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Kundra (Re), 2025 SKREC 28

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DECISION OF
THE SASKATCHEWAN REAL ESTATE COMMISSION
AND CONSENT ORDER

Kundra (Re), 2025 SKREC 28

Date: December 8, 2025
Commission File: 2024-43

2025 SKREC 28 (CanLII)

IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF SAGAR KUNDRA

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

Christopher Boychuk - Chairperson

Cliff Iverson

Micheal Genest

CHARGE and ADMISSION OF MISCONDUCT:

[1] The registrant is charged with and is admitting to professional misconduct as follows:

Count 1:

- Section 39(1)(c) of *The Real Estate Act* by breaching Commission Bylaw 702.1 by engaging in conduct that is disgraceful, unprofessional and unbecoming in the course of his practice; and

Count 2:

- Section 39(1)(c) of *The Real Estate Act* by breaching Commission Bylaw 701 by making an untrue statement to Commission staff.

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] Commission Bylaw 702.1 states:

"*A registrant shall not engage in conduct that is disgraceful, unprofessional or unbecoming of a registrant in the course of his or her practice.*"

[4] Commission Bylaw 701 states:

"*No registrant shall make or permit to be made, whether orally or otherwise, a statement, record, report, notice or other document required by this Act, the regulations or the bylaws that: (a) contains an untrue statement of a material fact; or (b) omits to state a material fact.*"

FACTS:

[5] In accordance with subsection 9(4) of The Real Estate Regulations ("the Regulations"), the Hearing Committee accepts Mr. Kundra's Statement of Facts and Admissions, which includes the following relevant points:

[6] Mr. Kundra 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 May 25, 2018.

[7] Mr. Kundra has taken the following real estate courses:

- Phase 1 – Real Estate as a Professional Career
- Residential Real Estate as a Professional Career
- Commercial Real Estate as a Professional Career
- Farm Real Estate as a Professional Career
- Property Management as a Professional Career

[8] Mr. Kundra has completed the continuing professional development seminars each registration year since 2018-2019.

[9] Mr. Kundra is presently registered under the provisions of *The Real Estate Act* as a salesperson with eXp Realty of Canada, Inc. O/A eXp Realty.

[10] In February of 2024, Mr. Kundra enrolled with a digital marketing firm to assist with the management and marketing of two of his Google Business profiles.

[11] A senior account relationship manager ("Account Manager") was assigned to handle the Optimisation work on Mr. Kundra's two Google Business profiles.

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[12] On April 22, 2024, Mr. Kundra was notified that his Google Business account was suspended due to a violation.

[13] Mr. Kundra immediately reached out to his Account Manager, who told him that he had inquired into this issue. The Account Manager told Mr. Kundra that his Google Business account was suspended due to policy violations, but that he would be appealing with the Google support team on Mr. Kundra's behalf.

[14] On April 23, 2024, the Account Manager told Mr. Kundra that someone had tried to edit business information on Mr. Kundra's Google Business profile. The Account Manager told Mr. Kundra that Google suspends a profile if it finds unauthorised edits being made to a business profile.

[15] Mr. Kundra was confused, as the only people who have access to his Google Business Profile, other than himself, were the Account Manager and his company.

[16] The Account Manager told Mr. Kundra that it had to be someone from the outside who attempted to edit the profile, which resulted in Google finding this and suspending the profile.

[17] The Account Manager told Mr. Kundra that anyone can visit a Google Business profile and attempt to make edits to it.

[18] Mr. Kundra told the Account Manager that he would give him a few Google Business profiles and that he would pay him $250 per account to tamper with these accounts.

[19] Mr. Kundra sent the Account Manager a link to the Google Business profile for Real Estate Team A.

[20] The Account Manager sent Mr. Kundra a picture showing that he had changed the Google Business profile for Real Estate Team A to state that it was "Permanently Closed."

