



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 14

(1996, chapter 42)

An Act to amend the Real Estate Brokerage Act

Introduced 14 May 1996
Passage in principle 12 June 1996
Passage 19 November 1996
Assented to 21 November 1996

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EXPLANATORY NOTES

This bill confers on the Association des courtiers et agents immobiliers du Québec the power to institute penal proceedings in respect of certain offences under the Real Estate Brokerage Act and authorizes it to keep the fine imposed where it has taken charge of the proceedings. The bill also changes the prescription period for certain offences.

In another connection, the Association and certain persons acting on its behalf are granted immunity from prosecution in respect of acts performed in good faith in the exercise of their functions. Lastly, amendments are made to the rules concerning the fixing of the fees the Association may require from its members.

LEGISLATION AMENDED BY THIS BILL:

- Real Estate Brokerage Act (R.S.Q., chapter C-73.1);
- Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1).

Bill 14

An Act to amend the Real Estate Brokerage Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 75 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended

(1) by replacing the words “chargeable fees established under the first paragraph” in the second line of the second paragraph by the words “fees chargeable for the issue or renewal of a certificate”;

(2) by replacing the words “the area of” in the fourth line of the second paragraph by the words “matters of penal proceedings,”.

2. Section 155 of the said Act is amended by adding, at the end, the following paragraph:

“(17) in respect of which offences, from among the offences determined pursuant to paragraph 16, the Association may institute penal proceedings.”

3. The said Act is amended by inserting, after section 160, the following sections:

“**160.1** The Association may, upon a resolution of its board of directors and in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under section 156 or 157 or under a regulatory provision to which paragraph 17 of section 155 applies, or for an offence under section 160 if that offence relates to any of those offences.

“160.2 The fine imposed for an offence under section 160.1 belongs to the Association where it has taken charge of the penal proceedings.

“160.3 Penal proceedings for an offence other than an offence under section 158 are prescribed one year after the date of opening of the investigation record relating to the offence. However, no proceedings may be instituted if more than five years have elapsed from the date of commission of such an offence.

A certificate of the Inspector General or of the secretary of the Association, as the case may be, indicating the date of the beginning of the investigation is, failing any evidence to the contrary, conclusive proof of such date.”

4. The said Act is amended by inserting, after section 164, the following section:

“164.1 In no case may proceedings be instituted against the Association, the members of its board of directors, the persons authorized by the Association to act on its behalf, the professional inspection committee or the members thereof by reason of acts performed in good faith in the exercise of their functions.”

5. Schedule I to the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended by inserting the following after “Act respecting security fund corporations (chapter C-69.1)”:

“Real Estate Brokerage Act (chapter C-73.1)”.

6. This Act comes into force on 21 November 1996.