

## 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 (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 (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.

1792

Gouvernement du Québec

**O.C. 1256-2011**, 7 December 2011

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

### Brokerage requirements, professional conduct of brokers and advertising — Amendment

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

WHEREAS the first paragraph of section 22.1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), made by section 16 of chapter 40 of the Statutes of 2010, provides that a broker acting on behalf of an agency may carry on brokerage activities, in accordance with the terms, conditions and rules set out in the regulations of the Organisme d'autoréglementation du courtage immobilier du Québec, within a business corporation which the broker controls;

WHEREAS the Organization made the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising on 21 July 2011;

WHEREAS section 130 of the Real Estate Brokerage Act provides that all regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be submitted to the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance and the Minister for Finance:

THAT the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising, attached to this Order in Council, be approved with amendments.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

## 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 (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 Real Estate Brokerage Act (R.S.Q., c. C-73.2)” 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 broker is the president of the corporation;

(3) the information in paragraphs 1 and 2 may be verified by examining the documents that may be required under paragraph 9;

(4) the broker has sent to the Organisme d’auto-réglementation 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 (c. C-73.2, r. 3);

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

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

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

(8) 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 updates 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” in the first paragraph.

**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.

1793

Gouvernement du Québec

## **O.C. 1257-2011, 7 December 2011**

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

### **Real Estate Indemnity Fund and determination of the professional liability insurance premium — Amendment**

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

WHEREAS the first paragraph of section 22.1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), made by section 16 of chapter 40 of the Statutes of 2010, provides that a broker acting on behalf of an agency may carry on brokerage activities, in accordance with the terms, conditions and rules set out in the regulations of the

Organisme d'autoréglementation du courtage immobilier du Québec, within a business corporation which the broker controls;

WHEREAS the Organization adopted the Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium on 21 July 2011;

WHEREAS section 130 of the Real Estate Brokerage Act provides that all regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be submitted to the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance and the Minister for Finance:

THAT the Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium, attached to this Order in Council, be approved without amendment.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

### **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 (c. C-73.2, r. 5) is amended in section 17 by inserting the following after subparagraph 5 of the first paragraph: