings and regarding the issuance of a judgment against him.
- [47] On November 15, 2022, Plaintiff D and Plaintiff E issued a Statement of Claim against several defendants, including Mr. Matharu, in the Court of King's Bench for Saskatchewan ("Claim 2"). Claim 2 arose out of a real estate transaction in which Mr. Matharu represented an undisclosed purchaser and alleged that despite Mr. Matharu's repeated assurances that the undisclosed buyer had the required funds for the purchase price and that the \$50,000 deposit was held in his brokerage's trust account, it came to light that Mr. Matharu did not have the deposit in his trust account when the transaction fell through. Plaintiff D and Plaintiff E were the sellers of the property, and Claim 2 alleged that Mr. Matharu's conduct resulted in significant financial loss to Plaintiff D and Plaintiff E, including the loss of the \$50,000 deposit. Mr. Matharu did not notify the Commission of Claim 2, and the Commission first became aware of Claim 2 on March 30, 2023. Commission staff contacted Mr. Matharu regarding his failure to comply with the Bylaw 723 notice requirements and specifically noted his obligations regarding the commencement of civil proceedings against him.
- [48] On September 8, 2023, Plaintiff F and Plaintiff G initiated a Statement of Claim against Mr. Matharu in the Provincial Court of Saskatchewan ("Claim 3"). Claim 3 arose out of the same real estate transaction as Claim 2, but Plaintiff F and Plaintiff

G were the agents who represented Plaintiff D and Plaintiff E in the transaction. Claim 3 alleged that Mr. Matharu's conduct resulted in Plaintiff F and Plaintiff G losing a commission of \$24,000. Mr. Matharu did not notify the Commission of Claim 3, and a Default Judgment in the amount of \$25,509.16 was issued against Mr. Matharu in favour of Plaintiff F and Plaintiff G on November 24, 2023. Mr. Matharu did not notify the Commission of this Default Judgment. On November 30, 2023, when the Commission first became aware of Claim 3, Commission staff contacted Mr. Matharu regarding Claim 3 and specifically noted his obligations regarding notice of an issuance of a Judgment against him.

- [49] The Commission proceeded to open a file against Mr. Matharu for the multiple breaches of Bylaw 723(c), and Mr. Matharu signed a Consent Order acknowledging the same.
- [50] The Hearing Committee considered as mitigating factors that Mr. Matharu had extenuating personal circumstances and was caring for his ailing wife at the time of the breaches and that Mr. Matharu believed it was his broker's responsibility to notify the Commission.
- [51] As aggravating factors, the Hearing Committee noted that Mr. Matharu has been a registrant since 1982 and has a significant history of previous sanctions. An article on the topic of a registrant's reporting obligations under Bylaw 723 was published in the February 2015 Register, and a reminder was published in the November 2015 Register. Discipline decisions against registrant's for failing to comply with the notification requirements set out in Bylaw 723 were published in the 2015, 2019 and 2021 editions of the Register. Mr. Matharu was specifically reminded of his obligations pursuant to Bylaw 723 on three separate occasions by Commission staff, and these reminders specifically noted his obligations both regarding the commencement of civil proceedings and regarding the issuance of a judgment against him.
- [52] Ms. Bergquist's breach is less serious than that of the registrant in *Matharu*. Ms. Bergquist does not have a previous sanction history while Mr. Matharu had a significant sanction history and Ms. Bergquist failed to notify the Commission of civil proceedings against her once, while Mr. Matharu was charged with failure to notify the Commission of civil proceedings multiple times. Ms. Bergquist also self-reported her error to the Commission which is a significant mitigating factor.
- [53] In *Pederson (Re)*, [2024 SKREC 15](#) (file 2023-59) ("*Pederson*"), Robert Pederson was issued an order of reprimand and a \$2,500 fine for breaching Bylaw 723(c). Mr. Pederson also received an order of reprimand and a \$6,000 fine for breaching section 8(4) of the Regulations for failing to respond to requests for information from the Commission.
- [54] Mr. Pederson and his brokerage were named as Third-Party Defendants in a Claim on September 19, 2014. On April 20, 2015, Mr. Pederson notified the Commission

of the Claim. The Claim was discontinued on November 1, 2018. Mr. Pederson did not notify the Commission of the discontinuance.

