

52. Section 113 is amended

(1) by striking out “or mortgage” in the portion before paragraph 1;

(2) by replacing “section 1” in paragraph 1 by “section 3.1”;

(3) by adding “with another name, trademark, slogan or logo likely to be confusing, in particular the activities engaged in, the type of goods and services offered or the geographical situation, or to falsely suggest that he or she practises a profession reserved to the members of a professional order” at the end of paragraph 3.

53. The heading of Division II of Chapter IV is amended by replacing “BROKERS AND AGENCIES” by “A LICENCE HOLDER”.

54. Section 114 is amended by striking out the second paragraph.

55. Section 115 is amended

(1) in the first paragraph

(a) by striking out “real estate” in the portion before subparagraph 1;

(b) by striking out subparagraph 4;

(2) in the second paragraph

(a) by striking out “real estate”;

(b) by replacing “the designation or designations in subparagraphs 2 and 3 that describe the broker’s legal qualification” by “the designation provided for in subparagraph 2 or 3 that describes the broker’s legal qualification”.

56. Section 115.1 is amended

(1) in the first paragraph

(a) by replacing “la publicité” in the French text by “les publicités”;

(b) by replacing “indications” by “designations”;

(2) by replacing “subparagraphs 1 and 2 of the first paragraph” by “paragraphs 1 and 2” and by striking out “as the case may be,” and “or “business corporation of a mortgage broker”” in the second paragraph.

57. Section 116 is amended by striking out the second paragraph.

58. Section 117 is amended

(1) by replacing “a real estate agency” in the portion before paragraph 1 by “an agency”;

(2) by striking out paragraph 4.

59. Sections 24 and 28, the heading of subdivision 3 of Division IV of Chapter III and section 118 are amended by replacing the words “brokerage contract” wherever they appear by the words “real estate brokerage contract”.

REGULATION RESPECTING CONTRACTS AND FORMS

60. The Regulation respecting contracts and forms (chapter C-73.2, r. 2.1) is revoked.

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

106152

Gouvernement du Québec

O.C. 174-2023, 22 February 2023

Real Estate Brokerage Act
(chapter C-73.2)

**Issue of broker’s and agency licence
—Amendment**

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

WHEREAS, under paragraph 1 of section 46 of the Real Estate Brokerage Act (chapter C-73.2), the Organisme d’autoréglementation du courtage immobilier du Québec may determine, by regulation, rules governing the training required to become a broker’s licence holder or an executive officer of an agency licence holder and the examination to be taken by prospective brokers or executive officers;

WHEREAS, under paragraph 2 of section 46 of the Act, the Organisme d’autoréglementation du courtage immobilier du Québec may determine, by regulation, rules governing continuing or additional training, including the specific circumstances under which such training is compulsory for all or some of the broker’s licence holders or of the executive officers of agency licence holders;

WHEREAS, under paragraph 3 of section 46 of the Act, the Organisme d'autoréglementation du courtage immobilier du Québec may determine, by regulation, 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;

WHEREAS, under paragraph 4 of section 46 of the Act, the Organisme d'autoréglementation du courtage immobilier du Québec may determine, by regulation, the licence fees to be paid;

WHEREAS, under paragraph 6 of section 46 of the Act, the Organisme d'autoréglementation du courtage immobilier du Québec may determine, by regulation, the information and documents to be provided by a prospective broker or executive officer or by a licence holder;

WHEREAS, under paragraph 7 of section 46 of the Act, the Organisme d'autoréglementation du courtage immobilier du Québec may determine, by regulation, the particulars a licence must contain;

WHEREAS, under paragraph 11 of section 46 of the Act, the Organisme d'autoréglementation du courtage immobilier du Québec may determine, by regulation, the real estate brokerage contracts to which, on an ad hoc basis or occasionally, persons, partnerships or groups of persons or partnerships, other than licence holders, may be parties as intermediaries following a special authorization, the terms and conditions applicable to the resulting brokerage transactions and the fees chargeable for such transactions;

WHEREAS, under paragraph 12 of section 46 of the Act, the Organisme d'autoréglementation du courtage immobilier du Québec may determine, by regulation, the qualifications required of executive officers of an agency licence holder;

WHEREAS, under section 130 of the 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 the issue of broker's and agency licences on 26 May 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 the issue of broker's and agency licences was published in Part 2 of the *Gazette officielle du Québec* of 17 August 2022 with a notice that it could be approved by the Government 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:

THAT the Regulation to amend the Regulation respecting the issue of broker's and agency licences, attached to this Order in Council, be approved.

YVES OUELLET

Clerk of the Conseil exécutif

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, 2, 3, 4, 6, 7, 11 and 12)

1. The Regulation respecting the issue of broker's and agency licences (chapter C-73.2, r. 3) is amended by replacing the title by the following:

“Regulation respecting broker's and agency licences”.

