

THE REAL ESTATE BROKERS ACT) **Order No. 2459**
)
Section 39.1) **November 28, 2001**

IN THE MATTER OF: THE REAL ESTATE BROKERS ACT

IN THE MATTER OF: CALVIN ALEXANDER STONEHOUSE

WHEREAS:

(A) The Manitoba Securities Commission (the "Commission") determined that Calvin Alexander Stonehouse, while employed as a salesperson with a broker, Kilkenny Real Estate Ltd. o/a Sutton Group, registered under the Act on the basis of membership in the Manitoba Real Estate Association (the "MREA"), committed fraudulent acts in connection with a trade or transaction in real estate, and, as a result, issued Order No. 1821 on September 10, 1997;

(B) Appeals were made to the Manitoba Court of Queen's Bench by the MREA and the Strathcona Street Limited Partnership (the "Partnership") seeking an Order directing the Commission to amend Order No. 1821;

(C) As a result of a decision of Mr. Justice Wright of the Manitoba Court of Queen's Bench delivered on July 16, 1999, an Order of the Manitoba Court of Queen's Bench was signed on November 9, 1999 stating, inter alia, as follows:

"1. THIS COURT ORDERS that paragraph one of Order No. 1821 of the Commission issued on September 10, 1997 be and the same is hereby quashed.

2. THIS COURT ORDERS that the Commission reconsider this matter, to calculate the amount for which the Partnership may claim reimbursement, in accordance with and applying the principles and directions set out in the decision of this Honourable Court delivered on July 16, 1999."

(D) Counsel for the MREA and counsel for the Partnership have advised the Commission that the parties have applied the principles and directions set out in the decision of the Manitoba Court of Queen's Bench delivered on July 16, 1999 and have agreed, for settlement purposes, that the reimbursement owed to the Partnership under the Real Estate Reimbursement Fund is in the amount of \$145,000.00.

IT IS ORDERED:

1. THAT, pursuant to subsection 39.1(2) of the Act, the MREA is to pay forthwith out from the Fund to the Receiver for the Partnership the sum of \$145,000.00.

BY ORDER OF THE COMMISSION

Deputy Director - Legal