

vii. Regulation respecting the keeping of records and consulting-rooms by psychologists (c. C-26, r. 221).

#### §4. Conditions for using the title of psychotherapist

**12.** A holder of a psychotherapist's permit who does not meet the conditions for the issue of a permit by one of the professional orders whose members may practise psychotherapy must use the title of psychotherapist and ensure that such title is preceded by the title of the university degree held.

**13.** This Regulation comes into force on *(insert the date of coming into force of section 187.1 of the Professional Code)*.

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### Draft Regulation

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2)

#### Various regulations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulations, appearing below, may be submitted to the Government which may approve them with or without amendment on the expiry of 45 days following this publication.

— Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising;

— Regulation to amend the Regulation respecting the issue of broker's and agency licences;

— Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies;

— Regulation to amend the Real Estate Indemnity Fund and determination of the professional liability insurance premium.

All the amendments enable a broker acting on behalf of an agency to carry on activities within a business corporation controlled by the broker, in accordance with sections 22.1 to 22.6 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), enacted by section 16 of chapter 40 of the Statutes of 2010.

Further information on the draft Regulations may be obtained by contacting Veerle Braeken, Coordinator, Direction générale du droit corporatif et des politiques relatives au secteur financier, Ministère des Finances, 8, rue Cook, 4<sup>e</sup> étage, Québec (Québec) G1R 0A4; telephone: 418 646-7419; fax: 418 646-5744; email: veerle.braeken@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the secretariat, Ministère des Finances, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND,  
*Minister of Finance*

ALAIN PAQUET,  
*Minister for Finance*

### Regulation respecting brokerage requirements, professional conduct of brokers and advertising

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

**1.** The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1) is amended in section 6 by inserting “, either his or her own or, if applicable, that of the business corporation within which the licence holder carries on activities in accordance with Division IV of Chapter II of the Act” after “professional civil liability”.

**2.** The following is inserted after Division VI of Chapter I:

#### “DIVISION VI.1 BROKERAGE ACTIVITIES WITHIN A BUSINESS CORPORATION

**34.1.** A broker acting on behalf of an agency is authorized to carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), if the following requirements are met:

(1) the broker holds at least 90% of the voting rights attached to the corporation's shares;

(2) the shares held enable the broker to receive any declared dividend prior to any other corporation's shareholder;

(3) the broker is the president of the corporation;

(4) the information in paragraphs 1 to 3 may be verified by examining the documents that may be required under paragraph 9;

(5) the broker has sent to the Organisme d'autorégulation du courtage immobilier du Québec the documents and information required in paragraph 13 of section 5 of the Regulation respecting the issue of broker's and agency licences (R.R.Q., c. C-73.2, r. 3);

(6) a contract has been entered into between the corporation, represented by the broker, and the agency for which the broker is acting;

(7) the broker is acting on behalf of the agency exclusively through the corporation;

(8) the name of the corporation includes the broker's name as it appears on the licence; and

(9) the broker provides, at the request of the Organization, within the time limits and according to the terms and conditions set by the Organization, the following updated documents:

(a) the articles and by-laws of the corporation and the documents that must be attached under the Business Corporations Act (R.S.Q., c. S-31.1) or similar documents required under the constituting Act of the corporation;

(b) the securities register of the corporation;

(c) any shareholders' agreement and voting agreement and amendments;

(d) any agreement concerning a stock option with voting or other rights, even if conditional, granted to a person to be issued such stock;

(e) the initial declaration or declaration of registration of the corporation and any updating declaration filed under the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1); and

(f) the names and home addresses of the corporation's chief executive officers.

**34.2.** Where a broker carrying on activities within a business corporation becomes aware that one of the requirements prescribed in this Regulation or in Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) is no longer met, the broker

must, within 15 days of becoming aware, take the necessary measures to rectify the situation; failing that, the broker ceases to be authorized to carry on activities within the business corporation.

Where the Organization becomes aware that the broker was authorized to carry on activities within a business corporation under false pretences, the broker immediately ceases to be authorized to carry on activities within that corporation.

**34.3.** Where a broker carries on activities within a business corporation, every contract or form evidencing such a contract relating to brokerage transactions referred to in section 1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) must be signed by the corporation, represented by the broker, for and on behalf of the agency for which the broker is acting."

**3.** Section 37 is amended by striking out the third paragraph.

**4.** Section 55 is amended by replacing "57" by "58".

**5.** Section 105 is amended by adding the following paragraph:

"A broker carrying on activities within a business corporation must ensure the collaboration of the corporation, its executive officers and its employees, if applicable."

**6.** Section 107 is amended by replacing "104" wherever it appears by "105".

**7.** The following is inserted after section 115:

**"115.1.** Where a broker carries on activities within a business corporation, representations and advertising must be made by the corporation and indicate, in addition to the indications provided for in section 114, the name of the corporation.