[21] Mr. Kundra then sent the Account Manager a link to the Google Business profile for Registrant A, an agent with Brokerage B and a member of Real Estate Team A.

[22] The Account Manager asked Mr. Kundra if he wanted him to tamper with this Google Business profile as well and also asked Mr. Kundra to confirm that he would be paying for two accounts.

[23] Mr. Kundra confirmed with the Account Manager that he wanted him to tamper with this second Google Business profile.

[24] The Account Manager sent Mr. Kundra a picture showing that he had changed the Google Business Page for Registrant A so that it stated that it was a bar, night club.

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[25] The Account Manager then asked Mr. Kundra about the monthly fee he owed to the company, and also about the money that he promised to pay for the edits that the Account Manager made to the two Google Business profiles.

[26] Mr. Kundra responded that he was surprised at how easily someone could damage someone's hard work. Mr. Kundra further told the Account Manager that he was shocked to see how easy it is to do this and that anybody could do it, and that his values didn't allow him to do something destructive to someone for his own benefit.

[27] On April 29, 2024, the Account Manager asked Mr. Kundra for an update on the $250 that he said he would pay for tampering with those two Google Business profiles.

[28] Mr. Kundra responded to the Account Manager and told him that he wouldn't be able to pay for anything destructive as his values didn't allow it.

[29] The Account Manager responded and said that he had done this at Mr. Kundra's request, and that it was too late to realize that he couldn't pay for anything destructive.

[30] Mr. Kundra responded: "Sorry man, won't be able to do anything with that."

[31] The relationship between Mr. Kundra and the Account Manager broke down after Mr. Kundra told him that he wouldn't be able to pay him for tampering with those two Google Business profiles, and the Account Manager threatened to share Mr. Kundra's messages with Registrant A and Real Estate Team A.

[32] Mr. Kundra told the Account Manager to go to hell and to do whatever the heck he wanted to do.

[33] The Account Manager sent an email to Registrant A on May 24, 2024 advising him that Mr. Kundra suggested paying the company $250 to sabotage Registrant A's Google Business profile, along with Real Estate Team A's Google Business profile. The Account Manager attached screenshots of the WhatsApp conversation between him and Mr. Kundra to this email.

[34] Registrant A's broker at that time filed a complaint with the Commission and attached the Account Manager's email and screenshots to the complaint.

[35] On May 28, 2024, Mr. Kundra received correspondence from the Commission advising that a complaint had been filed against him and that his response to the complaint was required.

[36] On June 11, 2024, Mr. Kundra provided his response to the Review Officer. In his response, he stated that the email the Account Manager created was false and the screenshots he shared were forged. Mr. Kundra said: "You can easily imagine how easy it is to create these kinds of proofs in the new era of artificial intelligence."

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[37] The Review Officer requested that Mr. Kundra provide, among other things, copies of all correspondence between himself and the Account Manager.

[38] In Mr. Kundra's response to the Review Officer, he provided a copy of the WhatsApp chat between himself and the Account Manager.

[39] This WhatsApp chat confirmed that Mr. Kundra did in fact offer to pay the Account Manager $250 to tamper with certain Google Business profiles, and that the statement that Mr. Kundra had made in his initial response was false as the email and the screenshots sent by the Account Manager were legitimate.

Mitigating Factors

[40] Mr. Kundra does not have a previous sanction history.

[41] The comments made by Mr. Kundra to the Account Manager, although unprofessional and unbecoming of a registrant, were made in a private conversation and were not made to clients, the public or other registrants.

[42] The comments made by Mr. Kundra to the Account Manager, although unprofessional and unbecoming of a registrant, were made in response to a threat from the Account Manager and the deterioration of a business relationship.

[43] Although Mr. Kundra provided an untrue statement to the Review Officer, he was responsive to requests for information and was forthcoming with documents.

[44] Mr. Kundra has acknowledged his violations of Bylaw 701 and 702.1.

