

**First
Edition**

pro BROKER

profession

The publication for Québec real estate brokerage professionals

Volume 1 • Number 1 • November 2010

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A NOTE OF CAUTION

Profession Broker is a publication for real estate professionals, licence holders of the Organisme d'autoréglementation du courtage immobilier du Québec (OACIQ). It covers various topics related to the application of the Real Estate Brokerage Act and its regulations, including legal and ethical issues related to the practice of real estate brokerage and the real estate market.

Any advertising appearing in this publication is intended for real estate brokerage professionals and does not in any way reflect the opinions, positions or actions of the Organisme d'autoréglementation du courtage immobilier du Québec, whose primary mission under the law is the protection of the public.

Profession Broker

An essential reference just for you

As we announced, the new edition of your publication is now before you.

From the outset, the title, in the colours of the OACIQ, speaks to you: *Profession Broker* is meant to be a reflection of your concerns, your professional reality, and your expectations.

A smaller format than *Info ACAIQ*, your new publication has been completely redesigned so that its modern treatment, adapted to your reality, is consistent with our, and your commitment to respect the environment and reduce spending.

You will also notice the more structured, better defined presentation of the articles and advertising, as well as the summary on the front cover, outlining from the get-go some of the subjects discussed in the current issue.

In short, a publication that concerns you, and which we are very pleased to present to you! ●

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ISSN 1925-0061

Message from **the OACIQ**

The OACIQ: a useful resource for brokers

With the coming into force of the new Real Estate Brokerage Act on May 1, 2010, the ACAIQ changed its name to OACIQ, i.e. Organisme d'autoréglementation du courtage immobilier du Québec. But what exactly is the OACIQ?

The OACIQ is an organization:

- that takes up where the ACAIQ left off, retaining this organization's many years of expertise;
- that fulfills its mission by providing you with the comprehensive, quality services to which you are entitled and by fulfilling its obligations under the new Act;
- whose Board of Directors is made up of a majority of brokers who have many years of field experience in real estate brokerage and share your reality.

How exactly does the OACIQ fulfill its obligations towards you?

- By encouraging skills development, including by providing continuing education activities on good practices to help brokers better equip themselves against the competition;
- By providing mandatory training, in response to repeated requests by numerous practitioners;
- By simplifying your transactions through the use of new technologies:
 - By enabling electronic transactions;
 - By introducing electronic keeping of records and registers;
- By increasing the credibility of the profession, including:
 - By transitioning to new forms adapted to current market and conditions;
- By responding, via its Info OACIQ Information Centre, to the many requests received from brokers and the public;
- By processing requests for assistance;
- By stepping up efforts to curtail illegal brokerage;
- By devising advertising campaigns to promote brokers, such as the campaign aired from September 27 to October 24, 2010 on several television and web networks (visit Synbad for more information or to view these ads).

The OACIQ also provides partner programs designed specifically for brokers, including:

- An individual and commercial general insurance plan;
- A complete range of customer services, including portfolio and pension plan management;
- Advantageous vehicle leasing plans;
- Highly attractive mobile solutions with Bell Mobility.

Handy assistance at your disposal

The OACIQ can assist you with every aspect of your business.

The information agents in our Info OACIQ Centre are there to answer your questions and guide you to our various services. Contact them by phone at 450 462-9800 or 1 800 440-7170, or by email at info@oaciq.com. ●

The new **Advertising Guide,** make sure you get yours!

Since August 17, 2010, brokers who attend the mandatory continuing education activity on the new Real Estate Brokerage Act receive a copy of **the Advertising Guide for Real estate and mortgage agencies and brokers**. Brokers who attended the session before August 17 will receive their copy of the Guide in the mail.

Please note that you can also look up the Guide online (www.oaciq.com), and you can get additional copies by ordering them from the online store on *Synbad*, the OACIQ Extranet.

For more information on the Guide or for any other questions, please contact the Info OACIQ Information Centre at 450 462-9800 or 1 800 440-7170 between 9:00 a.m. and 4:00 p.m. on Monday, Tuesday, Thursday and Friday, and between 10:00 a.m. and 4:00 p.m. on Wednesday. You can also reach the Centre by email at info@oaciq.com, making sure to include your complete contact information so an information agent can call you back. ●

SURVEY QUESTION: **Advertising in Profession Broker publication**

The coming into force of the new Real Estate Brokerage Act and the development of the OACIQ's new corporate image has led to a revamping of our publications. As a result, we are launching the first issue of **Profession Broker**, the new periodical replacing the Info ACAIQ Newsletter.

We would like to take this opportunity to assess our brokers' level of interest regarding the advertising contained in the Profession Broker publication.

To this end, we would appreciate if you could go to www.surveymonkey.com/s/journal_oaciq_en and indicate your preference among the following types of advertisers:

- ☐ Brokers
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Source: RE/MAX LLC, across Canada in 2009. (RE/MAX LLC is RE/MAX International's head office). Details available on request.

Mandatory continuing education activity on the new Act

***80% of brokers have already received
their CEU or have registered.***

Don't delay!



Delay no longer: 80% of Québec's 18,000 real estate brokers have already received their CEU for attending the mandatory continuing education activity on the new Act, or have registered and reserved their spot on the schedule.

See to it now

It is important to register without delay, as you have until January 31, 2011 to attend the session in order to maintain your licence.

The OACIQ has already successfully covered all Québec regions and will return to some regions only one time more. Since space is filling quickly, we urge you not to put off registering any longer, as you could be forced to travel a long distance to attend the education activity in another region. Don't miss your opportunity to attend a session in the region of your choice!

All available dates are on Synbad

Please note that the schedules for October, November, December and January are available on *Synbad*. No further dates will be added. You can access them by clicking on the heading Mandatory continuing education activity – new Real Estate Brokerage Act.

To date, we have presented 67 mandatory continuing education sessions on the new Act, which were attended by nearly 9,000 brokers, and more than 5,000 have registered. We are happy to see so many of you anxious to keep abreast of the new legislative principles that govern our profession.

