



THE MANITOBA  
SECURITIES  
COMMISSION

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

**- and -**

**IN THE MATTER OF: JOSE ANTONIO PEREIRA**

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

**STAFF OF THE MANITOBA SECURITIES COMMISSION (“Commission”)  
ALLEGE THAT:**

**A. REGISTRATION**

1. Jose Antonio Pereira, also known as Joe Pereira, (“Pereira”) was formerly a real estate salesperson registered under *The Real Estate Brokers Act* (“REBA”) and lives in the City of Winnipeg, in the Province of Manitoba.
2. Pursuant to Commission Order No. 3907 Pereira was sanctioned by the Commission which included suspending his registration as a salesman under REBA for a period of 15 months commencing June 22, 2001 to September 22, 2002, both dates inclusive. Pursuant to Commission Order No. 2744 dated September 28, 2018, Pereira was further sanctioned by the Commission which included an order barring Pereira from being a real estate broker for a period of three (3) years commencing September 29, 2018.

**B. DETAILS**

1. M.T. owned the property located at 1107 Munro Avenue and intended on developing a commercial property to lease to tenants in the medical profession (the “commercial property”).
2. In or about March/April, 2018, Pereira and M.T. agreed Pereira would try to find potential tenants for the commercial property. No listing agreement was signed in connection with these services to be provided by Pereira.
3. M.T. agreed to allow Pereira to place a sign on the commercial property to have prospective tenants contact Pereira if they were interested in leasing space in the commercial property.
4. On or about March 19, 2018, K.A. drove by the commercial property and saw Pereira’s contact information. K.A. subsequently contacted Pereira to

arrange a meeting between Pereira, K.A. and F.T., who was a business partner interested in leasing space at the commercial property with K.A.

5. On or about April 5, 2018, K.A. and F.T. met with Pereira at his Re/Max Associates office. At this meeting, Pereira prepared an Offer to Lease document for the commercial property. Both K.A. and F.T. signed the Offer to Lease document.

6. Pursuant to the Offer to Lease, a deposit of \$3,000.00 plus G.S.T. was to be paid by K.A. and F.T.

7. Pereira indicated to K.A. and F.T. that the deposit was refundable. The Offer to Lease was subject to landlord approval, final drawing approval and subject to tenant's lawyer's approval.

8. Pereira asked K.A. and F.T. to each provide him with a \$1,500.00 deposit by e-transfer to Pereira's personal email address.

9. Both K.A. and F.T. provided Pereira \$1,500.00 in April, 2018, as requested. These monies were deposited into Pereira's personal bank account at the Cambrian Credit Union.

10. A review of Pereira's bank records show that Pereira spent K.A. and F.T.'s deposit monies on personal expenses.

11. On or about March 19, 2019, K.A. learned that M.T. was no longer listing the property with Pereira and Re/Max Associates. Upon finding this out, K.A. contacted Pereira to request that his and F.T.'s deposit monies be returned.

12. Pereira responded by saying the lease deal was unconditional, that the deposit went to his work rendered and is non-refundable. Pereira further stated he was no longer with Re/Max Associates, they did not have the deposit and that he used it for expenses.

13. Pereira further indicated in his response to K.A. that "I hope there is no problems going forward, I will be leaving to Portugal soon for good , and I have lots of video on everyone that works great for these type of situation , video that k ow one wants shared I am sure, I want no problems , stay well our secrets our safe , also goes for M.T. !"

14. K.A. and F.T. did not receive their deposit back. The deposit money provided by K.A. and F.T. was never provided to Pereira's broker, Re/Max Associates.

**C. ALLEGATIONS**

1. Staff of the Commission allege that:

- (a) In contravention of s 20 of REBA, Pereira failed to obtain a Listing Agreement prior to advertising the commercial property for prospective tenants;
- (b) Pereira committed a "fraudulent act" within the meaning of REBA by failing, within a reasonable time to pay over to K.A. and F.T. the deposit money given Pereira.
- (c) Pereira did not turn over the deposit monies received from K.A. and F.T. to his broker contrary to s. 25 of REBA;
- (d) Pereira committed a fraudulent act under REBA by engaging in a course of conduct to obtain money from K.A. and F.T. by wrongful or dishonest dealing by having K.A. and F.T. deposit money, which was provided to Pereira for a trade or transaction in real estate, into Pereira's own personal account which Pereira subsequently used for personal expenses;
- (e) Pereira's conduct, as set out in this Statement of Allegations, was contrary to the public interest;

and, that due to these allegations, staff of the Commission request that the Commission order the MREA to pay out of the Fund the amount of \$1500.00 to each of K.A. and F.T. pursuant to subsection 39.1(2) of REBA and, furthermore, it is in the public interest that the registration of the respondent under REBA be suspended or cancelled pursuant to subsection 11(1) of REBA and that Pereira pay costs of and incidental to this Hearing.

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

**DATED** at Winnipeg, Manitoba this <sup>8<sup>th</sup></sup> day of July, 2020.



\_\_\_\_\_  
**Director**

**TO: JOSE ANTONIO PEREIRA**

**AND TO: The Reimbursement Fund  
c/o The Manitoba Real Estate Association Inc.**