Aggravating Factors

[45] Mr. Kundra made an untrue statement to a Review Officer about a material fact. Registrant conduct that interferes with the Commission's ability to regulate the industry and investigate complaints in the public interest is a serious issue.

[46] Mr. Kundra employed an unfair business practice by offering to pay someone to tamper with his competitors' Google Business pages.

Prior Decisions & Other Considerations

[47] 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.

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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.

[48] 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.

[49] Mr. Kundra offered to pay the Account Manager $500 CAD to tamper with Registrant A's Google Business account and Real Estate Team A's Google Business account.

[50] Further, when the working relationship broke down between Mr. Kundra and the Account Manager when Mr. Kundra reneged on their agreement by refusing to pay, Mr. Kundra told the Account Manager to "go to hell" and threatened to report him to his employer.

[51] Mr. Kundra made an untrue statement to a Review Officer during the course of the investigation.

2. The role of the offending member in the breaches.

[52] Mr. Kundra was the only registrant involved in the breaches.

3. Whether the offending member suffered or gained as a result of the breaches.

[53] There is no evidence to suggest that Mr. Kundra enjoyed a benefit or suffered a loss as a result of his breaches.

4. The impact of the breaches on complainants or others.

[54] At Mr. Kundra's request and offer of payment, the Account Manager tampered with Registrant A's Google Business Account, along with Real Estate Team A's Google Business Account. The Commission was provided with no evidence of actual harm to Registrant A or Real Estate Team A as a result of the changes made to their Google Business Profiles, nor was the Commission provided with evidence of the impact of Mr. Kundra's conduct on the Account Manager.

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5. The need for specific deterrence to protect the public.

[55] Specific deterrence is needed to ensure Mr. Kundra understands that offering to pay a third party to interfere with other registrants' ability to carry on business is unacceptable and that similar behaviour does not continue in the future.

[56] It must be made clear to Mr. Kundra that he must always be professional and respectful to other registrants and members of the public in the course of his practice, and that even if someone is difficult to work with it is never appropriate for a registrant to respond with insults and threats.

[57] Mr. Kundra also must be reminded that investigations undertaken by the Commission are to be taken seriously and that providing an untrue statement to the Commission during an investigation will not be tolerated.

6. The need for general deterrence to protect the public.

[58] General deterrence is needed to remind all registrants that professionalism and courtesy are expected in their dealings with other registrants and members of the public. It must be made clear to all registrants that they must have respect for their fellow registrants and not do anything to sabotage another registrant's ability to carry on business.

[59] It is also necessary to remind all registrants that registrant conduct that interferes with the Commission's ability to regulate the industry and investigate complaints in the public interest is a serious issue.

7. *The need to maintain the public's confidence in the integrity of the profession.*

[60] The real estate industry functions more efficiently and members of the public are better served when the registrants who represent them are able to deal with one another in a respectful manner. Public confidence in the industry is bolstered by registrants who conduct themselves professionally and appropriately in the course of their practice.

8. The degree to which the breaches are regarded as being outside the range of acceptable conduct.

[61] Mr. Kundra's conduct falls below the standard expected of registrants, and it was egregious.

9. *The range of sanction in similar cases.*

A. What is an appropriate sanction for Mr. Kundra's breach of Bylaw 702.1?

i. *Petryshyn (Re),* 2021 SKREC 10 ("*Petryshyn*")

[62] In *Petryshyn,* Mr. Petryshyn was issued an order of reprimand and a $1,500 fine.

