

will be sent by the Office to the Minister of Justice; they may also be sent to the Order, as well as to interested persons, departments and bodies.

JEAN-MARC FOURNIER,
Minister of Justice

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (c. C-26, r. 2) is amended by replacing section 2.10 by the following:

“**2.10.** The diploma of college studies awarded by the Minister of Education, Recreation and Sports following studies completed in respiratory therapy techniques at the Chicoutimi, Outaouais, Rosemont, Sainte-Foy, Sherbrooke and Valleyfield general and vocational colleges, Collège Ellis, Trois-Rivières campus and Vanier College gives access to the permit issued by the Ordre professionnel des inhalothérapeutes du Québec.”.

2. Section 2.10, replaced by section 1 of this Regulation, remains applicable to a person who, on (*insert the date of coming into force of this Regulation*), holds the diploma referred to in that section or is registered in a program leading to that diploma.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1837

Draft Regulations

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

Brokerage requirements, professional conduct of brokers and advertising
— Amendment

Issue of broker's and agency licences
— Amendment

Records, books and registers, trust accounting and inspection of brokers and agencies
— Amendment

Contracts and forms

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 for approval 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 respecting contracts and forms.

The amendments give effect to the agreements on the mutual recognition of professional qualifications signed by the Gouvernement du Québec with other governments. In addition, the amendments harmonize the requirements concerning a licence applicant's knowledge of the official language of Québec with the requirements of the Charter of the French language, correct omissions in the version of the regulations published in the *Gazette officielle du Québec*, and correct clerical or consequential errors as well as translation errors in the English version of certain regulations.

The amendments make the rules governing licence suspensions more uniform, specify the consequences for a broker or agency of making a false representation when

updating information, take into account the replacement of the provisions on unclaimed property in the Public Curator Act (R.S.Q., c. C-81) by those of the Unclaimed Property Act (R.S.Q., c. B-5.1), provide for the possibility of appointed a vice-chair to the inspection committee, introduce some regulatory streamlining, allow the sharing of remuneration between a broker or agency and a person or partnership registered with the Autorité des marchés financiers.

Last, the Regulation respecting contracts and forms (R.R.Q., c. C-73.2, r. 2) is replaced by a new regulation to take into account the end of the transitional period specified in section 23 of the Regulation to enact transitional measures for the application of the Real Estate Brokerage Act (R.R.Q., c. C-73.2, r. 7), and a consequential amendment is made to the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1).

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^e 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 may submit written comments within the 45-day period to the Minister for Finance, 8, rue Cook, 4^e étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND, ALAIN PAQUET,
Minister of Finance *Minister for Finance*

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

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, ss. 7, 21, 46, pars. 5 and 8, and s. 49)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1) is amended by inserting the following after section 12:

“**12.1** A licence holder must have access to a computer at his or her establishment and must, at all times, have a valid electronic mail address for professional purposes.”.

2. Section 20 is amended by replacing “The holder must without delay inform that person” by “Except for the renewal of a lease on an immovable, the holder must without delay inform the purchaser or lessee”.

3. Section 37 is amended by inserting the following paragraph after the second paragraph:

“Despite the first and second paragraphs, a licence holder may share remuneration with a firm, an independent representative or an independent partnership within the meaning of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), or with a dealer or adviser governed by the Securities Act (R.S.Q., c. V-1.1) or the Derivatives Act (R.S.Q., c. I-14.01).”.

4. Section 41 is amended by adding the following paragraph:

“In the case of a person who is qualified and authorized to engage in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government, the period mentioned in the first paragraph is reduced by the time during which the person was so qualified and authorized in the 5 years preceding the time when a licence was issued to the person.”.

5. Section 42 is amended by inserting “or enterprise” after “immovable”.

6. Section 51 is amended by inserting “as specified in subparagraphs 1 and 3 of the second paragraph of section 49” after “Disclosure of the cost of borrowing”.

7. Section 82 is amended

(1) by striking out “also”;

(2) by adding the following:

“, when no form that must be used by licence holders concerning statements made by the seller is published by the Organization, in accordance with section 11 of the Regulation respecting contracts and forms, approved by Order in Council xxx-2011 dated XX XX 2011.”.

* The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1), made by Order in Council 299-2010 dated 31 March 2010, has been amended by Order in Council 1256-2011 dated 7 December 2011.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 7, which comes into force on 1 July 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, ss. 7, 42 and 46, pars. 1, 2, 3, 6, 7 and 12, and s. 49)

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 1

(1) by replacing "in accordance with section 35 of the Charter of the French language (R.S.Q., c. C-11), or meets" in subparagraph 4 of the first paragraph by "by meeting";

(2) by striking out "that apply to knowledge of French" in subparagraph 4 of the first paragraph;

(3) by adding the following subparagraphs after subparagraph *c* of subparagraph 4 of the first paragraph:

"(d) has obtained, beginning in the 1985-1986 school year, a secondary school diploma in Québec;

(e) has obtained a certificate from the Office québécois de la langue française or holds a certificate defined as equivalent by regulation of the Government, in accordance with section 35 of the Charter of the French language (R.S.Q., c. C-11);"

(4) by striking out "or suspension" in the second paragraph;

(5) by adding "or that was applicable to the person when he or she held a licence" at the end of the second paragraph.

2. Section 5 is amended by adding the following after paragraph 12:

"(13) if the prospective broker is qualified or authorized to engage in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act in

a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government, a certificate from a competent authority certifying and describing the scope of the qualification or authorization."

3. The heading of subdivision 2 of Division I of Chapter I is amended in the English text by replacing "mortgage broker agency" by "mortgage agency".

4. Section 6 is amended in the English text by replacing "mortgage broker agency" by "mortgage agency".

5. Section 13 is amended in the English text by replacing "mortgage broker agency" in subparagraph 3 of the first paragraph by "mortgage agency".

6. Section 14 is struck out.

7. Section 15 is amended by adding the following after paragraph 6:

"(7) the licence of the agency for which the licence holder carries on activities is suspended or revoked;

(8) the holder ceases to carry on activities for an agency."

8. Section 16 is amended in the French text by inserting "et registres" after "livres" in paragraph 4.

9. Section 18 is amended by adding the following paragraph:

"A broker authorized to carry on activities for his or her own account whose licence is suspended pursuant to paragraph 7 or 8 of section 15 of this Regulation may request that the licence suspension be lifted to allow him or her to carry on activities for his or her own account or for an agency."

10. Section 19 is amended by inserting the following after paragraph 3:

"(3.1) the holder has made a false representation when updating information concerning him or her as requested by the Organization in accordance with section 11;"

11. Section 20 is amended by inserting the following after paragraph 3:

"(3.1) the holder has made a false representation when updating information concerning him or her as requested by the Organization in accordance with section 11;"

* The Regulation respecting the issue of broker's and agency licences (R.R.Q., c. C-73.2, r. 3), made by Order in Council 295-2010 dated 31 March 2010, has been amended by Order in Council 1255-2011 dated 7 December 2011.

12. Section 34 is amended

(1) in the English text by replacing the words “mortgage broker agency” wherever they appear by “mortgage agency”;

(2) by adding the following after paragraph *b* of subparagraph 3 of the first paragraph:

“(c) is authorized to represent, direct or qualify a person or partnership that engages in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act through the intermediary of natural persons authorized to engage in such transactions in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government;”;

(3) by replacing “after passing the examination referred to in subparagraph *a* of subparagraph 3” in subparagraph 4 of the first paragraph by “after qualifying as an executive officer of a real estate or mortgage agency”;

(4) by inserting “some or all” after “required for” in subparagraph 4 of the first paragraph.

13. Section 35 is amended by adding the following paragraph:

“In the case of a person who is qualified and authorized to engage in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government, the examination for the issue of a broker’s licence deals with the legislation and regulations connected with the activity of broker.”.

14. The title of Chapter III is amended in the French text by striking out “ET COTISATIONS”.

15. Section 45 is amended in the English text by replacing “mortgage broker agency” in subparagraph 4 of the first paragraph by “mortgage agency”;

16. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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, ss. 10 and 46, pars. 9, 10 and 10.1, and ss. 49 and 76)

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 the French text by inserting “que l’institution financière est autorisée à transférer” before “directement au Fonds de financement” in subparagraph 8 of the second paragraph of section 29.

2. Section 32 is amended by replacing “3 and 6” in the second paragraph by “3, 4 and 6”.

3. Section 39 is amended by replacing “Public Curator Act (R.S.Q., c. C-81)” by “Unclaimed Property Act (R.S.Q., c. B-5.1)”.

4. Section 45 is amended by inserting the following after the first paragraph:

“The board of directors may appoint one or more vice-chairs.”.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Regulation respecting contracts and forms

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, ss. 26 and 46, par. 13)

**CHAPTER I
TERMS AND CONDITIONS OF USE**

1. Every contract, transaction proposal and form, including a form used to record a contract or transaction proposal, relating to a brokerage transaction referred to in section 1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), must be completed clearly and legibly by the licence holder concerned. When a licence holder completes a contract, transaction proposal or form by hand, he or she must use ink.

* The Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies (R.R.Q., c. C-73.2, r. 4), made by Order in Council 296-2010 dated 31 March 2010, has been amended by Order in Council 1258-2011 dated 7 December 2011.

