



**IN THE MATTER OF: THE REAL ESTATE BROKERS ACT**

**-and-**

**IN THE MATTER OF: A DEPOSIT MADE TO THE MANITOBA  
SECURITIES COMMISSION PURSUANT TO  
SECTION 26 OF THE REAL ESTATE BROKERS  
ACT**

**NOTICE OF HEARING**

TAKE NOTICE that The Manitoba Securities Commission ("Commission") will hold a public hearing ("Hearing") pursuant to subsection 26(14) of The Real Estate Brokers Act ("Act") at its offices at Room 500 - 400 St. Mary Avenue, Winnipeg, Manitoba on Wednesday, the 19<sup>th</sup> day of March, 2014 commencing at 9:00 o'clock in the forenoon or so soon thereafter as the Hearing can be held, and from day to day thereafter until the Hearing is concluded, to consider:

1. whether Sandra Irwin and Lance Irwin are entitled to payment of a trust deposit of \$5,000 paid to the Commission pursuant to section 26 of the Act;
2. such further and other matters in the makings of such further and other orders as the Commission may deem appropriate.

**BY REASON OF THE FOLLOWING ALLEGATIONS:**

1. An Offer to Purchase (the "Offer") to purchase the property commonly known as 8360 Henderson Highway, located in the R.M. of St. Clement, Manitoba (the "Property") was entered into by Sandra Irwin and Lance Irwin as sellers ("Sellers") and James Rybachuk as buyer ("Buyer") on or about November 8, 2005.
2. Pursuant to the Offer, a \$5,000 deposit was made by the Buyer and paid to Century21 Carrie.com as listing broker.
3. The Offer provided for a possession date of November 25, 2005.
4. The sale of the property was never completed.
5. The Sellers and the Buyer were unable to agree to whom the deposit was to be paid to.
6. In or about September, 2008 the listing broker forwarded the trust deposit of \$5,000 to the Commission pursuant to section 26 of the Act.

7. The Sellers under Offer have claimed they are entitled to the deposit being held by the Commission and request an Order from the Commission that the deposit be paid over to them.

8. The Buyer under the Offer passed away on or about November 24, 2013.

9. On January 9, 2014, a Grant of Probate was granted to Erica Sanderson Rybachuk the Executrix of the Buyer's estate.

TAKE NOTICE that a person or company attending or submitting evidence at the Hearing may be represented by counsel of its choice.

AND FURTHER TAKE NOTICE that any party to the proceedings may, at the Hearing, call witnesses and submit such evidence relevant to the Hearing as it may wish and, for that purpose, it may obtain from the Director of the Commission at Room 500 - 400 St. Mary Avenue, Winnipeg, Manitoba, a form or forms of summons to compel the attendance of witnesses.

AND FURTHER TAKE NOTICE that upon failure of any party to attend at the time and place aforesaid, the Hearing may proceed in that party's absence and the Commission may make or give any decision or order as though that party were present.

DATED at Winnipeg, Manitoba this 20<sup>th</sup> day of February, 2014.

  
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Director

TO: SANDRA AND LANCE IRWIN

AND TO: THE ESTATE OF RAYMOND JAMES RYBACHUK