

Draft Regulations

Real Estate Brokerage Act
(chapter C-73.2)

Issue of broker's and agency licences

— Amendment

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

— Amendment

Brokerage requirements, professional conduct of brokers and advertising

— Amendment

Disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulations, appearing below, may be submitted to the Government which may approve them, with or without amendment, on the expiry of 45 days following this publication:

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

— Regulation to amend the Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec.

The amendments allow a broker whose licence is restricted to residential brokerage to act as an intermediary for the leasing of a dwelling for residential purposes, regardless of the number of dwellings in the immovable. Regarding the conditions required to qualify as an agency executive officer, the amendments remove the requirement to hold a licence that is not restricted to residential brokerage or commercial brokerage and add the requirement to

have passed one of the training programs recognized in an agreement between the Organization and an educational institution and that deals with the skills a real estate or mortgage broker agency executive officer must have.

The amendments also specify that a broker or an agency may not claim or receive remuneration when the broker or the agency becomes the lessee or obtains a loan secured by immovable hypothec or if the married or civil union spouse of the licence holder, the person with whom the holder is in a de facto union or a legal person or a partnership controlled by that spouse or person becomes a lessee or obtains a loan secured by immovable hypothec. The amendments render inapplicable in the field of hypothec the rules relating to the changes affecting the broker or agency bound by a brokerage contract.

Lastly, the amendments allow a broker carrying on activities within a business corporation to use, in the broker's representations and advertising, an abbreviation provided for by the Act governing it.

Further information on the draft Regulations 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 of Finance and the Economy, 12, rue Saint-Louis, Québec (Québec) G1R 5L3.

NICOLAS MARCEAU,
Minister of Finance and the Economy

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

Real Estate Brokerage Act
(chapter C-73.2, s. 46, pars. 1, 3 and 12)

1. The Regulation respecting the issue of broker's and agency licences (chapter C-73.2, r. 3) is amended in section 1 by replacing introductory subparagraph 4 of the first paragraph by the following:

“(4) has demonstrated a knowledge of the official language of Québec appropriate to carry on the activity of broker by meeting one of the following requirements:”.

2. Section 2 is amended

(1) by inserting “, passes the training program and” after “in accordance with section 1” in the second paragraph;

(2) by inserting “passes the training program and” in the third paragraph after “A licence holder who”.

3. Section 3 is amended

(1) by striking out “, lease” in the first paragraph;

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

“The licence allows the holder to act as an intermediary for the leasing of a dwelling, regardless of the number of dwellings in the immovable.”.

4. Section 5 is amended by striking out «and the terms and conditions for participation in the dividends» after «voting rights» in subparagraph b of paragraph 13.

5. Section 34 is amended

(1) by adding “unless it is a restriction referred to in section 2” at the end of subparagraph 1 of the first paragraph;

(2) by adding “and 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 real estate or mortgage broker agency executive officer must have, provided for in the system of reference available on the Organization’s official website.” at the end of subparagraph a of subparagraph 3 of the first paragraph.

6. Section 39 is replaced by the following:

“**39.** Registration under false representations, fraud, copying or participating in fraud or copying or attempting to fraud or copy results in the cancellation of the examination on decision of the Organization.

The examination of a person may also be cancelled if the person does not comply with the instructions given during the examination and any act or omission in that regard affects the examination process.

A person may only be admitted to an examination after a period of 12 months following the date of the cancellation of the person’s examination by the Organization.”.

7. 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
(chapter C-73.2, s. 46, par. 9)

1. The Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies (chapter C-73.2, r. 4) is amended in section 14.1 by striking out “and the terms and conditions for participation in the dividends” in paragraph 2.

2. 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 brokerage requirements, professional conduct of brokers and advertising

Real Estate Brokerage Act
(chapter C-73.2, s. 21, s. 46, pars. 5, 8 and 9, and s. 49)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (chapter C-73.2, r. 1) is amended in section 14 by adding the following third paragraph:

“A licence holder engaging in a brokerage transaction in relation to a loan secured by immovable hypothec on an immovable referred to in section 23 of the Real Estate Brokerage Act represents the party that asked the holder to negotiate for the party a loan secured by immovable hypothec.”.

2. Section 23 is replaced by the following:

“**23.** A licence holder may not claim or receive remuneration when the holder becomes a lessee, obtains a loan secured by immovable hypothec or acquires an interest in an immovable or enterprise for the holder, a partnership or legal person controlled by the holder, or if the married or civil union spouse of the holder, the person with whom the holder is in a de facto union or a legal person or a partnership controlled by that spouse or person becomes a lessee, acquires an interest in the immovable or enterprise or obtains a loan secured by immovable hypothec.”.

3. Section 25 is amended by replacing “The notice must, if applicable,” by “Except in regard to a hypothec brokerage contract, the notice must”.

4. Section 26 is amended by replacing “The notice must, if applicable,” by “Except in regard to a hypothec brokerage contract, the notice must”.

5. Section 29 is amended by adding the following second paragraph:

“The licence holder must note in the record the information concerning the identity of the represented party and, where the licence holder has not been able to meet the party in person, keep in the record the documents used to verify the identity of the party.”.

6. Section 30 is amended by inserting “or the party’s representative” after “the party represented”.

7. Section 34.1 is amended by replacing “as it appears” in paragraph 7 by “or, if applicable, the name by which the broker is commonly known as they appear”.

8. Section 114 is amended by replacing “full name” in subparagraph 1 of the first paragraph by “name”.

9. Section 115.1 is amended in the second paragraph by adding “or an abbreviation provided for in the Act governing the corporation” at the end.

10. 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 disciplinary proceedings of the Organisme d’autoréglementation du courtage immobilier du Québec

Real Estate Brokerage Act
(chapter C-73.2, ss. 90 and 95)

1. The Regulation respecting disciplinary proceedings of the Organisme d’autoréglementation du courtage immobilier du Québec (chapter C-73.2, r. 6) is amended by replacing section 10 by the following:

“**10.** The review committee may make a ruling even if the syndic or the person who requested a review does not attend the scheduled meeting or has not presented written observations or produced the necessary documents to complete the file. The committee’s ruling, made by a majority of members, must be recorded in writing, and signed by the concurring committee members.”.

2. Section 17 is amended by replacing the second paragraph by the following:

“If, after the discipline committee has determined guilt, the chair or vice-chair is absent or unable to act, or is the subject of an appointment and does not avail himself or herself of the possibility to continue to perform duties under the first paragraph, another division must be formed promptly to hear the parties in relation to the penalty and impose it within 90 days after the hearing. Interlocutory decisions rendered before the formation of that division remain valid.”.

3. Section 21 is amended by adding the following second paragraph:

“Every function of the secretary may be performed by an assistant secretary.”.

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

2697

Draft Regulation

Environment Quality Act
(chapter Q-2)

An Act to affirm the collective nature of water resources and provide for increased water resource protection
(chapter C-6.2)

Mining Act
(chapter M-13.1)

Pesticides Act
(chapter P-9.3)

Water Withdrawal and Protection Regulation and

Pesticides Management Code, Regulation respecting the application of the Environment Quality Act, Regulation respecting waste water disposal systems for isolated dwellings, Regulation respecting the quality of drinking water, Regulation respecting contaminated soil storage and contaminated soil transfer stations and Regulation respecting petroleum, natural gas and underground reservoirs
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Pesticides Management Code, the Regulation to amend the Regulation respecting the application of the Environment Quality Act, the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, the Regulation to amend