

IN THE MATTER OF:                      THE REAL ESTATE SERVICES ACT

-and-

IN THE MATTER OF:                      DAVID A. POWELL o/a POWELL PROPERTY  
GROUP, DAVID ARTHUR POWELL and  
KATHRYN JUNE PION

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

**STAFF OF THE MANITOBA SECURITIES COMMISSION ALLEGE, AMONG  
OTHER THINGS, THAT:**

**A.     REGISTRATION**

1.     Powell Property Group ("PPG") is the registered trade name of David A. Powell, an individual registered as a brokerage under the Real Estate Services Act ("RESA"), and previously as a brokerage under the RESA's predecessor legislation, the Real Estate Brokers Act ("REBA"), and which legislation was in effect until January 1, 2022. PPG is no longer actively providing real estate services and is closing out its registration.
2.     David Arthur Powell ("POWELL") was the official of PPG under the RESA and was the authorized official of PPG under the REBA at all relevant times.
3.     Kathryn June Pion ("PION") is a real estate salesperson registered under the RESA. PION was previously registered as a salesman under the REBA with Royal LePage.

## B. DETAILS

### Unregistered Activity

4. On June 13, 2019, PION was no longer employed with any brokerage, and as such PION's registration under the REBA was suspended on June 13, 2019.

5. On June 14, 2019, a reminder was sent to PION from the Real Estate Department of the Manitoba Securities Commission ("MSC") confirming that on June 13, 2019, PION's registration under the REBA was suspended, and that PION could not engage in any real estate transaction as a salesperson until an application to transfer her registration to another broker was approved by the Registrar of Real Estate of the MSC.

6. From June 13, 2019, until January 15, 2020 (the "Unregistered Period"), by operation of subsection 11(4) of REBA, during the period of suspension of PION's registration, PION was not registered under REBA.

7. On January 16, 2020, PION submitted an application to transfer her registration to PPG, and in submitting that application advised the Real Estate Department of the MSC that during the Unregistered Period she engaged in five (5) real estate transactions, all occurring in Winnipeg, Manitoba (the "Transactions While Unregistered"), and through PPG acting as her broker:

8. The details of the Transactions While Unregistered, and the corresponding commissions earned by each of PION and PPG are as follows:

Transaction Type	Address	PION Commissions	PPG Commissions
Sale	36 Glenview Avenue	\$7,116.90	\$315.00
Purchase	755 Mulvey Avenue	\$5,880.00	\$315.00
Sale and Purchase	21 West Fernwood Avenue	\$10,867.50	\$315.00
Sale	31 Picardy Place	\$3,412.50	\$315.00
Sale	207-250 Dalhousie Drive	\$3,633.00	\$315.00

9. The total commissions earned by PION and paid to PION by PPG in respect of the Transactions While Unregistered were \$30,909.90 ("PION's Commissions").

10. The total commissions earned by PPG in respect of the Transactions While Unregistered were \$1,575.00 ("PPG's Commissions").

**C. ALLEGATIONS**


1. Staff of the Commission allege that:

- (a) PION acted contrary to subsections 3(4) and/or 40(1) of the REBA where PION engaged in transactions in real estate without being registered to do so;
- (b) PPG and POWELL acted contrary to subsection 24(1) of the REBA by permitting PION to engage in real estate trades or transactions in its employ as a salesman while unregistered and by paying commissions to PION related to Transactions While Unregistered;
- (c) PION, PPG, and POWELL acted contrary to subsection 11(4) of REBA by receiving commissions and/or fees through real estate transactions conducted by PION through PPG while PION was not registered under the REBA;
- (d) PION, PPG and POWELL's conduct, as set out above, was contrary to the public interest;

and that due to these allegations, pursuant to subsection 11(1) of REBA that it is in the public interest that the registrations of the PION, PPG, and POWELL under the RESA be suspended or cancelled.

2. Such further and other matters as counsel may advise and this Commission permits.

**DATED** at Winnipeg, Manitoba this 24<sup>th</sup> day of April, 2025

  
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**Director**

**TO: POWELL PROPERTY GROUP**

**AND TO: DAVID ARTHUR POWELL**

**AND TO: KATHRYNE JUNE PION**