2. When a licence holder uses an abbreviation, he or she must write the term out in full at its first occurrence or in an appendix to the contract, transaction proposal or form.

3. A particular or stipulation may not leave any ambiguity about whether or not some of the terms and conditions of a contract, transaction proposal or form apply.

4. A licence holder who completes a form must use type that is different from the type used for the particulars or stipulations printed on the form, to enable the parties to easily distinguish those particulars and stipulations from any additions or amendments.

5. Any particular or stipulation printed on a contract, transaction proposal or form that is struck out must be struck out by the licence holder in a clearly visible way, and the consent of the parties to the strikeout must be indicated on the contract, transaction proposal or form before it is signed.

6. Any amendment made to a contract, transaction proposal or form by a licence holder must pertain only to the object of the terms and conditions of that contract, transaction proposal or form.

7. A licence holder must, before having a contract, a transaction proposal or a form that he or she has completed signed, allow the parties to take cognizance of its terms and conditions and provide all explanations and answers to questions that the parties may ask.

8. A licence holder must not add anything to, amend or strike out anything from a contract, a transaction proposal or a form after one of the parties has signed at the bottom of the contract, transaction proposal or form.

9. A form must bear a title and a unique identifying number.

10. A particular required by this Regulation to be indicated on a contract, transaction proposal or form may be indicated on an appendix to the contract, transaction proposal or form, and forms an integral part of it.

11. A licence holder must use the form published by the Organization in connection with a transaction proposal or contract when such a form exists, and for any appendix or amendment to such a transaction proposal or contract.

The Organization must display a form referred to in the first paragraph on its official website.

The first paragraph does not apply to forms the use of which is simply recommended by the Organization.

12. A licence holder must give a copy of the contract, transaction proposal or form to the parties concerned once it has been completed and signed.

A contract, transaction proposal or form may be in the form of a paper document or in any other form that allows it to be printed and guarantees its integrity.

CHAPTER II

COMPULSORY AND PROHIBITED PARTICULARS AND PARTICULARS THAT SUPPLEMENT INTENTION

DIVISION I

GENERAL PROVISIONS

13. Every contract in which a broker or agency undertakes to act as an intermediary with respect to an immovable or enterprise must include the following particulars:

(1) the names of the parties and their contact information;

(2) the object and duration of the contract;

(3) if such is the case, the contract's exclusivity;

(4) if such is the case, the contract's irrevocability;

(5) the identification of the immovable concerned, the characteristics of the immovable sought, or a description of the enterprise concerned, as the case may be;

(6) the price and conditions for the sale, purchase or exchange of the immovable or enterprise, or for the leasing of the immovable;

(7) the mode of remuneration of the broker or agency, and the conditions on which the remuneration may be claimed;

(8) the possibility for the parties of engaging in conciliation, mediation or arbitration of accounts in the event of a dispute, as provided for in section 34 of the Real Estate Brokerage Act;

(9) any other right or obligation of the parties.

14. Every transaction proposal with respect to an immovable or enterprise must include the following particulars:

(1) the names of the parties and their contact information;

(2) the object of the transaction proposal;

(3) the identification of the immovable or a description of the enterprise concerned, as the case may be;

(4) the price and conditions for the purchase, sale or exchange of the immovable or enterprise or for the leasing of the immovable and, if applicable, the amount of the deposit given in trust to the broker or agency in accordance with the terms and conditions for trust accounting;

(5) the mode of payment of the purchase, sale or exchange price and, if applicable, the terms and conditions governing the payment of additional funds, a new hypothecary loan, the transfer of the obligations of an existing hypothecary loan or a balance of sale price;

(6) the terms and conditions governing the signing of the deed of sale, the lease or the contract of exchange by the parties;

(7) a mention to the effect that any statement concerning the immovable or enterprise made prior to the transaction by the seller or lessor forms an integral part of the transaction;

(8) the conditions for the acceptance of the transaction proposal, including the date and time at which the transaction proposal expires;

(9) any other right or obligation of the parties.

15. A contract, transaction proposal or form may contain any other particular that complies with the provisions of the Real Estate Brokerage Act.

16. No licence holder may include in a contract or form a stipulation allowing the licence holder to be remunerated or paid before the services which the licence holder has undertaken to provide have been provided or before the amounts concerned have been disbursed.

