

WHEREAS paragraphs 9 of section 46 of the Act provide that the Organisme d'autoréglementation du courtage immobilier du Québec ("the Organization") may determine, by regulation, rules governing the training required to become a broker and the examination to be taken by prospective brokers, 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 and the information and documents to be provided by a prospective broker, a broker or an agency;

WHEREAS, on 25 January 2013, 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 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 (chapter 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 29 May 2013 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 Economy:

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.

JEAN ST-GELAIS,
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
(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*.

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Gouvernement du Québec

O.C. 939-2013, 11 September 2013

Real Estate Brokerage Act
(chapter 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 section 5 of the Real Estate Brokerage Act (chapter C-73.2) provides that a broker's licence is issued to applicants who meet the requirements set out in this Act;

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, must also disclose any conflict of interest and that the rules governing the disclosure of conflicts of interest are set out in the regulations of the Organisme d'autoréglementation du courtage immobilier du Québec ("the Organization");

WHEREAS paragraphs 5, 8 and 9 of section 46 of the Act provide that the Organization may determine, by regulation, the rules of professional conduct applicable to brokers and to executive officers of an agency, the requirements to be met in order to engage in a brokerage transaction described in section 1 of the Act and the nature, form and tenor of the records, books and registers that

must be kept by brokers and agencies, as well as rules for the preservation, use and destruction of records, books and registers;

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 25 January 2013, the Organization made the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising;

WHEREAS section 130 of the 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 (chapter 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 29 May 2013 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 Economy:

THAT the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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 mortgage brokerage contract, the notice must”.

4. Section 26 is amended by replacing “The notice must, if applicable,” by “Except in regard to a mortgage 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*.