- [55] An information bulletin on the topic of a registrant's reporting obligations under Bylaw 723 was published in the February 2015 Register, and a reminder was published in the November 2015 Register. Several discipline decisions against registrants who failed to comply with Bylaw 723 were posted on the Commission's website. Mr. Pederson had a previous sanction history.
- [56] Ms. Bergquist's breach is less serious than that of the registrant in *Pederson*. Mr. Pederson had a previous sanction history, while Ms. Bergquist does not and Ms. Bergquist self-reported her error and was cooperative with the investigation.
- [57] Although the decision in *Hertz (Re)*, [2025 SKREC 29](#) (file 2025-81) ("*Hertz*"), was issued pursuant to a different bylaw, it is important to note as it highlights the mitigating effect of self-reporting which must be applied in determining an appropriate sanction for Ms. Bergquist.
- [58] Ms. Hertz was issued an order of reprimand and \$3,000 fine for breaching Commission Bylaw 720 by making an affidavit that contained false information. The fine for Ms. Hertz's violation of Commission Bylaw 720 was significantly reduced due to the fact that she self-reported her error.
- [59] While completing the 2025 CPD course Ms. Hertz learned of the necessity of disclosing personal bankruptcy to the Commission. Ms. Hertz went through bankruptcy proceedings in 2015 and received an absolute discharge in 2018, she did not advise the Commission. She sought advice from her broker and promptly notified the Commission. Each year since her bankruptcy proceedings, Ms. Hertz answered no to the bankruptcy related question on the Affidavit of Applicant section of the renewal form.
- [60] The Hearing Committee's decision recognized that an affidavit is a legal statement attesting to the truth of the statement and providing false information in an affidavit is a serious offence, as indicated by the previous sanction history for this violation.
- [61] The Hearing Committee also considered the decision in *Campbell (Re)*, [2024 SKREC 14](#) (file 2023-57) ("*Campbell*"), in which the registrant self-reported her violation, and determined that appropriate weight must be given to the act of self-reporting and that this mitigating factor would reduce the fine that would otherwise be ordered.
- [62] In *Campbell*, Ms. Campbell was issued an order of reprimand and a \$2,500 fine when she listed a property without pulling title to verify information. She acted for both the purchasers and the seller. Prior to possession, the seller's lawyer informed Ms. Campbell that the seller's deceased husband's name was still on title and that the seller had not yet gone through the probate process. A Tenancy at

Will was prepared and the transaction proceeded, title to the property transferred to the purchasers three months after possession.

- [63] While Ms. Campbell had no previous sanction history and was cooperative with the investigation, she was representing both parties as a limited dual agent. Registrants in limited dual agency must be especially diligent in protecting and promoting the interests of their clients as there is no other registrant involved in the transaction to notice or correct any errors. There was actual consumer harm.
- [64] Although there were significant aggravating factors in *Campbell*, the Hearing Committee gave considerable weight to the act of self-reporting her mistake and ordered a reduced fine based on this mitigating factor.
- [65] As there are no such aggravating factors to consider in the present case, the fine levied against Ms. Bergquist should be reduced significantly to recognize that she self-reported as soon as she realized her mistake.
- [66] An order of reprimand and a \$1,000 fine are appropriate sanctions for Ms. Bergquist's breach of Bylaw 723(c).
- [67] As Ms. Bergquist has agreed to sign this consent order, there will be no order as to costs.

CONSENT ORDER:

- [68] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Ms. Bergquist, and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [69] 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 723(c):
- a. Ms. Bergquist shall receive an order of reprimand for the violation of Bylaw 723(c);
 - b. Ms. Bergquist shall, within 3 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$1,000 fine for the said violation of the *Act*; and
 - c. Ms. Bergquist's registration shall be terminated if she fails to make payment as set out above.
- [70] There shall be no order as to costs.

Dated at Regina, Saskatchewan, this 14th day of October, 2026.

Amy Groothuis
Hearing Committee Chairperson