[63] In that case, a corporate seller had listed several lots at a development with Mr. Petryshyn's brokerage. A representative of the corporate seller published a

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Facebook post regarding a property at the development. This property should have been listed with Mr. Petryshyn's brokerage, but it was not. Mr. Petryshyn and his broker decided to end the relationship with the corporate sellers as they felt it was one-sided. Shortly after advising the representative of the corporate seller of the intention to cancel, the representative approached Mr. Petryshyn and his broker outside one of the listed properties. Mr. Petryshyn told the representative that this "is not how you run a f***ing business". The broker asked the representative to come into the cabin to discuss the situation, but the representative backed away from Mr. Petryshyn and told him she would not go inside the cabin. Mr. Petryshyn yelled after her: "Walk away!". The representative found Mr. Petryshyn's behaviour upsetting and threatening, though that was not his intent.

[64] Mr. Petryshyn was cooperative with the investigation and had no previous sanction history.

[65] There were no aggravating factors.

[66] Mr. Kundra's breach of Bylaw 702.1 is significantly more serious than the registrant in *Petryshyn.* Both Mr. Petryshyn and Mr. Kundra made inappropriate comments to members of the public with whom they previously had a working relationship. Unlike the registrant in *Petryshyn,* Mr. Kundra did not use extreme profanity. However, unlike Mr. Kundra, Mr. Petryshyn did not attempt to interfere with his competitors' ability to carry on business.

ii. *Stretch (Re),* 2019 SKREC 30 ("*Stretch*")

[67] In *Stretch,* Mr. Stretch was issued an order of reprimand and a $1,000 fine.

[68] Mr. Stretch made an appointment to view a property listed for sale by Registrant A. When he arrived at the property for the showing, Mr. Stretch realized that the gas had been left on. He sent a text message to Registrant A accusing her seller clients of almost killing him and his clients by leaving the burners on the gas stove on. When Registrant A had difficulty getting in touch with Mr. Stretch, she sent him a text message telling him that he should have the balls to answer his phone. Mr. Stretch called Registrant A and, after some comments from her, Mr. Stretch responded by saying, "Go f*** yourself, you f***ing c***. I have the f***ing balls to answer my phone."

[69] Mr. Stretch had no previous sanction history, was co-operative with the investigation and had been a registrant since 1986. Mr. Stretch sent a message to Registrant A to apologize for his comments.

[70] The comments Mr. Stretch made to Registrant A were extremely inappropriate.

[71] Mr. Kundra's breach of Bylaw 702.1 is significantly more serious than the registrant in *Stretch.* In *Stretch,* Mr. Stretch made extremely inappropriate

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comments to a fellow registrant. While Mr. Kundra did not make inappropriate comments to his fellow registrants, he employed an unfair business practice by offering to pay the Account Manager to tamper with their Google Business pages. In addition to his inappropriate conduct towards other registrants, Mr. Kundra's statements to the Account Manager, a business associate, were unacceptable and unprofessional.

[72] There are two other decisions that involve similar facts to the case at hand, although they involve a charge under a different provision in the legislation.

iii. *Crawford (Re),* 2018 SKREC 32 ("*Crawford*")

[73] In *Crawford,* Mr. Crawford was issued an order of reprimand and a $1,000 fine for breaching section 39(1)(a) of *The Real Estate Act.*

[74] Mr. Crawford represented the sellers of a property. There was little interest in the property and Seller 1 was not satisfied with the work Mr. Crawford was doing to sell the property. Mr. Crawford believed Seller 1 had unreasonable expectations about the work he was required to do as the listing agent.

[75] Mr. Crawford contacted Seller 1 to suggest reducing the asking price for the property. Seller 1 did not agree. During this phone call, Seller 1 asked Mr. Crawford how much longer she was "stuck with" him. He told her that he did not feel stuck with her.

[76] Unbeknownst to Mr. Crawford, Seller 1 obtained a cancellation form, which she submitted to the brokerage for processing and which the brokerage submitted to the Association of Regina REALTORS® for processing. When he learned of the cancellation, Mr. Crawford contacted Seller 1 to ask how the listing had been cancelled without his consent. She told him that she had obtained a cancellation form that she completed and faxed to his office. Seller 1 was verbally abusive to Mr. Crawford during this phone call and called him an "asshole". In response, Mr. Crawford called Seller 1 a "piece of sh*t" and told her to "go f**k herself". Then he hung up on her.

