

Draft Regulation

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

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 which may approve it, 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.

The purpose of the amendments is to ensure that, in residential matters, mortgage agencies and real estate brokers are not paid by consumers but rather by lenders.

The purpose of the amendments is also to require the successful completion of mandatory training in real estate brokerage as a condition of admission to the broker's licence to better protect the public.

Further information may be obtained by contacting Jean-François Savoie, Vice-President, Affaires juridiques et Greffe, Organisme d'autoréglementation du courtage immobilier du Québec, 4905, boulevard Lapinière, bureau 2200, Brossard (Québec) J4Z 0G2; telephone: 1 800 440-7170; fax: 450 676-7801; email: jfsavoie@oaciq.com

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Minister for Finance, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4.

RAYMOND BACHAND,
Minister of Finance

ALAIN PAQUET,
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, s. 46, pars. 5 and 8)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1) is amended by adding “Subject to section 48.1,” at the beginning of section 47.

2. The following is inserted after section 48:

“**48.1.** No broker or agency may require or collect remuneration from a natural person for services rendered or to be rendered so that the person may obtain a loan secured by immovable hypothec to encumber an immovable referred to in section 23 of the Real Estate Brokerage Act.”.

3. 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 the issue of broker's and agency licences

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, ss. 5, 46, pars. 1, 3 and 6, 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 inserting the following after subparagraph 1 of the first paragraph:

“(1.1) as of 1 September 2013, has passed one of the training programs recognized in an agreement between the Organization and an educational institution and that deals with the skills a broker must have, provided for in the system of reference available on the Organization's official website, according to the licence applied for or licence restrictions;”;

(2) by inserting the following after the first paragraph:

“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 of mutual recognition of professional qualifications was entered into between the Gouvernement du Québec and another government is exempted from the requirements of subparagraph 1.1 of the first paragraph.”;

(3) by inserting “1.1,” in the second and third paragraphs after “subparagraphs”.

2. Section 5 is amended by inserting the following after paragraph 4:

“(4.1) an attestation, a diploma or a transcript showing that the prospective broker meets the requirement of paragraph 1.1 of section 1;”.

3. Section 37 is amended by inserting “, 4.1” after “4”.

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