

THE REAL ESTATE BROKERS ACT) **Order No. 2557**
)
Section 47) **August 30, 2006**

**An Order Exempting
Don Gary Shepert o/a Minlist Real Estate Services
From certain provisions of *The Real Estate Brokers Act* and *M.R. 57/88***

Background information

Application has been made to The Manitoba Securities Commission (the Commission) by Don Gary Shepert o/a Minlist Real Estate Services (the Applicant) for an order pursuant to section 47 of *The Real Estate Brokers Act* (the Act) exempting the Applicant from certain provisions of the Act and M.R. 57/88 (the Regulation).

The Applicant has represented to the Commission that:

- (1) The Applicant will conduct business in the Province of Manitoba as a "Private Sales Agent" as described in the Commission's policy paper dated October 1, 2004 (the Policy); and
- (2) The Applicant will provide clients with an advertising service and such ancillary services and materials to enable clients to offer their own real estate for sale on a private sale basis.

The Commission is satisfied that full compliance with the provisions of the Act and the Regulation would cause undue hardship to the Applicant and would not advance the purposes of the Act and that it would not be contrary to the public interest to make this order.

Order and conditions

The Commission orders that, pursuant to section 47 of the Act, subsections 4(1) and 26(1) of the Act and section 14 of the Regulation do not apply to the Applicant, subject to the following conditions:

- (i) the Applicant is registered as a broker under the Act;
- (ii) all advertising provided or prepared by the Applicant and "For Sale" signs provided by the Applicant for clients shall clearly indicate that the offering is a private sale by the use of the words "Private Sale" or words to that effect and such advertising must show the telephone number of the homeowner or the telephone number of a telephone line with information provided by the homeowner and may show the telephone number of the office or residence of the Applicant only if (1) the sign or advertisement clearly indicates that the telephone number is that of the Applicant and (2) the telephone number is provided strictly for business promotional purposes for other potential clients;

(iii) all stationery, business cards and advertising material used by the Applicant must clearly indicate the Applicant is a **Private Sales Agent** or a **Broker Restricted to Providing the Services of a Private Sales Agent**;

(iv) the Applicant shall not assist clients in preparing offers to purchase or offers of sale or otherwise engage in negotiations on behalf of others regarding the purchase, sale or lease of real estate;

(v) the Applicant shall not show clients' real estate to prospective purchasers or lessees or arrange such showing on behalf of other persons;

(vi) the Applicant may not request or receive a fee for referring clients to other brokers unless the amount of any such fee is disclosed to the client when the referral is made;

(vii) the Applicant shall not receive or hold trust money as defined in the Act in connection with the purchase or sale of real estate owned by others;

(viii) the Applicant shall not provide real estate appraisals or evaluations in connection with real estate owned by others; and

(ix) the Applicant shall, when applying for renewal of registration as a broker, file with the Registrar of the Act an affidavit confirming that the Applicant complied with the conditions of this order and the Policy.

The fee for this order is \$150.00.

Director-Legal