Reminders

To make things easier for you and avoid any surprises, we also remind you that:

- This education activity is a 6-hour session given in a single day from 9:00 a.m. to 4:00 p.m.
- You must attend the entire activity for your attendance to be recognized and your licence to be maintained. If you leave before the end of the session, you will not be considered to have attended.

- Registration must be done online, in advance.
- The registration fee is \$25 plus tax and is payable by cheque or credit card.
- You can pay online by credit card or by cheque at our office.
- To prove that you attended the entire session, you will be required to sign in at the beginning and at the end of the day.
- The 6 Continuing Education Units (CEUs) will be added to your file 48 hours after you have attended the education session. These CEUs can be made visible to the public with your authorization.

In addition, remember that in order to be able to attend this session:

- You will be required to present a piece of photo ID.
- You must also present your registration confirmation.

We recommend that you arrive ahead of time so that you can complete your registration procedure and be on time for the start of the session, which begins at 9:00 a.m. sharp. Latecomers will not be permitted to enter and will have to register for a future session.

How to register

Not sure how to register for the mandatory continuing education activity? Visit *Synbad*, where you will find answers to all your questions.

For more information, please contact the Info OACIQ Centre at 450 462-9800 or 1 800 440-7170 between 9:00 a.m. and 4:00 p.m. on Monday, Tuesday, Thursday and Friday, and between 10:00 a.m. and 4:00 p.m. on Wednesday. You may also reach the Centre by email info@oaciq.com, making sure to include your complete contact information so an information agent can call you back. ●

Competency verification: a new tool to improve our profession's image

Source:
OACIQ

As in the past, the new Organisme d'auto-réglementation du courtage immobilier du Québec (OACIQ) will carry out inspections as part of its mission. The role of Inspection Committee is to oversee the activities of brokers and agencies. Since the coming into force of the new Real Estate Brokerage Act, the Committee can now oversee the professional competency of brokers and agency executive officers, as this is no longer specifically excluded under the new Act.

Why verify competency

The purpose of the Inspection Committee's competency verification is to evaluate such things as the professionals' ability to use their knowledge skilfully, to organize their records and to carry out their contracts in their chosen fields of practice.

This provides a definite advantage for the public as well as for all real estate professionals, since ours is a profession where collaboration is key.

Concrete application of competency-based inspections

Professional competency can be inspected using various means. When reviewing registers, records and accounts, the inspector will be able to verify many aspects, including:

For a broker:

- Drafting of contracts and annexes;
- Drafting of specific clauses;
- Appropriate use of forms;
- Adherence to deadlines and follow-up on conditions;
- Information contained in the detailed description sheet;
- Documents contained in the records.

For an agency executive officer or a broker acting on his own account:

- Keeping of records and registers;
- Trust accounting;
- Office management;
- Personnel management;
- Oversight of beginner brokers, if applicable.

The inspector will assess the broker or agency executive officer's competency based on a number of criteria, specifically:

- The notion of contract validity;
- Whether a transaction was put in jeopardy;
- Whether multiple errors or omissions were committed;
- The presence of repeated breaches.

An inspector who observes a breach in competency on the part of a broker or agency executive officer may recommend in his report that the individual take a course or attend an education session. The individual concerned will have the opportunity to sign a voluntary commitment to attend such an activity.

In cases where it is deemed necessary, however, the new Act allows the Inspection Committee to oblige a broker or agency executive officer to attend a course or education activity successfully. The broker or agency executive officer will be informed of this obligation and will have the opportunity to apply for a review of the decision by the Organization's Board of Directors.

Our approach

The Inspection Committee wishes to continue promoting a preventive approach by encouraging licence holders to update their knowledge and skills on a voluntary basis. In certain cases, the Committee may oblige someone to engage in a continuing education process. This will help brokers and agency executive officers increase their credibility and professionalism, with their peers as well as with the general public. ●

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200,000 times a day on
remax-quebec.com

Source: Google Analytics, 03/2010. Details available on request.



Remuneration 101!



Hélène Morand

As a broker, you draw on all your knowledge, skills and expertise to make sure your transactions go as smoothly as possible. And in exchange for selling a property, you get paid for your services. But when it comes to remuneration sharing, are you sure you are clear on what your obligations are and what rules apply? Following is an overview of what you need to know to make sure you comply with the new Real Estate Brokerage Act and the regulations thereunder.

● ● *First, it is important to know the parties with whom you are allowed to share your remuneration.* ● ●

First, it is important to know the parties with whom you are allowed to share your remuneration.

In residential real estate brokerage, you may share your remuneration with another broker or agency operating in Québec. This is commonly the case of a listing broker sharing his remuneration with a collaborating broker.

It is also possible to share your remuneration with another broker or agency outside Québec. For example, a broker from Ontario can send you a client who is moving to Québec and ask for a "referral". You must verify that this broker is certified in his jurisdiction before you share your remuneration. This can be validated with a simple call to the appropriate certification body. To this effect, refer to article no. 7375 on the OACIQ website entitled "How to verify the right to practice of an individual or firm in Québec or from another jurisdiction".

The new Real Estate Brokerage Act includes a category of persons with whom remuneration can now be shared, i.e. any person who engages in a brokerage transaction and is duly authorized to do so under sections 2 and 3 of the Act.

For example, you may share your remuneration with a lawyer who is handling a repossession process. The lawyer may retain your services to sell the immovable and ask you for a "referral" for this purpose. A notary liquidating a succession that includes an immovable could do the same. A broker can also share his remuneration with a trustee in bankruptcy who retains his services for the sale of the bankrupt's immovable.

Your remuneration as real estate broker may also be shared with sequestrators, sheriffs, bailiffs, tutors, curators, trustees and administrators who, in the course of their functions, call upon you to carry out a brokerage transaction.

