

(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or disbursements will be paid without delay into the general trust account of the broker or agency and may not be withdrawn until the services have been provided or the disbursements have been incurred, and until the amounts have been invoiced or specified in writing and sent to or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.

1936

Gouvernement du Québec

O.C. 156-2012, 29 February 2012

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 7 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that a broker, when new to the occupation, must carry on brokerage activities for an agency for the period set out

in the Organisme d'autoréglementation du courtage immobilier du Québec's regulations before the broker may work for the broker's own account or become an executive officer of an agency;

WHEREAS section 21 of the Act provides that brokers, agencies and the directors and executive officers of agencies must act with honesty, loyalty and competence, and must also disclose any conflict of interest;

WHEREAS paragraphs 5 and 8 of section 46 of the Act provides that, in addition to its regulatory powers under this Act, the Organization may determine, by regulation, the rules of professional conduct applicable to brokers and to executive officers of an agency, and the requirements to be met in order to engage in a brokerage transaction described in section 1 of the Act;

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

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 brokerage requirements, professional conduct of brokers and advertising 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 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 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 conclusion or renewal of a lease on a residential 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 to 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 155-2012 dated 29 February 2012.”.

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.

1937

Gouvernement du Québec

O.C. 157-2012, 29 February 2012

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

**Issue of broker’s and agency licences
— Amendment**

Regulation to amend the Regulation respecting the issue of broker’s and agency licences

WHEREAS the section 7 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that a broker, when new to the occupation, must carry on brokerage activities for an agency for the period set out in the Organisme d’autoréglementation du courtage immobilier du Québec’s regulation before the broker may work for the broker’s own account or become an executive officer of an agency;

WHEREAS section 21 of the Act provides that brokers, agencies and the directors and executive officers of agencies must act with honesty, loyalty and competence, and must also disclose any conflict of interest;

WHEREAS section 42 of the Act provides that the Organization may delegate its functions and powers under sections 37 to 39 and 41 of the Act to a committee and the operating and decision-making rules of such a committee are to be determined by regulation of the Organization;

WHEREAS paragraphs 1, 2, 3, 6, 7 and 12 of section 46 of the Act provide that the Organization may determine, by regulation, rules governing the training required to

become a broker and the examination to be taken by prospective brokers, rules governing additional training, including the specific circumstances under which such training is compulsory for all or some of an agency’s brokers or executive officers, the terms and conditions governing the issue, suspension or revocation of a licence, and the cases in which restrictions or conditions may be imposed on a licence, the information and documents to be provided by a prospective broker, a broker or an agency, the particulars a licence must contain and the qualifications required of executive officers of an agency;

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, on 21 October 2011, the Organization made the Regulation to amend the Regulation respecting the issue of broker’s and agency licences;

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 the issue of broker’s and agency licences 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 the issue of broker’s and agency licences, attached to this Order in Council, be approved with amendments.

GILLES PAQUIN,
Clerk of the Conseil exécutif
