

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

eXp Realty (Re), 2026 SKREC 24

Date: October 15, 2026
Commission File: 2026-30

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF EXP REALTY**

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*, eXp Realty 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 eXp Realty’s Statement of Facts and Admissions, which includes the following relevant points:

[5] eXp Realty of Canada, Inc. has been continuously registered as a brokerage under the provisions of *The Real Estate Act* (the “Act”) in the Province of Saskatchewan with the Saskatchewan Real Estate Commission since May 13, 2019.

[6] eXp Realty of Canada, Inc. o/a eXp Realty is a brokerage registered with the Commission, operating in Saskatchewan.

[7] David Markus is presently registered under the provisions of the *Act* as a broker with eXp Realty.

[8] Mr. Markus has taken the following real estate courses:

- Real Estate as a Professional Career;
- Residential Real Estate as a Professional Career;
- Principles of Real Property Law;
- Principles of Real Estate Appraisal;
- Farm Real Estate as a Professional Career;
- Commercial Real Estate as a Professional Career;
- Real Estate Office Management & Brokerage.

- [9] Mr. Markus has completed the continuing professional development seminars each registration year since 2006-2008.
- [10] Registrant A is registered as a salesperson with eXp Realty.
- [11] On September 27, 2024, Registrant A was served with a Statement of Claim related to a trade in real estate in which Registrant A acted for the plaintiff in her purchase of the property at issue.
- [12] Registrant A and eXp Realty were both named as defendants.
- [13] On September 27, 2024, Registrant A 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.
- [14] Mr. Markus became aware of the matter on September 30, 2024, via email while on holidays.
- [15] Mr. Markus consulted with another broker that same day, regarding appropriate next steps.
- [16] Mr. Markus spoke with the eXp Realty branch manager on October 2, 2024, and Mr. Markus advised that he would address the matter and determine the next steps with the appropriate parties.
- [17] On October 2, 2024, Mr. Markus forwarded all documentation to the brokerage's internal legal team and REIX.
- [18] The brokerage did not, at any time, notify the Commission of the claim against eXp Realty.
- [19] On or about October 11, 2024, a copy of the Statement of Claim addressed to eXp Realty was located among accumulated mail received at a coworking location that was not staffed by eXp personnel and from which mail was periodically forwarded for processing.
- [20] At the time, it was Mr. Markus' understanding that once a claim was referred to the brokerage's legal counsel and the provincial errors and omission insurance (REIX), any required external reporting obligations, including notification to the Commission, would be managed through those channels.
- [21] On October 8, 2025, the matter went to mediation and was discontinued with no costs.
- [22] On March 12, 2026, Registrant A emailed the Commission providing notice of the claim.

REASONS:

[23] The Investigation Committee and Mr. Markus, as broker of eXp Realty, considered the following as relevant in agreeing to the within consent order:

Mitigating Factors

[24] eXp Realty has no previous sanction history.

[25] Mr. Markus was cooperative with the investigation.

[26] The civil proceeding was discontinued and there was no consumer harm.

Aggravating Factors

[27] There are no aggravating factors.

Prior Decisions & Other Considerations

[28] 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.

[29] 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.*
[30] Civil proceedings with respect to trade in real estate were commenced against eXp Realty and the brokerage failed to notify the Commission of the proceedings within the time prescribed by Bylaw 723.
2. *The role of the offending member in the breaches.*
[31] Civil proceedings were commenced against both the brokerage and one of its registrants, neither party notified the Commission within the prescribed time. The registrant realized her mistake while taking the CPD course and self-reported to the Commission.
3. *Whether the offending member suffered or gained as a result of the breaches.*
[32] There is no evidence to suggest that the brokerage suffered a loss or enjoyed a benefit as a result of the breach of the legislation.
4. *The impact of the breaches on complainants or others.*
[33] The civil proceeding was discontinued and there is no evidence of consumer harm. However, 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.*
[34] eXp Realty, and its broker David Markus, must be made aware of the importance of keeping the Commission up to date on certain civil proceedings against the brokerage as well as the legislative notice requirements.
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.
7. *The need to maintain the public's confidence in the integrity of the profession.*
[36] 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.
8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*
[37] eXp Realty'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 eXp Realty's breach of Bylaw 723(c)?

- [38] 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.

- [39] 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 A 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.
- [40] 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.
- [41] eXp Realty's breach of Bylaw 723(c) is similarly serious to that of the registrant in *Paul*. Both registrants failed to notify the Commission of civil proceedings. The responsibility to notify the Commission of civil proceedings against eXp Realty would fall to Mr. Markus as the broker. Ms. Paul was also a broker and as the people charged with supervising the brokerage and its registrants, brokers are held to a higher standard.
- [42] 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.
- [43] In or around early 2023 ICR Brokerage Inc. listed a commercial property for lease. In or around April 2023, the lessor viewed the property and then engaged the services of ICR 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 ICR. On March 5, 2025, the broker of ICR 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.

- [44] 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.
- [45] eXp Realty's breach of the legislation is similarly serious to that of the registrant in *Peterson*. Both Mr. Markus, on behalf of eXp Realty, and Mr. Peterson were co-operative with the investigation, and neither had a previous sanction history.
- [46] In *Matharu (Re)*, [2025 SKREC 6](#) (file 2024-02) ("*Matharu*"), Ajit Matharu was issued an order of reprimand and a \$6,000 fine.
- [47] 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.
- [48] 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.

- [49] 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.
- [50] 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.
- [51] 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.
- [52] 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.
- [53] eXp Realty's breach is less serious than that of the registrant in *Matharu*. eXp Realty does not have a previous sanction history while Mr. Matharu had a significant sanction history and eXp Realty failed to notify the Commission of civil proceedings against the brokerage once, while Mr. Matharu was charged with failure to notify the Commission of civil proceedings multiple times.

- [54] 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.
- [55] 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.
- [56] 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.
- [57] eXp Realty's breach is similarly serious to that of the registrant in *Pederson*. While eXp Realty has no previous sanction history and Mr. Pederson did have a previous sanction history, the person responsible for notifying the Commission on behalf of the brokerage is the broker, Mr. Markus, and brokers are held to a higher standard.
- [58] An order of reprimand and a \$4,000 fine are appropriate sanctions for eXp Realty's breach of Bylaw 723(c).
- [59] As David Markus, as broker of eXp Realty, has agreed to sign this consent order, there will be no order as to costs.

CONSENT ORDER:

- [60] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of eXp Realty, and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [61] 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. eXp Realty shall receive an order of reprimand for the violation of Bylaw 723(c);
 - b. eXp Realty shall, within 3 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$4,000 fine for the said violation of the Act; and
 - c. eXp Realty's registration shall be terminated if they fail to make payment as set out above.

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

Dated at Regina, Saskatchewan, this 15th day of October, 2026.

Amy Groothuis
Hearing Committee Chairperson