As a broker, you have a right to share your remuneration with a financial institution or one of its employees or representatives who refer a client to you for the purpose of obtaining a mortgage loan. A broker can therefore share his remuneration with a mortgage representative from a financial institution who sends a client who was refused by the representative's institution, for the purpose of obtaining a mortgage loan from another institution.

Other professionals are also entitled to receive a portion of a real estate broker's remuneration; these include a chartered appraiser who determined the value of the property being sold, or an agronomist who analyzed a farm operation.

You are authorized to share your remuneration with other categories of persons as well. These could include a forest engineer who engages in a brokerage transaction regarding forest property, a chartered administrator who leases out an immovable, the superintendent or manager of a condominium who leases out a unit on behalf of the owner or syndicate, or the spouse, child, parent, brother or sister of the owner of an immovable who engages in a brokerage transaction (for example the owner's brother who found the buyer).

If you work in commercial or mortgage brokerage, you also may share your remuneration with the above-mentioned persons. In addition, you may share it with any other person, as long as this person does not engage or attempt to engage in brokerage activities without being duly authorized to do so in Québec or elsewhere. For example, you could share your remuneration with a leasing, selling or borrowing client.

With the exception of the above cases, a broker or agency may not share their remuneration with a person who refers a client. Therefore in every case, if a member of your family wants to refer a client and asks if they may be compensated for doing so, your answer must be no. The "referral" of clients, outside of the above exceptions, remains a brokerage act exclusive to licence holders. The safeguarding of our profession depends on it.

Obligation to collaborate and remuneration sharing

The obligation to collaborate established under the former Real Estate Brokerage Act is also included in the new Act, which states that a broker must, to facilitate the closing of a transaction, collaborate with every other broker who so requests, on reasonable terms agreed on beforehand.

What is new, however, is that the Act expressly states that the broker must not share his remuneration in a manner that could compromise the closing of a transaction or that is unfavourable to any of the parties to the transaction. Whether a sharing scheme is reasonable or unreasonable depends on the specific circumstances of each case. The Discipline Committee will establish criteria in this regard, and these will be communicated to you. In addition, the broker must without delay disclose in writing to the party he represents the terms of any shared remuneration offered to the other brokers collaborating in the transaction as well as the consequences the proposed terms entail.

The best way to inform your client of this in writing is to state it in the brokerage contract. Because the current forms, which must continue to be used until the new forms are ready, do not include a clause to this effect, the OACIQ has prepared a letter that you can send to your clients for brokerage contracts that

were already in force when the new Act was implemented. You can find this letter on *Synbad*, the OACIQ extranet. For brokerage contracts signed after May 1, 2010, we suggest that you attach the newly-designed Transitional Annex, which includes a clause to this effect.

Reduction in remuneration

A licence holder may waive all or any part of the remuneration to which he is entitled. Thus you may include a clause to reduce your remuneration from 6% to 4% if you sell the immovable without the involvement of a collaborator. However, the Act states that such a reduction must not disadvantage the other parties to the transaction. Many times in the past the Discipline Committee has ruled that the reduction in remuneration, in cases where transaction proposals are presented simultaneously, constitutes unfair treatment for the buyer and his broker, because in such cases the seller is understandably tempted to favour his listing broker's buyer in order to take advantage of the reduction in remuneration.

The ACAIQ's Book of standard clauses included a clause to be used in such circumstances:

*"If a promise to purchase is submitted through the broker's representative identified in 1 during the term of this contract and in fact leads to the sale of the immovable, the broker undertakes to only claim from the seller a compensation of _ %. **Notwithstanding the foregoing, there shall be no reduction in compensation in the event that one or several promises to purchase are submitted through other real estate agents or brokers concurrently with a promise to purchase submitted through the broker's representative identified in 1.**"*

The rule is clear: No reduction in remuneration in case of simultaneous promises to purchase. This well-known principle has been entrenched in the new Act since it now basically incorporates the standard clause.

These, in a nutshell, are the rules concerning remuneration. Money may not bring happiness, but understanding the mechanisms that govern money will avoid many a hardship! ●

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Source: RE/MAX Quebec, 01/09/2010. Details available on request.

remax-quebec.com



Procedures and conditions for taking the new OACIQ examinations

Source:
OACIQ

The OACIQ would like to inform candidates interested in taking one of the new examinations of the procedure to follow to do so:

STEP 1 - Application

- Fill out the Examination Application form, found on our website under the "Our Forms" section, "Certification" sub-section.
- Check the examination schedule on our website under the "Education OACIQ" section, "Certification Examination Schedule" sub-section.
- It is important to include all documents required and to send your completed form to the OACIQ together with your payment for the corresponding fees at least three weeks prior to the date of the examination.
- In order to avoid delays in the issuance of your licence (see STEP 5), we recommend to anyone who is not already a licence holder to forward a Consent Form with corresponding fees for the criminal record verification. This form is available under the "Our Forms" section, "Certification" sub-section.

STEP 2 - Notice of examination

- The OACIQ will confirm the time and place of the examination by mail, at least one week before the scheduled date.

STEP 3 - Taking the examination

- It is recommended to arrive 15 minutes before the time scheduled for the examination.
- Instructions will be handed out and read before the examination, but you should note right now that programmable calculators are not allowed.

STEP 4 - Mailing of results

- The OACIQ will correct examinations and mail your results within 30 days following the date of your examination.

STEP 5 - Application for issuance of your licence

- If you passed the examination, you will have 12 months from the date your results were sent to you to apply for issuance of a licence. The Application for issuance form can be found on our website under the "Our Forms" section, "Certification" sub-section.
- Your application for issuance will be reviewed upon receipt. If you have made declarations under section IV of the form (criminal record or other), your file will be submitted to the Licence issue and maintenance committee (LIMC) for review.

