

Draft Regulations

Draft Regulation

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Chargeable fees and specialist titles — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, adopted by the Association des courtiers et agents immobiliers du Québec, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication.

The purpose of the Draft Regulation proposed by the Association des courtiers et agents immobiliers du Québec is to make various amendments to the By-law respecting chargeable fees and specialist titles. It also proposes to increase by 50 dollars the chargeable fees for the issue and renewal of a real estate broker's or real estate agent's certificate.

Finally, the Draft Regulation is also intended to change the terms and conditions for obtaining and withdrawing the various specialist titles that the Association may award, to make changes to certain titles and to create new ones.

According to the Association des courtiers et agents immobiliers du Québec, to date, study of the amendments has revealed no impact on the public. The amendments will have a limited impact on businesses, particularly on small and medium-sized businesses.

Further information may be obtained by contacting Mr. Serge Cayer, Director General and Secretary, Association des courtiers et agents immobiliers du Québec, 500, boulevard René-Lévesque Ouest, bureau 700, Montréal (Québec), H2Z 1W7. Tel.: (514) 392-4800; fax: (514) 392-4801.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Inspector General of Financial Institutions, 800, place d'Youville, 9^e étage,

Québec (Québec), G1R 4Y5. Those comments will be forwarded by the Inspector General of Financial Institutions to the Minister of Finance.

ALFRED VAILLANCOURT,
*Acting Inspector General of
Financial Institutions*

By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, ss. 75 and 76)

1. The By-Law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, approved by Order-in-Council 1866-93 of December 15, 1993, amended by a By-Law to amend the By-Law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, approved by Order-in-Council 1428-95 of November 1, 1995 and amended by the indexation established in application of Section 4 of this By-Law, published in the *Gazette Officielle du Québec*, Part 1, of December 9, 1995, is amended in Section 1:

(1) by replacing the figure "409" with the figure "459" in paragraphs (1) and (2);

(2) by replacing the figure "169" with the figure "219" in paragraphs (3), (4), (5) and (6).

2. Section 2 of this By-Law is amended:

(1) by replacing the figure "409" with the figure "459" in paragraphs (1) and (2);

(2) by replacing the figure "169" with the figure "219" in paragraphs (3), (4), (5) and (6).

3. This By-Law is amended by replacing Section 5 with the following:

"The Association may award the following specialist titles:

- (1) agricultural real estate;
- (2) commercial and industrial real estate, residential income property and business transactions;
- (3) co-ownership real estate;
- (4) resort real estate;
- (5) international real estate;
- (6) residential leasing;
- (7) real estate immovable hypothecary loans.”.

4. This By-Law is amended by replacing Section 6 with the following:

“To obtain a specialist title, the member shall apply in writing to the Association. He shall supply a sworn statement to the effect that he devotes or intends to devote a minimum of 70 % of his activities to the field mentioned in the application.

The title of the certificate category of the member mentioned in the first paragraph is amended by deleting the words “real estate” and adding, at the end, the word “in” followed by the title obtained”.

5. This By-Law is amended by inserting the following four Sections after Section 6:

“**6.1.** To obtain a specialist title with the mention “specialist”, a member who is a natural person shall apply in writing to the Association. He shall supply a sworn statement to the effect that, during at least 3 of the 5 years preceding the application, he has devoted a minimum of 70 % of his activities to the field mentioned in the application and that he has taken and passed the training courses given or recognized by the Association.

The title of the certificate category of the member mentioned in the first paragraph is amended by deleting the words “real estate” and adding, at the end, the words “specialist in” followed by the title obtained.”

6.2. A specialist title shall be valid for the duration of the member’s certificate.

6.3. A member who has obtained a specialist title shall, at the Association’s request, supply a sworn statement to the effect that he has devoted and intends to devote a minimum of 70 % of his activities to the field related to this title.

The title shall be withdrawn automatically upon an affidavit by the Secretary of the Association that the member is in default to supply this statement.

6.4. The specialist title obtained by a member shall be withdrawn automatically upon an affidavit by the Secretary of the Association that the member has made false statements, specially with regard to the percentage of his activities devoted to the field related to this title.”.

6. This By-Law shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9949

Draft Regulation

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Rules of professional ethics — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Rules of professional ethics of the Association des courtiers et agents immobiliers du Québec, adopted by the Association des courtiers et agents immobiliers du Québec, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication. The Government may approve it with or without amendments.

The purpose of the Draft Regulation proposed by the Association des courtiers et agents immobiliers du Québec is to make an amendment to the Rules of professional ethics of the Association. It also proposes that a member of the Association be obliged to answer all of the correspondence of the Association in writing, including the correspondence of the syndic or of the assistant syndic.

According to the Association des courtiers et agents immobiliers du Québec, to date, study of the amendment has not showed any impact on the public. Furthermore, it has not showed any impact on businesses, particularly on small and medium-sized businesses.

Further information may be obtained from Mr. Serge Cayer, Director General and Secretary, Association des courtiers et agents immobiliers du Québec, 500, boulevard René-Lévesque Ouest, bureau 700, Montréal (Québec), H2Z 1W7. Tel.: (514) 392-4800; fax: (514) 392-4801.