The broker does not have to indicate the designations provided for in subparagraphs 1 and 2 of the first paragraph of section 114 if the broker indicates, after the name of the corporation, as the case may be, "business corporation of a real estate broker" or "business corporation of a mortgage broker".

**8.** This Regulation comes into force on 1 January 2012.

## **Regulation to amend the Regulation respecting the issue of broker's and agency licences**

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

**1.** The Regulation respecting the issue of broker's and agency licences (R.R.Q., c. C-73.2, r. 3) is amended in section 5 by adding the following after paragraph 12:

“(13) if the broker intends to carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) and Division VI.1 of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1),

(a) a statement of updated information on that corporation, published in the enterprise register and, if the corporation is constituted under a statute other than a statute of Québec, written confirmation from a competent authority attesting to the corporation's existence; or

(b) where the broker is not the sole shareholder, the names of all shareholders and, for each of them, the percentage of voting rights and the terms and conditions for participation in the dividends attached to the shares they hold.”.

**2.** Section 13 is amended by inserting “, at the request of the Organization,” in the second paragraph after “social life or”.

**3.** Section 18 is amended by replacing “suspension lifted if the person establishes that the cause giving rise to the suspension” by “suspension, restriction or condition imposed on the licence if the person establishes that the cause giving rise to the suspension, restriction or condition”.

**4.** This Regulation comes into force on 1 January 2012.

## **Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies**

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

**1.** The Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies (R.R.Q., c. C-73.2, r. 4) is amended in section 9

by adding “and must indicate whether the brokers carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Act and Division VI.1 of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1)” at the end.

**2.** Section 10 is amended by adding the following after paragraph 4:

“(5) a record for all the business corporations within which the brokers acting for the agency carry on their activities, if applicable.”.

**3.** The following is inserted after section 14:

“**14.1.** The record for all business corporations contains

(1) a statement of updated information on each corporation within which brokers acting for the agency carry on activities, published in the enterprise register and, if the corporation is constituted under a statute other than a statute of Québec, written confirmation from a competent authority attesting to the corporation's existence;

(2) where the broker is not the sole shareholder of the business corporation within which the broker carries on activities, the updated information relating to the names of all the shareholders of the corporation and, for each of them, the percentage of voting rights and the terms and conditions for participation in the dividends attached to the shares they hold; and

(3) the contract between the corporation, represented by the broker, and the agency.”.

**4.** This Regulation comes into force on 1 January 2012.

## **Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium**

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

**1.** The Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium (R.R.Q., c. C-73.2, r. 5) is amended in section 17 by inserting the following after subparagraph 5 of the first paragraph:

“(6) the fact that the licence holder carries on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) and Division VI.1 of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1).”.

**2.** This Regulation comes into force on 1 January 2012.

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## Draft Regulation

Courts of Justice Act  
(R.S.Q., c. T-16)

An Act respecting municipal courts  
(R.S.Q., c. C-72.01)

### Selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace

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 respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation sets out the rules concerning the procedure by which a person may become a candidate for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace. It establishes, within the Ministère de la Justice, the secretariat for the selection of candidates for the office of judge. It sets out the rules respecting the establishment and composition of a committee for the selection of candidates for the office of judge and the appointment of the members of such a committee. It also sets out the selection criteria to be used by a selection committee for assessing candidates.

In addition, the draft Regulation revokes the Regulation respecting the procedure for the selection of persons apt for appointment as judges (R.R.Q., c. T-16, r. 5) and the Regulation respecting the procedure for the selection of persons for appointment as municipal judges, made by Order in Council 915-89 dated 14 June 1989. The draft Regulation has no impact on the public and on enterprises.

Further information may be obtained by contacting Denise McManiman, Bureau du sous-ministre, Ministère de la Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 644-7680; email: denise.mcmaniman@justice.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

JEAN-MARC FOURNIER,  
*Minister of Justice*

## Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace

Courts of Justice Act  
(R.S.Q., c. T-16, ss. 88 and 163)

An Act respecting municipal courts  
(R.S.Q., c. C-72.01, s. 118)

### CHAPTER I SCOPE AND DEFINITION

**1.** This Regulation establishes the terms and conditions of the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace.

It establishes a secretariat responsible for the administration of that procedure.

**2.** For the purposes of this Regulation, unless otherwise indicated, “judge” means a judge of the Court of Québec, a municipal court judge and a presiding justice of the peace.

### CHAPTER II SECRETARIAT FOR THE SELECTION OF CANDIDATES FOR JUDICIAL OFFICE

**3.** The secretariat for the selection of candidates for judicial office, directed by a secretary, is hereby established within the Ministère de la Justice.

The secretary acts under the authority of the Deputy Minister, who designates the secretary after consultation with the chief judge of the Court of Québec and the Barreau du Québec.