And finally, please note that the number of spaces available for each examination session is limited. The maximum number of candidates accepted for any given session is 24. ●

New examinations since October 18

Please note that the following new OACIQ examinations are available since October 18, 2010:

- Residential real estate brokerage (6-hour duration)
- Mortgage brokerage (3-hour duration)
- Former holder of real estate agent certificate wishing to act on own account (3-hour duration)

Examination schedule

For the examination schedule, visit the OACIQ website (www.oaciq.com) under the "Education OACIQ" section. Please note that we reserve the right to change the schedule as needed.

Registration and fees

You can register for an examination right now by completing an *Examination Application* form. This form is available on our website, under the "Our Forms" section, "Certification" sub-section.

You can also find out examination fees on our website, under the "Our licence holders" section, "Chargeable fees and administrative fees" sub-section.

To register for an examination, complete the appropriate form and send it with your payment for the applicable fees at least three weeks prior to the examination date.

Space is limited

Please note that the number of spaces available for each examination session is limited. The maximum number of candidates accepted for any given session is 24.

Reminder!

- The number of spaces available for each examination session is limited.
- To register, complete the registration form and send it to the OACIQ with the applicable fees at least 15 days prior to the examination date. ●

FAQ on the new Act

A useful tool

Source: OACIQ

We encourage you to visit **Synbad**, the Organization's extra-net site, and check out *Frequently-asked questions on the new Real Estate Brokerage Act*. The FAQ is updated based on the questions you send, and can help you clarify certain points that may have been unclear to you until now.

As many of these questions are of general interest, we have prepared a FAQ for the benefit of all licence holders.

If you have questions that are not addressed in the FAQ, please email them to questionnouvelloio@oaciq.com or questionnewact@oaciq.com. We encourage you to check out this FAQ on Synbad at regular intervals as it is updated with the questions you send.

For more information, please contact the Info OACIQ Information Centre at 450 462-9800 or 1 800 440-7170 between 9:00 a.m. and 4:00 p.m. on Monday, Tuesday, Thursday and Friday, and between 10:00 a.m. and 4:00 p.m. on Wednesday. You can also reach the Centre by email at info@oaciq.com, making sure to include your complete contact information so an information agent can call you back. ●

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Affiliated agent who became a real estate broker and wishing to act on his own account:

main requirements

Source:
OACIQ

An affiliated agent who became a broker on May 1 may act on his own account only once he meets certain qualification requirements; the main ones of these are listed below.

Two situations can occur:

- Affiliated agent who became a broker without having begun the chartered broker's course prior to May 1, 2010;
- Affiliated agent who became a real estate broker and began the chartered broker's course prior to May 1, 2010.

1) Affiliated agent who became a broker without having begun the chartered broker's course prior to May 1, 2010

The broker in this situation must have the following qualifications before he can act on his own account:

- a) Have carried out his activities as agent on behalf of a chartered broker or as a broker acting for an agency for at least three of the five years prior to starting to act on his own account;
For example: An affiliated agent who has 18 months of experience as of May 1, 2010 can only start acting on his own account once he has completed three years, i.e. after an additional 18-month period.
- b) Pass the OACIQ examination on the competencies described in the document entitled: "Professional Competency- Affiliated agent wishing to act on his own account".

Rights and obligations of the broker (formerly affiliated agent) who starts acting on his own account

The broker who meets all the above qualifications and starts acting on his own account:

- cannot have brokers in his employ; only an agency can;
- must keep all the records, books and registers required under the Act;
- must have a trust account.

Qualifications to have an agency

To have an agency, the broker (formerly affiliated agent) must first qualify to act as executive officer of an agency.

To do so, he must:

- have the necessary qualifications to act on his own account;
- pass a second examination to show that he has the qualifications required to act as executive officer of an agency.

2) Affiliated agent who became a broker and began the chartered broker's course prior to May 1, 2010

As long as the deadlines required for this situation are met as outlined in "Right to take the current examination once the new Act comes into force" on page 12, this individual may, but only after passing the old chartered broker's examination:

- act on his own account, once the above 3-year period is satisfied;
- act as executive officer of an agency.

Individuals in this situation therefore have only one examination to pass.

IMPORTANT:

In all the above situations, it is not necessary to have completed the 3-year period to take an examination. However, the right to act on one's own account and/or to be qualified to act as executive officer of an agency is only granted once this experience requirement is met. •

To Agency
Executive
Officers

Information for your candidates

Do your candidates have anything to declare regarding their criminal, penal, disciplinary or bankruptcy record?

If so, there may be consequences, including refusal to issue a broker's licence. Better make your candidates aware of this in advance!

We remind you that any Application for issuance requires declarations and verifications concerning the candidate's history, including:

- criminal, penal or disciplinary action or violation;
- bankruptcy.

Agency executive officers are advised to inform anyone wishing to apply for a broker's licence of the declarations they will be required to make when they apply for a licence, as the nature of some of these declarations may lead to the imposition of conditions or restrictions on the licence, or even to a refusal by the Licence issue and maintenance committee (hereafter called "the Committee"), which reviews the application.

The candidate is responsible for providing the OACIQ with the documentation substantiating the declarations made on the Application for issuance form, which is available under the "Our forms" tab of the www.oaciq.com website.

The application for advance decision: a good way to find out ahead of time

As the OACIQ is aware of the investment required to go through all the steps to become a broker, a candidate who has something to declare may apply to the Committee for an advance decision before signing up for a training program or an examination. The Application for advance decision form is available under the "Our forms" tab of the www.oaciq.com website.

For more information, please contact the Info OACIQ Information Centre at 450 462-9800 or 1 800 440-7170 between 9:00 a.m. and 4:00 p.m. on Monday, Tuesday, Thursday and Friday, and between 10:00 a.m. and 4:00 p.m. on Wednesday. You can also reach the Centre by email at info@oaciq.com, making sure to include your complete contact information so an information agent can call you back.

Reminders:

- Inform your candidates that a criminal or bankruptcy record could have consequences on their licence issuance.
- Have your candidates read the declarations on the Application for issuance form, available www.oaciq.com, ahead of time.
- A candidate may apply to the OACIQ for an advance decision before signing up for a course or an examination. ●



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VISIT OUR WEB SITE

www.expertimmobilierpm.ca

316 Agents

Right to take the old examination...