2. The following is inserted before Chapter I:

“CHAPTER 0.I INTERPRETATION

0.1. In this Regulation, unless the context indicates otherwise, the words “broker” and “agency” mean, respectively, a broker's licence holder and an agency licence holder, and the expression “licence holder” means a broker's licence holder and an agency licence holder.”.

3. The heading of subdivision 1 of Division I of Chapter I is amended by striking out “and mortgage”.

4. Section 1 is amended

(1) in the first paragraph

(a) by striking out “or mortgage” in the portion before subparagraph 1;

(b) by replacing “according to the licence applied for or licence restrictions” in subparagraph 1.1 by “according to any licence restrictions”;

(c) by replacing “obtenir” in subparagraph *e* of subparagraph 4 of the French text by “avoir obtenu”;

(d) by replacing “fee” in subparagraph 5 by “contribution”;

(2) by replacing “brokerage transactions within the meaning of section 1” in the second paragraph by “brokerage transactions referred to in section 3.1”;

(3) in the fourth paragraph

(a) by striking out the words “a mortgage broker’s licence or” wherever they appear;

(b) by replacing “permis de courtiers immobiliers” at the end of the French text by “permis de courtier immobilier”.

5. Section 2 is amended by replacing the third paragraph by the following:

“A licence holder who passes the training program and passes the required examination may have the restricted licence modified to hold a real estate broker’s licence with no restriction.”

6. The following is inserted after section 2:

**“DIVISION I.1
RIGHTS GRANTED TO A HOLDER
OF A RESTRICTED LICENCE”.**

7. Section 3 is amended

(1) by replacing “authorizes its holder to act as an intermediary for the purchase, sale or exchange of” in the portion before subparagraph 1 of the first paragraph by “authorizes its holder to engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) respecting”;

(2) by inserting “, in accordance with the conditions set out in the Act respecting the distribution of financial products and services (chapter D-9.2) and the regulations,” after “client” in the third paragraph.

8. Section 4 is amended

(1) by replacing “to engage in the brokerage activities described in subparagraphs 1, 2 and 3 of the first paragraph of section 1 of the Real Estate Brokerage Act (chapter C-73.2), including activities involving a vacant commercial lot, but excluding activities” in paragraph 1 by “to engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2), including a brokerage transaction involving a vacant commercial lot or an enterprise if the enterprise’s property, according to its market value, consists mainly of immovable property, but excluding a brokerage transaction”;

(2) by striking out paragraph 2;

(3) by inserting “, in accordance with the conditions set out in the Act respecting the distribution of financial products and services (chapter D-9.2) and the regulations,” after “client” in paragraph 3.

9. Section 5 is amended

(1) by replacing “in subparagraph *a* of subparagraph 4 of the first paragraph of section 1 in French, documents showing the applicant meets one of the requirements of subparagraph 4” in paragraph 5 by “in subparagraph *a* of subparagraph 4 of the first paragraph of section 1 in French, documents showing the applicant meets one of the other requirements of subparagraph 4”;

(2) by replacing paragraph 11 by the following:

“(11) if the prospective broker has previously been convicted by a court of, or has pleaded guilty to, an offence under an Act or regulation of Québec, an offence under a federal Act or regulation or an indictable offence, the relevant documents;”;

(3) by replacing “brokerage transactions within the meaning of section 1” in paragraph 14 by “brokerage transactions described in section 3.1”.

10. The heading of subdivision 2 of Division I of Chapter I is amended by striking out “and mortgage”.

11. Section 6 is amended

(1) by striking out “or a mortgage agency licence” in the portion before paragraph 1 and “or a mortgage broker’s licence” in paragraph 1;

(2) by replacing “fee” in paragraph 4 by “contribution”.

12. Section 7 is amended

(1) by inserting “real estate” before “broker’s” in paragraph 1;

(2) by inserting “must in particular comply with paragraphs 2 and 3 of section 113 of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (chapter C-73.2, r. 1), but” after “which name” in paragraph 2;

(3) by inserting “in Québec” after “principal establishment” in paragraph 3;

(4) by replacing paragraph 9 by the following:

“(9) if the applicant has previously been convicted by a court of, or has pleaded guilty to, an offence under an Act or regulation of Québec, an offence under a federal Act or regulation or an indictable offence, the relevant documents;”

13. Section 13 is amended in the first paragraph

(1) by striking out the words “or mortgage” wherever they appear in subparagraph 3;

(2) by replacing “the licence holder’s establishment” in subparagraph 6 by “the establishment within which the licence holder carries on activities”;

(3) by replacing “is certified to be an agency executive officer, if applicable” in subparagraph 7 by “qualifies to be an agency executive officer or acts as an agency executive officer, if applicable”;

(4) by adding the following at the end:

“(8) the specialist’s title granted to the broker, if applicable.”

