

## DIVISION II TARIFFS PAYABLE

**4.** The charges payable with respect to the issue of a new security clearance report are \$112 for each person or entity referred to in section 27 of the Act.

**5.** The costs payable with respect to the preparation of an inspection, the inspection itself and the follow-up on the recommendations are \$86 per hour per inspector.

Such costs are payable only after the fourth completed hour and are payable within 30 days from the date of the statement of fees.

**6.** The costs incurred in connection with an investigation pursuant to section 56 of the Act are \$86 per hour per investigator.

**7.** The fees, charges and costs prescribed under this Regulation are not refundable.

**8.** The fees, charges and costs payable are adjusted annually on January 1 in accordance with the rate of increase of the general consumer price index for Canada for the period ending on September 30 of the preceding year, as determined by Statistics Canada. They are rounded down to the nearest dollar if they include a fraction of a dollar lower than \$0.50 and rounded up to the nearest dollar if they include a fraction of a dollar that is equal to or greater than \$0.50.

The result of the annual indexation is published annually in the *Gazette officielle du Québec* and in the Bulletin of the Authority.

**9.** This Regulation comes into force on April 1, 2012.

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Gouvernement du Québec

### O.C. 154-2012, 29 February 2012

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

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

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

WHEREAS section 10 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that all money received by a broker in the course of the broker's functions that does not belong to the broker must be deposited in a trust account as specified in the *Organisme d'autoréglementation du courtage immobilier du Québec's* regulations and the interest earned on money held in trust that is not claimed by the person who is entitled to the interest must be paid into the financing fund established under section 47 of the Act, as specified in the Organization's regulations;

WHEREAS paragraphs 10 and 10.1 of section 46 of the Act provides that, in addition to its regulatory powers under the Act, the Organization may determine, by regulation, rules for opening and maintaining a trust account, as well as the terms and conditions governing deposits and withdrawals and what measures may be taken to safeguard money entrusted to a licence holder or held in trust, and who may take such measures;

WHEREAS section 47 of the Act provides that the Organization must, by regulation, establish a financing fund made up of the interest earned on the money held in trust, and determine rules for the administration of the fund and the terms of payment of interest into the fund;

WHEREAS section 49 of the Act provides that the Organization may, for the purposes of any regulation, establish special or supplementary rules for real estate brokers, mortgage brokers, real estate agencies or mortgage broker agencies;

WHEREAS section 76 of the Act provides that the inspection committee's operating rules are set out in the Organization's regulations;

WHEREAS, on 21 October 2011, the Organization made the Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies;

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), the draft Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 with a notice that it could be submitted to the Government for approval 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 records, books and registers, trust accounting and inspection of brokers and agencies, attached to this Order in Council, be approved with amendments.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

### **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 45 is amended by inserting the following after the first paragraph:

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

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

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Gouvernement du Québec

### **O.C. 155-2012, 29 February 2012**

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

#### **Contracts and forms**

Regulation respecting contracts and forms

WHEREAS the first paragraph of section 26 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that the rules governing the contracts are set out in the Organisme d’autoréglementation du courtage immobilier du Québec’s regulations;

WHEREAS paragraph 13 of section 46 of the Act provides that, in addition to its regulatory powers under this Act, the Organization may determine, by regulation, the form of contracts or forms, other than a contract referred to in section 26, how and when they may be used, the particulars and stipulations which must or must not appear in certain contracts or forms and those that supplement intention;

WHEREAS, on 9 October 2011, the Organization made the Regulation respecting contracts and forms;

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), the draft Regulation respecting contracts and forms was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 with a notice that it could be submitted to the Government for approval 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 respecting contracts and forms, attached to this Order in Council, be approved without amendment.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*