[77] Mr. Crawford did not have a previous sanction history and was co-operative with the investigation. He found Seller 1 extremely difficult to work with and she appeared to have unreasonable expectations about the work that was required of Mr. Crawford as the listing agent. Mr. Crawford's seller client was verbally abusive toward him.

[78] The comments Mr. Crawford made to his seller client were extremely inappropriate.

[79] Mr. Kundra's breach of Bylaw 702.1 is significantly more serious than that of the registrant in *Crawford.* In this case, Mr. Crawford was able to demonstrate provocation on the part of his client as it was his client who had cancelled their

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agreement without his consent. In the present case, the breakdown of the relationship between Mr. Kundra and the Account Manager was because Mr. Kundra reneged on their agreement and refused to pay the Account Manager for tampering with his competitors' business pages. However, the Account Manager did threaten to tell Mr. Kundra's competitors that he had tampered with their Google Business Profiles, which contributed to the breakdown of the relationship and may have provoked Mr. Kundra to tell the Account Manager to "go to hell." In addition to the comments made by Mr. Kundra to the Account Manager, Mr. Kundra also attempted to interfere with his competitors' ability to carry on business.

iv. *Hastings (Re),* 2002 SKREC 3 ("*Hastings*")

[80] In *Hastings*, Mr. Hastings was issued an order of reprimand and ordered to pay a $1,000 fine for breaching section 39(1)(a) of *The Real Estate Act.*

[81] Mr. Hastings entered into a verbal altercation and made inappropriate comments to the seller of a property after he had showed the seller's property to a potential buyer. During the course of the showing, Mr. Hastings used the washroom and his client continued to view the property on his own. The owner returned during the showing, objected to Mr. Hastings' use of the washroom and the client being in the home unattended, and asked that they leave the premises. The conversation continued outside the home, with both parties making regrettable comments. Mr. Hastings stated words to the effect of "if you like, I'll drive home and pick up one of my boys and bring him back and kick the sh*t out of you".

[82] Mr. Hastings had been registered for approximately 14 years at the time of the breach and he did not have a previous sanction history. He was cooperative with the investigation, acknowledged his mistake, and showed remorse for his actions. The Hearing Committee considered that the seller was allegedly very difficult to work with and had provoked Mr. Hastings past normal working limits.

[83] Mr. Kundra's breach of Bylaw 702.1 is significantly more serious than that of the registrant in *Hastings.* Although Mr. Kundra did not physically threaten the Account Manager, he did threaten to report the Account Manager to his employer, and there were more mitigating factors at play in the *Hastings* decision. In this case, the altercation between Mr. Kundra and the Account Manager arose because Mr. Kundra reneged on his promise to pay the Account Manager $500 for tampering with his competitors' Google Business pages. Further, although Mr. Kundra did not physically threaten his competitors, he did attempt to tamper with their Google Business profiles which is still significant misconduct aimed at harming his competitors professionally.

[84] The decision in *Hastings* was rendered prior to an expansion of the real estate market in 2008 that saw significant increases in property values. As property values rise, so do the commissions registrants can expect to earn on trades in real estate. When using older decisions as precedent, the impact general

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inflation and rising property values have had on commission payable to registrants on trades in real estate must be considered. Failure to account for these factors could lead to disciplinary action by the Commission coming to be seen as a "cost of doing business".

v. *What is an appropriate fine in the present case.*

[85] In May of 2020, the provincial legislature amended section 38 of *The Real Estate Act* to increase the maximum fines that can be ordered against registrants found guilty of professional misconduct or professional incompetence. The previous iteration of the legislation capped fines at $5,000 for each finding up to a maximum of $15,000 in the aggregate for all findings. The new maximum fine for each finding of professional misconduct or professional incompetence was increased to $25,000 up to a maximum of $100,000 in the aggregate for all findings. While this legislative change does not invalidate the precedents to be found in previous hearing decisions, it must be taken as a strong signal from lawmakers that the fines ordered against registrants should be increased so as to ensure the protection of the public.