Source:
OACIQ

We would like to make sure that the measures concerning the right to take the old examination since the coming into force of the new Act are clear for you. Please read on for important information that many will surely find useful.

... since
the
coming
into
force of
the new
Act

AEC OBTAINED BEFORE MAY 1ST, 2010

In accordance with the transitional measures published by the government in view of the coming into force of the new Real Estate Brokerage Act, individuals who completed their chartered real estate broker's course or affiliated real estate agent's course and obtained an Attestation of Collegial Studies (AEC) under the former Real Estate Brokerage Act had until July 31, 2010 to apply for issuance of a licence and be able to take the examination that was in use before the coming into force of the new Act.

Deadline to be able to take the old exam

To benefit from this transitional measure, individuals must apply for issuance of a real estate broker's licence within three months following the implementation of the new Act and no later than two years after obtaining the AEC.

AEC OBTAINED AFTER MAY 1ST, 2010 BUT THE COURSE BEGUN BEFORE THAT DATE

Right to take the old examination for applicants who have begun the course

Under the same draft transitional measures, individuals who have started the chartered real estate broker's course or affiliated real estate agent's course under the former Real Estate Brokerage Act and obtain their Attestation of Collegial Studies (AEC) after the coming into force of the new Act also have the right to take the old examination even after the coming into force of the new Act, subject to certain conditions.

Course must have started

The simple act of registering for a real estate broker AEC program prior to the coming into force of the new Act does not give the registrant the right to benefit from the transitional measure. The actual program must have begun, i.e. one of the program's courses must have actually started before May 1st, 2010.

Requirements for taking the old examination

Holder of a chartered real estate broker AEC

Individuals can take the old examination after the coming into force of the new Act provided they:

- have obtained their Attestation of Collegial Studies in the 18 months following the implementation of the new Act;
- have applied for a real estate broker's licence within three months of obtaining their AEC.

These individuals are able to take the examination even if they were not an affiliated real estate agent for three of the last five years.

Follow-up with your candidates regarding the three-month period in which to take the old examination after obtaining their AEC

We remind you that to be allowed to take the old examination (902.56 program) in order to obtain a real estate or mortgage broker's licence, a candidate must:

- have begun the 902.56 course (the old affiliated real estate agent's course) before May 1, 2010;
- obtain their Attestation of Collegial Studies (AEC) before April 30, 2011;
- apply for an examination and for issuance of a real estate or mortgage broker's licence within three months after obtaining their AEC.

For example

- AEC obtained on September 15, 2010: The candidate must submit his application for an examination by December 15, 2010 at the latest
- AEC obtained on January 10, 2011: The candidate must submit his application for an examination by April 10, 2011 at the latest

We recommend that you remind your candidates of these requirements.

Remember!

Candidates have three months to apply for an examination and for issuance of a licence after obtaining their Attestation of Collegial Studies (AEC).

Candidates who do not fulfil these requirements will have to take the examinations in accordance with the new regulations. ●

Holder of an affiliated real estate agent AEC

Individuals can take the old examination after the coming into force of the new Act provided they:

- a. have obtained their Attestation of Collegial Studies in the 12 months following the implementation of the new Act;
- b. have applied for a real estate broker's licence within three months of obtaining their AEC.

CONDITION TO BE ABLE TO ACT ON ONE'S OWN ACCOUNT OR AS EXECUTIVE OFFICER OF AN AGENCY

Individuals who have passed the chartered real estate broker's examination

Individuals who obtain a broker's licence by passing the old chartered broker's examination are able to work on their own account and to act as executive officer of an agency provided that, for at least three of the last five years, they have been the holder of an affiliated real estate agent's certificate issued by the ACAIQ, worked for an agency, or carried out brokerage activities.

Individuals who have passed the affiliated real estate agent's examination

Individuals who obtain a broker's licence by passing the old affiliated real estate agent's examination are able to act on their own account provided that they have worked for an agency for at least three of the last five years and passed a qualification examination. They can become executive officer of an agency only once they are allowed to act on their own account and pass the examination for executive officer of an agency.

For further information on this issue or on the Real Estate Brokerage Act in general, do not hesitate to contact the Info OACIQ Centre by phone at 450 462-9800 or 1 800 440-7170 or by email at info@oaciq.com, making sure to include your complete contact information so an information agent can call you back. The Info OACIQ Centre is open from 9:00 a.m. to 4:00 p.m. on Monday, Tuesday, Thursday and Friday, and from 10:00 a.m. to 4:00 p.m. on Wednesday. ●

The case Lavoie vs. Succession Bernier

The seller remains free to refuse a promise to purchase even if it meets all the conditions in the brokerage contract

Source: OACIQ

The Court of Appeal, the highest court in Québec, recently handed down a major decision for real estate brokerage in a case where the Association des courtiers et agents immobiliers du Québec (ACAIQ) – now the Organisme d'autoréglementation du courtage immobilier du Québec (OACIQ) – appeared, first in the trial court, and later in the Court of Appeal, to argue its position. The appellate court had to determine whether a promise to purchase that includes all the conditions in the brokerage contract constitutes an acceptance of the seller's offer to sell, and whether the latter was therefore obliged to accept it. The Court of Appeal ruled that this is not the case.

The facts in this case were as follows: First, a prospective buyer signed a promise to purchase for the asking price appearing on the description sheet, without any conditions. Soon after, but before the promise to purchase was presented, another person signed a promise to purchase for an amount higher than the asking price. The seller refused the first of the two promises to purchase and accepted the second one. The Court of Appeal ruled that the seller was free to refuse the first of the two promises to purchase.

