



IN THE MATTER OF: THE REAL ESTATE BROKERS ACT

-and-

IN THE MATTER OF: STEVEN RICHARD JOYAL

**STATEMENT OF ALLEGATIONS OF STAFF OF
THE MANITOBA SECURITIES COMMISSION**

STAFF OF THE MANITOBA SECURITIES COMMISSION ("Commission") ALLEGE THAT:

A. REGISTRATION

1. Steven Richard Joyal ("Joyal") is a resident of the City of Winnipeg, in the Province of Manitoba.
2. Joyal's registration history under *The Real Estate Brokers Act* ("REBA") is as follows:

Salesman

May 5, 2006 – October 1, 2007	Phoenix Real Estate Inc.
October 1, 2007 – April 7, 2008	Cornerstone Properties Inc.
April 7, 2008 – February 3, 2014	Cornerstone Real Estate (Cornerstone Properties Inc. o/a)
February 3, 2014 – Present	Coldwell Banker Preferred Real Estate (3529763 Manitoba Ltd. o/a)

B. DETAILS

1. On or about August 15, 2011, C.S. entered into an Offer to Purchase (the "OTP") to purchase the property 243 Semple Avenue, Winnipeg, Manitoba ("Semple Property") from D.J.
2. The OTP was prepared by Joyal.
3. Joyal was one of the listing and selling salespersons under the OTP. Cornerstone Real Estate ("Cornerstone") was the selling and listing broker under the OTP. The other listing and selling salesperson had no involvement in the Semple property transaction.
4. The OTP provided, in part, for a possession date of October 15, 2011 (the "possession date").

5. The OTP also provided, in part, that a \$4,000.00 commission plus GST was to be paid the listing broker. D.J. and C.S. verbally agreed that C.S. would pay this commission.
6. Prior to the possession date, Cornerstone paid an advance of \$1,750.00 to Joyal on the commission to be paid under the OTP. An advance of \$1700.00 was also paid to the other listing/selling salesperson under the OTP.
7. The sale of the Semple Property to C.S. was completed as contemplated under the OTP.
8. Subsequent to the completion of the sale of the Semple property to C.S., R.D., the authorized official of Cornerstone, made numerous attempts to have the lawyer for D.J. remit the remaining commissions owing under the OTP to Cornerstone.
9. R.D. was advised by the lawyer for D. J. that the commission owing under the OTP was paid directly to Joyal by D.J.
10. On or about November 15, 2012, Joyal met with D.J. and his fiancée, D.S. in connection with the commission owing under the OTP. Joyal requested D.J. provide a cheque written to Joyal's wife for the commission.
11. On or about November 15, 2012, D.S. wrote a cheque to Joyal's wife in the amount of \$4,557.00 as requested by Joyal. This cheque was given to Joyal and subsequently cashed.
12. On or about November 22, 2013, Joyal met with C.S. in connection with the commission under the OTP. Joyal had told C.S. the commission under the OTP had not been paid. C.S., at the request of Joyal, wrote a cheque to 6709622 Manitoba Ltd. for \$3,517.50. This amount was for the commission owing under the OTP less monies Joyal owed to C.S.
13. At the time he paid Joyal \$3,517.50, C.S. did not know Joyal had received payment for the commission from D.J./D.S.
14. Joyal did not send to Cornerstone any of the monies received for the commission under the OTP.
15. Subsequent to November, 2013, C.S. learned that the commissions owing under the OTP had been paid to Joyal by both himself and D.J./D.S. C.S. reported this to R.D. who in turn notified staff of the Commission.
16. In response to communication from staff of the Commission concerning payment of the commission for the Semple property, Joyal advised staff on October 3, 2014 that the said commission was still outstanding by his records. This statement was false.

17. The co-listing agent did not have any involvement in connection with the OTP nor collection of commissions from D.J. and C.S.

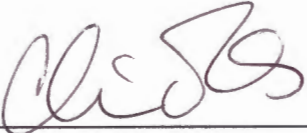
C. ALLEGATIONS

1. Staff of the Commission alleges that Joyal:
 - (a) Committed a fraudulent act under REBA by collecting payment for the commission under the OTP from C.S. when it had already been paid by D.J.;
 - (b) Failed to pay over to Cornerstone monies he received in connection with the sale of the Semple Property contrary to s.25 of REBA;
 - (c) Committed a fraudulent act under REBA by engaging in a course of conduct to obtain money by wrongful or dishonest dealing;
 - (d) Provided a false statement to staff of the Commission in connection with the commission owing under the OTP;
 - (e) Engaged in conduct, as set forth in these allegations, that is contrary to the public interest;

and due to these allegations it is in the public interest that the registration of Joyal under REBA be suspended or cancelled.

2. Such further and other matters as counsel may advise that the Commission may permit.

DATED at the City of Winnipeg, in Manitoba this 13th day of March, 2015.



Director

TO: STEVEN RICHARD JOYAL