

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

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 13:

"(14) 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;"

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*.

1938

Gouvernement du Québec

O.C. 159-2012, 29 February 2012

Professional Code
(R.S.Q., c. C-26)

Professional activities that may be engaged in by a clinical perfusionist

Regulation respecting the professional activities that may be engaged in by a clinical perfusionist

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with paragraph *h* of section 94 of the Professional Code, the board of directors of the Collège des médecins du Québec consulted the Ordre des infirmières et infirmiers du Québec and the Ordre professionnel des inhalothérapeutes du Québec before making the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist was published in Part 2 of the *Gazette officielle du Québec* of 27 July 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif