

## Regulations and other Acts

Gouvernement du Québec

### O.C. 938-2022, 1 June 2022

Real Estate Brokerage Act  
(chapter C-73.2)

An Act to give effect to fiscal measures announced in the Budget Speech delivered on 25 March 2021 and to certain other measures (2021, chapter 36)

#### **Brokerage requirements, professional conduct of brokers and advertising** —Amendment

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

WHEREAS, under the first paragraph of section 29.1 of the Real Estate Brokerage Act (chapter C-73.2), made by section 32 of an Act to give effect to fiscal measures announced in the Budget Speech delivered on 25 March 2021 and to certain other measures (2021, chapter 36), except in the cases prescribed in the regulations of the Organisme d'autoréglementation du courtage immobilier du Québec, a licence holder must terminate a contract for the purchase or lease of an immovable if the licence holder becomes aware that the client who is party to the contract intends to formulate a proposal with a view to purchasing, leasing or exchanging an immovable that is the subject of another contract entered into by the licence holder for the purposes of its sale, lease or exchange;

WHEREAS, under section 199 of that Act, section 29.1 of the Real Estate Brokerage Act comes into force on 10 June 2022;

WHEREAS, under section 130 of that Act, all regulations of the Organisme d'autoréglementation du courtage immobilier du Québec, except internal by-laws, must be submitted to the Government for approval with or without amendments;

WHEREAS the Organisme d'autoréglementation du courtage immobilier du Québec adopted the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising on 24 February 2022;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a 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 6 April 2022 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under the first paragraph of section 18 of the Regulations Act (chapter R-18.1), a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act in particular where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies that the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising, attached to this Order in Council, come into force on 10 June 2022:

—the exemptions proposed by the Regulation must come into force on the date of coming into force of section 29.1 of the Real Estate Brokerage Act (chapter C-73.2) to prevent a prejudice to a client owing to the fact that the client's broker would no longer be able to act for the client;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of 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.

YVES OUELLET  
*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.29.1, 1st par.)

An Act to give effect to fiscal measures announced in the Budget Speech delivered on 25 March 2021 and to certain other measures (2021, chapter 36)

**1.** The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (chapter C-73.2, r.1) is amended by inserting the following after section 16:

“**16.1.** A licence holder is not required to send or deliver, in accordance with the second paragraph of section 29.1 of the Real Estate Brokerage Act (chapter C-73.2), a notice of the termination of a contract for the purchase or lease of an immovable in the following cases:

(1) there is no other licence holder whose establishment is situated within a 50-kilometre radius of the immovable for which the client of the licence holder intends to formulate a proposal with a view to purchasing, leasing or exchanging that immovable who may act as the client’s intermediary;

(2) the licence holder is an agency and the broker’s licence holder through whom the agency is acting under the contract relating to the sale, lease or exchange of the immovable is not the broker’s licence holder through whom that agency represents the client who intends to formulate a proposal with a view to purchasing, leasing or exchanging that immovable.”

**2.** Section 17 is amended by adding the following paragraph at the end:

“Where the licence holder is concerned by one of the cases provided for in section 16.1, the licence holder must without delay inform the client in writing and obtain, before the client formulates a proposal with a view to purchasing, leasing or exchanging the immovable, the client’s written consent to continue to represent the client. Failing that, the licence holder must terminate the contract.”

**3.** This Regulation comes into force on 10 June 2022.

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**M.O., 2022-08**

**Order C-73.2-2022-08 of the Minister of Finance dated 30 May 2022**

Real Estate Brokerage Act  
(chapter C-73.2)

Determination of a brokerage contract to be evidenced on a mandatory form

CONSIDERING that section 129 of the Real Estate Brokerage Act (chapter C-73.2) provides that the Minister of Finance determines the brokerage contracts and other acts relating to brokerage transactions that must be evidenced on a mandatory form;

CONSIDERING that the first paragraph of section 129.1 of the Real Estate Brokerage Act provides that the Organisme d’autoréglementation du courtage immobilier du Québec prepares the mandatory forms for the contracts and other acts determined by the Minister of Finance under section 129 of the Act;

CONSIDERING that it is expedient to determine that the Non-exclusive brokerage contract – Sale – Chiefly residential immovable containing less than 5 dwellings excluding co-ownership be evidenced on a mandatory form prepared by the Organisme d’autoréglementation du courtage immobilier du Québec;

THEREFORE, the Minister of Finance determines that the Non-exclusive brokerage contract – Sale – Chiefly residential immovable containing less than 5 dwellings excluding co-ownership be evidenced on a mandatory form prepared by the Organisme d’autoréglementation du courtage immobilier du Québec.

Québec, 30 May 2022

ERIC GIRARD  
*Minister of Finance*

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