A promise to purchase that meets all the conditions of the brokerage contract does not constitute acceptance of an offer to sell within the meaning of the Civil code of Québec

In support of its conclusion that a promise to purchase that matches all the conditions contained in the brokerage contract does not constitute acceptance of an offer to sell within the meaning of the Civil Code of Québec, the Court of Appeal stated as that in accordance with accepted practices, the Real Estate Brokerage Act assumes that the job of the broker is not to present to the general public a formal offer to sell from his client, but rather to seek the best possible offer to purchase. If the detailed description sheet prepared by the broker includes all the essential elements of the contract under consideration, the fact that the seller retained the services of a broker indicates clearly that the detailed description sheet is not an offer to sell within the meaning of the Civil Code of Québec.

In addition, the Court of Appeal indicated that in accordance with the Real Estate Brokerage Act and the regulations thereunder, certain forms, including the promise to purchase and the counter-proposal, are mandatory. There is no mention of a form that would be an offer to sell. Brokers must work with promises to purchase and counter-proposals; their job is not, nor do they have the right, to get a potential buyer to sign an acceptance of a so-called offer by the seller.

This decision does not impact the broker's right to remuneration

The Court of Appeal indicated, however, that its decision has no impact on the broker's right to be remunerated for the work he does if the seller refuses a promise to purchase that matches the conditions in the brokerage contract.

Despite this order from the Court of Appeal, in accordance with the new Real Estate Brokerage Act, you should still continue to include on any detailed description sheet or similar document used to describe an immovable covered by a brokerage contract to sell, a statement to the effect that the document or description sheet does not constitute an offer or a promise that could bind the seller, but rather an invitation to present such offers or promises.

This article is a follow-up to the article entitled "Decision in Lavoie vs. Succession de Michèle Bernier – Is a seller obliged to sell his immovable if he receives a promise to purchase matching the asking price?", published in May 2008. ●

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Makeup of the OACIQ Board of Directors and election of elected Directors

Makeup of the OACIQ Board of Directors

As provided for in the Real Estate Brokerage Act, the OACIQ Board consists of eleven Directors, eight of whom are elected among licence holders and the other three, who are neither broker, manager nor executive officer of an agency, are appointed by the Minister of Finance. A third Director will be appointed when the number of elected Directors on the Board, which is currently nine, is reduced to eight following the next election, which will take place in 2011.

The OACIQ has adopted and implemented an Internal By-Law establishing its operation rules. The OACIQ Internal By-Law includes provisions regarding the election of elected members to the OACIQ Board of Directors.

Regions established in the OACIQ Internal By-Law for the purpose of Board elections

The draft Internal By-Law submitted during the February 2009 consultations called for one less region due to the fact that the number of elected Directors was to be reduced from nine to eight.

Following representations made by two real estate boards, the Board undertook a major review of this change.

The number of regions for election purposes will remain at five

The Board decided to amend the draft Internal By-Law to maintain the regions as they were in the By-Law of the ACAIQ, except for administrative region 08 (Abitibi-Témiscamingue), which was transferred from the Western region to the Eastern region, now called the Northeast region. The Western region now includes two administrative regions, region 07 (Outaouais) and region 15 (Laurentides) ⁽¹⁾.

The number of Directors representing regions remain at eight

The OACIQ Board has also decided to maintain the same number of Directors for each region, i.e. four for the Montréal region, one for the Western region, one for the Central region, one for the Québec City region, and one for the Northeast region.

The Chairman of the Board will be elected from and by the elected Directors

Since the eight Directors will be elected on a regional basis, the OACIQ Board has determined that the Chairman of the Board would be elected among the Directors elected to the Board rather than by general vote among licence holders, as it was the case under the previous Act.

The current Chairman of the Board, Mr. François Léger, will complete his term in 2011; the first election of a Chairman to the OACIQ Board of Directors will be held at that time. ●

⁽¹⁾ In addition, due to a change made by the government, administrative region 14 was divided into two regions, i.e. administrative regions 14 and 17. This has no impact on OACIQ regions for election purposes, since the territory covered is the same and both administrative regions are in the same region for election purposes, i.e. the Central region.

2010 OACIQ Board of Directors Election

The 2010 Board elections, which for the first time were held exclusively by electronic vote, closed at 4:00 p.m. on September 24, 2010.

In the Montréal region, Mr. Serge Brousseau and Mr. Louis Cayer were elected as Directors and began their term on October 24, 2010. Also elected to the position of Director are Mrs. Hélène Lavoie in the Northeast region, and Mr. Richard Dion in the Québec region.

Mr. Daniel Pelchat, for his part, was elected by acclamation as Director in the Central region at the close of the nomination period on Friday, July 16, 2010.

For OACIQ election result details, visit our website at www.oaciq.com. ●

Two New Directors Appointed to the Board of the OACIQ

*In the past few months, two new directors have been appointed by Québec Finance Minister Raymond Bachand to sit on the Board of Directors of the Organisme d'autoréglementation du courtage immobilier du Québec (OACIQ). They are **Pierre Carrier** and **Claude Rousseau**.*

The Chairman of the Board of the OACIQ, François Léger, took the opportunity to underscore the enormous contribution and exemplary dedication of the two outgoing members of the ACAIQ Board, namely Louise Clément and Jean Mathieu, who respectively devoted 6 and 14 years to this function. ●

The agency's duty to supervise the brokers acting on its behalf, and supervision of brokers new to the profession

The new Real Estate Brokerage Act has abolished certain rules regarding the duty to have one or more managers, based on the number of brokers acting within an agency. This new Act is meant to be less interventionist regarding the management of a brokerage firm's business.

Source:
OACIQ

In accordance with sections 18, 19 and 20 of the Real Estate Brokerage Act, one of the responsibilities of an agency executive officer is the duty to supervise ALL the brokers acting on the agency's behalf. The agency executive officer has primary responsibility within the agency.

In addition to the duty to supervise all the brokers within the agency, the new Real Estate Brokerage Act has established specific rules to supervise brokers new to the profession.