[86] Given the change to the legislation in May of 2020, as outlined previously, the fines suggested in this sanction recommendation will be higher than those found in the precedents that pre-date this legislative amendment.

[87] In addition to the legislative change in 2020, there have been no previous decisions where a registrant has attempted to tamper with a competitors' Google Business page or otherwise interfere with their ability to carry on business. As such, Mr. Kundra's violation of Bylaw 702.1 is significantly more serious than the decisions that are discussed above, and this will be reflected in the amount of his fine.

[88] A letter of reprimand and a fine of $4,000 are appropriate sanctions for Mr. Kundra's breach of Bylaw 702.1. A letter of reprimand and a monetary fine are consistent with established precedent, and given the change to the legislation increasing the maximum amount of fines and the severity of Mr. Kundra's misconduct, a fine of $4,000 is proportional to the misconduct at issue.

B. What is an appropriate sanction for Mr. Kundra's breach of Bylaw 701?

i. *Schmidt (Re),* 2007 SKREC 7 ("*Schmidt*")

[89] In *Schmidt*, Mr. Schmidt was issued an order of reprimand and his certificate of registration was suspended for 90 days. He was ordered to pay a $5,000 fine and $300 in costs for breaching Bylaw 701.

[90] Mr. Schmidt and his common-law spouse purchased a property in the fall of 2005 and subsequently listed it for sale in the spring of 2006. In the MLS® descriptors, they stated that the property had received new shingles in 2004. Mr. Schmidt did

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not own the property in 2004 and had no knowledge whether the owner of the property at that time had replaced the shingles. In May 2006, they accepted an offer on the property from a buyer represented by a different registrant. This offer was subject to a satisfactory building inspection and, as the condition was not removed, the offer collapsed and the listing was withdrawn.

[91] In August 2006, Mr. Schmidt and his spouse provided the Review Officer with written and verbal representations that claimed they had replaced the shingles in 2006. Mr. Schmidt was adamant that the shingles were new until he was confronted with clear evidence that they had not been replaced. Throughout the investigation, Mr. Schmidt was not co-operative, antagonistic, and at one point indicated to the Review Officer that he had done the shingles himself.

[92] The sanctions imposed were significant, however, misleading and providing false information to the Review Officer cannot be tolerated. In addition, Mr. Schmidt had previously been sanctioned for a serious offence and this contributed to the amount of the fine. Potential purchasers should be able to have confidence that the information contained in the listing is correct and the investigations undertaken by the Commission must be taken seriously.

[93] Mr. Kundra's violation of Bylaw 701 is less serious than the registrant in *Schmidt.* Despite making an untrue statement to the Review Officer, Mr. Kundra was otherwise co-operative with the investigation, was not antagonistic, and has no previous sanction history.

ii. *Tomyn (Re)*, 2020 SKREC 10 ("*Tomyn*")

[94] In *Tomyn,* Mr. Tomyn was issued an order of reprimand and a $3,000 fine and his certificate of registration was suspended for a period of 30 days.

[95] Mr. Tomyn wrote an Offer to Lease on behalf of his client. The Offer stated that the tenant was to pay a deposit to Mr. Tomyn's brokerage within five business days of acceptance of the offer. The tenant wrote a deposit cheque that was deposited into the brokerage's trust account. The deposit cheque was returned NSF. Mr. Tomyn called the tenant to ask what had happened, but did not contact the landlord or the listing agent to advise that the cheque had been returned. Mr. Tomyn obtained a replacement cheque from the tenant that was deposited into the brokerage's trust account. In his initial response to the complaint, Mr. Tomyn did not make reference to the second deposit cheque. After learning that an administrator at his brokerage had provided information to the Commission that made reference to the second cheque, Mr. Tomyn provided a revised response to Commission staff that included information about the second deposit cheque. The tenant decided not to proceed with the transaction. Mr. Tomyn sent an email to his brokerage directing the return of the tenant's deposit. Two days after the deposit cheque was returned to the tenant, Mr. Tomyn advised the registrant representing the landlord that the tenant would not be proceeding with the transaction. The listing agent requested that Mr. Tomyn's brokerage retain the