DIVISION II

CONTRACTS AND TRANSACTION PROPOSALS CONCERNING CERTAIN RESIDENTIAL IMMOVABLES

17. A contract relating to an immovable referred to in section 23 of the Real Estate Brokerage Act must, in addition to the particulars specified in section 13 of this Regulation, include particulars specifying

(1) that unless the date and time at which the contract expires are indicated, the contract expires 30 days after being signed;

(2) that the data included in the contract may only be used in accordance with the terms and conditions prescribed in the contract or as provided for by the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1);

(3) except in the case of a brokerage contract for a purchase, that the broker or agency is, if applicable, authorized to forward information concerning the immovable that is the object of the contract to a service that disseminates information to other brokers and agencies, and that the broker or agency is required to forward such information without delay to the information dissemination service;

(4) if applicable, that any amount received as an advance on remuneration or disbursements will be paid without delay into the general trust account of the broker or agency and may not be withdrawn until the services have been provided or the disbursements have been incurred, and until the amounts have been invoiced or specified in writing and sent to or accepted by the co-contractant;

(5) except in the case of a brokerage contract for a purchase, the conditions for the sharing of remuneration offered to a broker or agency that participates in the transaction, and the consequences of those conditions;

(6) the text of section 28 of the Real Estate Brokerage Act, above the space provided for the signatures of the parties;

(7) the rights and obligations provided for in Division IV of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising and, if applicable, the way in which they are to be exercised;

(8) any statement by the seller or lessor concerning the immovable that is relevant to the transaction.

18. No contract referred to in this Division may contain a stipulation that automatically renews the contract.

19. Unless the date and time on which a contract referred to in this Division expires are indicated, the contract expires 30 days after being signed.

20. No licence holder may claim or receive remuneration from the party he or she represents unless a contract referred to in this Division has been signed.

21. A transaction proposal with respect to an immovable referred to in section 23 of the Real Estate Brokerage Act must, in addition to the particulars specified in section 14 of this Regulation, include particulars specifying

(1) where applicable, the conditions governing an inspection and the conditions governing the cancellation of the transaction proposal following an inspection;

(2) the date of occupation and, if applicable, the terms and conditions for occupation if it occurs after the signing of the deed of sale.

22. No person may amend a form published by the Organization in connection with a contract or transaction proposal referred to in this Division in any way that reduces the obligations of the licence holder or increases the obligations of the co-contractor or co-contractors.

DIVISION III

CONTRACT RELATING TO A LOAN SECURED BY IMMOVABLE HYPOTHEC

23. A contract signed with a lender in which a broker or agency undertakes to act as an intermediary in the obtaining of a loan secured by immovable hypothec must, in addition to the particulars specified in paragraphs 1 to 4 and 7 to 9 of section 13 of this Regulation, include particulars specifying

(1) the characteristics of and terms and conditions for the obtaining of the loan, and the identification of the immovable that will be affected by the hypothec, if applicable;

(2) if applicable, that any amount received as an advance on remuneration or disbursements will be paid without delay into the general trust account of the broker or agency and may not be withdrawn until the services have been provided or the disbursements have been incurred, and until the amounts have been invoiced or specified in writing and sent to or accepted by the lender;

(3) the terms and conditions governing the gathering, use and disclosure of personal information concerning the borrower, and the fact that the information may only be used in accordance with the terms and conditions prescribed in the contract, as provided for in the Regulation respecting brokerage requirements, professional conduct of brokers and advertising or by the Acts concerning the protection of personal information.

24. Unless the date and time on which a contract referred to in this Division expires are indicated, the contract expires 30 days after being signed.

CHAPTER III

FINAL PROVISIONS

25. This Regulation replaces the Regulation respecting contracts and forms (R.R.Q., c. C-73.2, r. 2).

26. This Regulation comes into force on 1 July 2012.

1838

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Temporary relief measures for the funding of solvency deficiencies

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 Regulation providing temporary relief measures for the funding of solvency deficiencies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the regulation is to provide, for a period of two years, relief measures pertaining to the funding of the technical actuarial deficiencies of defined benefit pension plans in the private sector. It follows the Act to amend the Supplemental Pension Plans Act in order to extend certain measures to reduce the effects of the 2008 financial crisis on plans covered by the Act (2011, c. 32), which proposes to extend by two years the application of the provisions of the Supplemental Pension Plans Act related to the payment options in the event of insufficient assets that apply in the case of the termination of a pension plan or the withdrawal of an employer who is party to the plan as a result of the employer's bankruptcy or insolvency.

Further information may be obtained by contacting Mr. Pierre Bégin, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Québec (Québec) G1V 4T3 (Tel.: 418 657-8714 extension 3914; fax: 418 659-8985; email: pierre.begin@rrq.gouv.qc.ca).

Any person wishing to comment on the draft Regulations is asked to send their comments in writing before the expiry of the 45-day period mentioned above to Mr. Denys Jean, Chief Executive Officer and Chair of the