

**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*.

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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;

WHEREAS, under the first paragraph of section 106 of the Act, the indemnity committee rules on the eligibility of claims submitted to it and decides the amount of the indemnities to be paid, in accordance with the rules set out in the regulations of the Organisme d'autoréglementation du courtage immobilier du Québec;

WHEREAS, under the first paragraph of section 109 of the Act, the Real Estate Indemnity Fund is made up, in particular, of the contributions paid by licence holders in accordance with the regulations of the Organisme d'autoréglementation du courtage immobilier du Québec;

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 Real Estate Indemnity Fund and determination of the professional liability insurance premium 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 Real Estate Indemnity Fund and determination of the professional liability insurance premium 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 Real Estate Indemnity Fund and determination of the professional liability insurance premium, attached to this Order in Council, be approved.

YVES OUELLET  
*Clerk of the Conseil exécutif*

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

Real Estate Brokerage Act  
(chapter C-73.2, s. 46, pars. 15 and 17,  
and ss. 106 and 109)

**1.** The Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium (chapter C-73.2, r. 5) is amended by replacing the title by the following:

“Regulation respecting the Real Estate Indemnity Fund”.

**2.** The following is inserted before Chapter I:

### **“CHAPTER 0.I INTERPRETATION**

**0.1.** In this Regulation, unless the context indicates otherwise, the expression “licence holder” means a broker’s licence holder and an agency licence holder.”.

**3.** Section 9 is amended by replacing in the French text “titulaire d’un permis” by “titulaire de permis”.

**4.** The heading of Division III of Chapter I and sections 15 and 16 are amended by replacing the words “fee” and “fees” wherever they appear by the word “contribution”.

**5.** Chapter II, including section 17, is revoked.

**6.** 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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