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Supervision of brokers new to the profession

The Act stipulates that an agency acting through one or more brokers who are new to the profession must set up a system enabling the brokers to be mentored and their practices supervised. The agency must in particular review the brokerage contract files before an immovable is put on the market by a new broker, examine each of the broker's transactions and oversee its progress.

What is a broker new to the profession?

A licence holder who obtained his/her first licence on or after May 1, 2010 has the status of broker new to the profession.

How long must brokers new to the profession be supervised?

Three years.

To help you, here is an example of a supervision system you could use to supervise the practices of brokers new to the profession. Some of the documents to which we refer are available on the OACIQ website.

It is possible that the agencies have established other forms of supervision that would be totally adequate according to the number of brokers to be supervised.

However, here is what the OACIQ recommends:

1. Proceed to open a "Human Resources" record

- a. Verify the history of the broker new to the profession (the number of agencies for which he/she has worked, as the case may be);
- b. Integrate into the hiring contract between the agency and the broker a mandatory number of education activities or conferences to attend annually (for example: two training programs or conferences);
- c. Enlist experienced brokers, if necessary, to supervise the brokers new to the profession.

2. Provide for a starter kit to be given to the broker new to the profession, which may contain:

- Book of standard clauses;
- Disclosure notices;
- Quick reference to missing documents;
- Summary of the advertising rules (pages 15 and 16 of the Advertising guide for real estate and mortgage agencies and brokers);
- Copy of brokerage forms;
- The agency's internal procedures;
- Function and services offered by the OACIQ (article search, *Synbad*, etc.);
- Function and services offered by the Real Estate Board or any related service (search and listing of properties in the MLS);
- Land Register research guide;
- Relevant articles;
- Suggested education activities.

3. Verification of brokerage contracts

Here is a suggested procedure to help you fulfill your duty to verify the brokerage contract records before an immovable can be put on the market:

- Prepare comparable properties sold in the sector;
- Look up the municipal assessment/tax amount;
- Search in Land Register (ensure that the broker understands the titles);

- Verify the impact of the property's location (radon, iron ochre, pyrite, blue-green algae);
- Verify the drafting of the brokerage contract clauses;
- Ensure that the "Declarations by the Seller" form (DS) will be completed when the brokerage contract is accepted;
- Verify that all the relevant documentation is included in the record;
- Supervise drafting of the property description, preparation of advertising, follow-up of calls and organizing of open houses;
- Provide for a tandem with an experienced broker, if required;
- Leave explanatory notes in the record on the follow-up given to the broker new to the profession.

4. Verification of transaction proposals

To fulfill the obligation to verify the transactions and oversee their progress, here is what we suggest:

- Review the legal principles governing the drafting of the transaction proposal (signature, deadlines, drafting of specific clauses);
- Update the comparable properties sold in the sector;
- Ensure that the broker has all the required forms in hand (Counter-offer, Amendments and notice of fulfillment of conditions, General Annex);
- Carry out a few oral situation exercises with the broker and assure the broker of your availability to answer questions;
- Recommend payment of a deposit and ensure that the broker is able to manage the stipulated deposit in accordance with the established rules. (For example, cheque remitted upon drafting of the promise to purchase, under clause 4.2);
- Review the drafting of the contract, establish a schedule (deadlines) and supervise follow-up of the transaction until fulfillment of the conditions and execution of the deed of sale;
- Provide for a tandem with an experienced broker, if required;
- Leave explanatory notes in the record on the follow-up given to the broker new to the profession.

5. Progress of the broker new to the profession

- Provide for meetings on a regular basis;
- Frankly discuss difficulties, achievements and corrective actions required;
- Leave explanatory notes on these meetings and the education activities taken by the broker new to the profession, in the HR (Human Resources) record.

It may be important to offer to guide the brokers new to the profession in the physical and material organization of their work space, suggest a filing method and provide them with examples of a work structure for one day, one week, one month, etc.

Brokers new to the profession and inspection

It is important for the agencies to provide for a supervision system immediately and note the aspects of the new broker's practice which were supervised.

During the next inspection visit at your establishment, the type of supervision given by the agency to brokers new to the profession will be verified.

The agency executive officer remains responsible in terms of the obligation to supervise ALL the brokers acting on behalf of the agency. This is one of the important aspects of an agency executive officer's competency profile developed by the OACIQ. ●

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The OACIQ has Bell Mobility plans for real estate brokers: New benefits you can take advantage of now

Source:
OACIQ

Good news! The OACIQ has negotiated a new agreement with Bell Mobility for Basic and Elite plans with a three-year term. These improved plans are even better tailored to your needs and are certainly worth considering.

Elite plan

The Elite plan, which many of you have at the moment, is available for \$49 instead of \$52.20 since September 1, 2010. In addition, if you sign up for this new Elite plan, you will get the Call Display option for free. If you are already paying \$3.75 a month for this feature, this represents a monthly total savings of \$6.95.

Another novelty with the new Elite plan is that you will have 100 extra minutes a month to make your calls. New customers on this plan will receive a \$100 credit on any new activation. It's worth a look!

Basic plan

Basic plan customers also have benefits: the cost of the plan has been reduced from \$31.45 to \$27 a month with the same advantageous features, representing a savings of \$4.45.

Please note

These new plans use per-minute billing and qualify you for a phone upgrade every 24 months, with applicable rebate depending on the terms of the plan selected.

Don't wait, call today!

To avail yourself of the new Bell Mobility Basic or Elite plans, contact Mr. Simon Wavroch from Cellcom Rive-Sud at 450 463-7777 or 1 888 832-6015.

OTHER BENEFITS

Basic and Elite plan long-distance rates are hard to beat

It bears reminding that by subscribing to one of these two Bell Mobility plans, you are entitled to a very competitive long-distance rate within Canada of 6¢ a minute, another reason for taking advantage of these deals between the OACIQ and Bell Mobility.

New Flex data option also available:

Brokers using an iPhone or Personal Digital Assistant (PDA) can also save through our Bell Mobility agreement. The Flex Option offers a very economical way of calculating megabytes volume: the price category changes based on your monthly usage. No unpleasant surprises on your bills!

