THE REAL ESTATE BROKERS ACT)	Order No. 2472
)	
Section 39.1)	February 12, 2003

IN THE MATTER OF: THE REAL ESTATE BROKERS ACT

-and-

IN THE MATTER OF: VICTOR LOEWEN and REALTY WORLD LANDEX (Limited Partnership)

WHEREAS:

- (A) A hearing was held before The Manitoba Securities Commission (the "Commission") on June 24 and September 8 of 1998 to determine:
- (i) whether The Manitoba Real Estate Association Inc. (the "MREA") should be ordered to pay to any person any amount out of the Real Estate Reimbursement Fund (the "Fund") under section 39.1(2) of The Real Estate Brokers Act, R.S.M. 1987, c. R20 (the "REBA") in connection with the actions of Victor Loewen ("Loewen") with respect to Realty World Landex (Limited Partnership) ("Landex") and/or The Land Exchange Ltd. the general partner of the Partnership and/or Vic Dor Investments Ltd., Earth Investments Ltd., 74861 Manitoba Ltd., and 58836 Manitoba Ltd. the limited partners of the Partnership;
- (ii) such further and other matters and the making of such further and other orders as the Commission may deem appropriate,

pursuant to a Notice of Hearing dated June 18, 1998 and Statement of Allegations dated June 18, 1998, and amended July 15, 1998;

- (B) The Commission heard evidence adduced by staff ("Staff") of the Commission, counsel for the MREA and counsel for West Country Village, and heard submissions from Staff, counsel for the MREA, counsel for a group of agents formerly registered with Landex, counsel for 74861 Manitoba Ltd , counsel for Carona Enterprises Ltd, and counsel for West Country Village, with counsel for Landex, Victor Dueck and Mr. Stasiuk attending on watching briefs, no one appearing for Loewen;
- (C) The Commission issued Commission Order No. 2371, dated December 2, 1998, which provided for the interim payment of funds and with a direction to Staff to return before the Commission to provide a final accounting of the funds;
- (D) A further hearing was scheduled January 22, 2003 at which time the Commission received further evidence in the form of an Affidavit of William D. Baluk, sworn January 13, 2003 which

provided a final accounting of funds and a quantification of the claim advanced by Carona Enterprises Ltd.;

- (E) Consents of the MREA, West Country Village, the group of agents formerly registered with Landex, 74861 Manitoba Ltd, and Carona Enterprises Ltd. to the issuance of this order were filed with the Commission;
- (F) The Affidavit of William D. Baluk, sworn January 13, 2002, and a draft form of this order were served on Victor Dueck as an officer of Landex and Victor Loewen as evidenced by affidavits of service filed with the Commission;

IT IS ORDERED:

- **1. THAT**, the Commission finds that Loewen, while employed as an authorized official with Landex, a broker registered under the Act and a member of the MREA, committed fraudulent acts in connection with trades or transactions in real estate.
- **2. THAT**, pursuant to subsection section 39.1(2) of the Act, the MREA is to pay forthwith out from the Fund to Carona Enterprises Ltd., the sum of \$300,591.40;

BY ORDER OF THE COMMISSION

Deputy Director - Legal