14. Section 15 is amended by replacing “additional training” in paragraph 3 by “any continuing or additional training”.

15. Section 16 is amended by inserting “continuing or” before “additional training” in paragraph 3.

16. Section 17 is amended by striking out “or mortgage”.

17. Section 19 is amended by replacing “fees” in paragraph 2 by “contribution”.

18. Section 20 is amended by replacing “fees” in paragraph 2 by “contribution”.

19. Section 22 is amended by replacing “fees” by “contribution”.

20. The heading of Division VI of Chapter I is amended by adding “AND QUALIFICATION OF A BROKER WISHING TO ACT FOR HIS OR HER OWN ACCOUNT” at the end.

21. Section 34 is replaced by the following:

“**34.** A person is qualified as an executive officer of a real estate agency if the person

(1) holds a real estate broker’s licence that is neither suspended nor subject to restrictions or conditions unless it is a restriction referred to in section 2;

(2) meets either of the following conditions, showing that the person has the experience necessary to manage an agency:

(a) if the person is a person referred to in section 146 of the Real Estate Brokerage Act (chapter C-73.2), the person may act for his or her own account and has carried on the activity of real estate broker for at least 3 of the last 5 years;

(b) the person has carried on the activity of real estate broker in an agency for at least 3 of the last 5 years;

(3) meets any of the following conditions, showing that the person is qualified to manage the professional activities of a licence holder:

(a) has passed one of the training programs recognized in an agreement between the Organization and an educational institution and that deals with the skills an executive officer of a real estate agency must have, provided for in the system of reference available on the Organization’s official website and has passed, in accordance with Division VII, the examination for executive officers of real estate agencies;

(b) has qualified as an executive officer of a real estate agency for 3 of the last 5 years;

(c) is authorized to represent, direct or qualify a person or partnership that engages in brokerage transactions described in section 3.1 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; and

(4) after qualifying as an executive officer of a real estate agency, has taken and, where applicable, passed all continuing or additional training required for some or all brokers to qualify as agency executive officers.

To maintain qualification, an executive officer of a real estate agency must continue to meet the requirements of subparagraphs 1, 2 and 4 of the first paragraph.”

22. Section 35 is amended

(1) by replacing “the holder” in the first paragraph by “a holder”;

(2) by replacing “brokerage transactions within the meaning of section 1” in the second paragraph by “brokerage transactions described in section 3.1”.

23. Section 39 is amended

(1) by inserting “by the Organization” after “cancelled” in the second paragraph;

(2) by replacing the third paragraph by the following:

“A person may only be admitted to a new examination after a period of 12 months following the date of the cancellation of the person’s examination for any of the reasons referred to in the first paragraph or after a period of 3 months following the cancellation of the person’s examination under the second paragraph.”

24. Section 40 is amended

(1) by replacing “section 1” in the portion before paragraph 1 by “section 3.1”;

(2) in paragraph 1

(a) by replacing “section 1” in subparagraph *b* by “section 3.1”;

(b) by replacing “activities” in subparagraph *c* by “transactions”;

(3) by replacing “section 1” in paragraph 2 by “section 3.1”;

(4) by replacing “fee” in paragraph 4 by “contribution”.

25. Section 43 is amended

(1) by replacing “section 1” in subparagraph 1 of the first paragraph by “section 3.1”;

(2) by replacing “section 1” in the second paragraph by “section 3.1”.

26. Section 44 is amended

(1) in the first paragraph

(a) by replacing “section 1” in the portion before subparagraph 1 by “section 3.1”;

(b) by replacing “section 1” in subparagraph 2 by “section 3.1”;

(2) by replacing “activities” in the third paragraph by “transactions”.

27. Section 45 is amended by striking out subparagraphs 2 and 4 of the first paragraph.

28. The heading of Chapter IV is amended by inserting “CONTINUING OR” before “ADDITIONAL”.

29. Section 48 is amended by inserting “continuing or” before “additional”.

30. Section 49 is amended

(1) by inserting “continuing or” before “additional” in the portion before paragraph 1;

(2) by replacing “section 1” in paragraphs 1, 3 and 4 by “section 3.1”.

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

106153

Gouvernement du Québec

O.C. 175-2023, 22 February 2023

Real Estate Brokerage Act
(chapter C-73.2)

Real Estate Indemnity Fund and determination of the professional liability insurance premium — Amendment

Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium

WHEREAS, under paragraph 15 of section 46 of the Real Estate Brokerage Act (chapter C-73.2), the Organisme d’autoréglementation du courtage immobilier du Québec may determine, by regulation, the terms and conditions governing the eligibility of claims submitted to the indemnity committee and the payment of indemnities;

WHEREAS, under paragraph 17 of section 46 of the Act, the Organisme d’autoréglementation du courtage immobilier du Québec may determine, by regulation, the contributions that must be paid by licence holders to the Organisme d’autoréglementation du courtage immobilier du Québec for payment into the Real Estate Indemnity Fund, according to the licence they hold and the date of their registration with the Organisme d’autoréglementation du courtage immobilier du Québec, as well as the terms of payment for those contributions;