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deposit as the landlord intended to claim entitlement to it. Mr. Tomyn thereafter advised the listing agent that the tenant's deposit cheque had been returned NSF. This was the first the listing brokerage had heard about the returned cheque and Mr. Tomyn did not mention the second deposit cheque that had been obtained and returned to the tenant.

[96] Mr. Tomyn did not have a previous sanction history. The coronavirus pandemic had a significant and largely negative impact on the real estate market and on registrants' incomes generally.

[97] Mr. Tomyn failed to provide the listing brokerage with important information about the deposit on multiple occasions. He did not notify the listing brokerage when he was advised that the initial deposit cheque had been returned, when he obtained a second deposit cheque from the tenant, or when the second deposit was returned to the tenant at Mr. Tomyn's request. Mr. Tomyn was specifically advised by an administrator at his brokerage that he was obligated to notify the listing brokerage of the returned cheque. His decision to withhold information about the deposit from the listing brokerage appeared quite deliberate. Mr. Tomyn also appeared to have deliberately withheld material information from the Commission.

[98] Mr. Kundra's violation of Bylaw 701 is similarly serious to the registrant in *Tomyn.* In *Tomyn,* the registrant appears to have deliberately withheld material information from the Commission but later provided the same once he learned that the Commission was aware of it. In the present case, Mr. Kundra made an untrue statement to the Review Officer, but then provided the WhatsApp chat which included the messages to the Account Manager.

[99] Given the increase in property values since 2008 and the change to the legislation in May of 2020, as outlined previously, the fines suggested in this sanction recommendation will be higher than those found in the precedents that pre-date this legislative amendment.

[100] A letter of reprimand, a fine of $6,000, and a suspension of Mr. Kundra's certificate of registration for 30 days are appropriate sanctions for Mr. Kundra's breach of Bylaw 701. A letter of reprimand, a monetary fine and a suspension of a registrant's certificate of registration have been ordered in previous cases where a registrant has provided an untrue statement to the Commission, and given the change to the legislation increasing the amount of fines and the number of untrue statements provided by Mr. Kundra, a fine of $6,000 and a suspension of Mr. Kundra's certificate of registration for 30 days is proportional to the misconduct at issue.

CONSENT ORDER:

[101] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Kundra and the Investigation Committee of

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the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:

[102] With respect to Count 1, the charge of professional misconduct contrary to Section 39(1)(c) of *The Real Estate Act*:

a. Mr. Kundra shall receive an order of reprimand for the violation of Commission Bylaw 702.1;
b. Mr. Kundra shall, within 8 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. Mr. Kundra's registration shall be terminated if he fails to make payment as set out above.

[103] With respect to Count 2, the charge of professional misconduct contrary to Section 39(1)(c) of *The Real Estate Act*:

a. Mr. Kundra shall receive an order of reprimand for the violation of Commission Bylaw 701;
b. Mr. Kundra shall, within 8 months of the date of this order, pay to the Saskatchewan Real Estate Commission a $6,000 fine for the said violation of the *Act*;
c. Mr. Kundra's Certificate of Registration shall be suspended from December 16, 2025 to January 14, 2026; and,
d. Mr. Kundra's registration shall be terminated if he fails to make payment as set out above.

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

Dated at Saskatoon, Saskatchewan, this 8th day of December, 2025.

Christopher Boychuk
Hearing Committee Chairperson

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