As you can see, there are real benefits to taking advantage of the offers which the OACIQ has negotiated for you with Bell Mobility! ●



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Profession **Broker** November 2010

Opening and maintaining a **trust account**

GOOD NEWS: *Agreement between the OACIQ and Scotiabank*

We are happy to inform you that we have negotiated an agreement with Scotiabank to join the list of financial institutions where you can open a trust account.

Here is the list of financial institutions with which the OACIQ has negotiated an agreement:

- Caisses populaires et d'économie Desjardins;
- National Bank of Canada;
- Royal Bank of Canada;
- Bank of Montreal;
- CIBC;
- Toronto-Dominion Bank;
- Laurentian Bank;
- HSBC (Hong Kong Bank);
- Scotia Bank.

For questions, please contact Mrs. Karyne Dubreuil, OACIQ Inspection Department, at 450 462-9800 or 1 800 440-7170, ext. 8455, or by email at kdubreuil@oaciq.com. ●

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*OACIQ statistics for August 2010

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Source:
OACIQ

New notices of disclosure

Inspection

Since the coming into force of the Act on May 1, 2010, you are no longer required to forward your disclosure notices to the OACIQ. Notices of disclosure (purchase, sale, exchange or loan) are to be remitted to your agency, which will enter them in a specially designated register and file them in a record created for that purpose.

Also, please note that new notices of disclosure have been created for the purchase, sale and exchange of an immovable, and a separate one to be used when the broker acts as mortgage lender. These new notices are available on the OACIQ website at www.oaciq.com in the "Our Forms" section, under the "Inspection" tab.

New rules for real estate and mortgage agencies and real estate and mortgage brokers acting on their own account:

1. Create a disclosure notice record

Since the coming into force of the Act, agencies and brokers acting on their own account must set up a single record in which all notices of disclosure will be filed. For example, a record entitled "Notices of disclosure 2010" could be created for all disclosure notices issued by brokers acting for the agency or, in the case of a broker acting on his own account, for the broker's own notices.

2. Create a disclosure notice register

Agencies and brokers acting on their own account must also create a disclosure notice register in which to enter the information concerning each notice received. A copy of this register will have to be sent to the OACIQ before March 31 of each year. A sample disclosure notice register is available on the OACIQ website at www.oaciq.com in the "Our forms" section, under the "Inspection" tab.

For any questions regarding these new additions, do not hesitate to contact the Inspection Department at 450 462-9800 or 1 800 440-7170, ext. 8455. ●

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Source:
Chambre
des notaires
du Québec

Bank clearing and signing of the notarial act: clarification

In the last issue of Info ACAIQ, we talked about bank clearing rules and their impact on notary practices in real estate transactions. The Chambre des notaires du Québec had issued a reminder that the signing of the act of sale could not be completed by the notary until all deposits had duly cleared and the funds held in the notary's trust fund were irrevocably available.

The Chambre des notaires du Québec has issued a clarification regarding certain points contained in this article in order to further explain the clearing periods that must be taken into account based on the various types of deposits.

Instant vs standard electronic funds transfer (EFT)

A distinction must be made between an instant and a standard electronic funds transfer (EFT). Whereas the instant EFT is an Internet transfer that gives the notary access to the sums in his trust account as soon as they are deposited, a standard EFT is an internal bank transfer that is subject to normal bank clearing rules of one or two working days. In the latter case therefore, to make sure the transaction is secure, the Chambre des notaires du Québec recommends to its members that a standard EFT be received three working days before the signing of the act of sale.

Bank draft

A bank draft clears within 24 to 72 working hours after the day of deposit. This clearing period starts to run at 3:00 p.m. on the day the deposit is entered by the financial institution. Consequently, the notary may request a bank draft, either from a client for the payment of the deposit, or from the financial institution to disburse the mortgage funds, 72 working hours prior to the transaction. This period may even be longer – up to 5, 7 or even 10 working days – if the financial institution where the draft is deposited freezes the funds in the notary's trust account.

We thank the Chambre des notaires du Québec for this clarification. ●

Electronic document management

In May of this year we published an article on electronic document management (EDM). In that initial phase, we issued the normative framework for the maintenance, preservation and archiving of records and registers.

Since then, a few companies have contacted the Inspection Department and are currently undergoing the OACIQ's EDM certification process. Please note that no company has obtained this certification to date. For more information on electronic document management (EDM), please read the article no. 16081 on the OACIQ Website (www.oaciq.com): "Electronic Document Management (EDM): Maintenance, Preservation and Archiving of Records and Registers". ●



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To Agency
Executive
Officers

Mandatory continuing education session
on the new Act

You can now check your brokers' status

As executive officer of your agency, you can now check the status of brokers acting on your behalf concerning the mandatory continuing education activity on the new Real Estate Brokerage Act.

To do so, go to *Synbad*, the OACIQ extranet, and click on the *Mandatory education* tab on the left-hand side of the screen.

All brokers must have attended the mandatory continuing education activity on the new Act by January 31, 2011, failing which their licence will be suspended.

Consequently, we strongly urge you to encourage the brokers acting on your behalf to register immediately for this mandatory education activity. If they delay too long, they could be forced to travel a long distance to attend the education activity in another region.

All available dates are on Synbad

To this effect, please note that the last available dates on the October, November, December and January schedules are posted on *Synbad* and that no further dates will be added. You may access the schedule by clicking on the heading *Mandatory continuing education activity - New Real Estate Brokerage Act*.

So far the OACIQ has successfully covered all Québec regions in order to introduce real estate brokers to the new Act. It is important to note that the OACIQ will return to some regions only one time more. Please inform your brokers without delay, as it would be unfortunate for them not to be able to attend a session in the region of their choice!

We remind you that 80% of Québec's 18,000 real estate brokers have already received their CEU for attending the mandatory continuing education activity on the new Act, or have registered and reserved their spot on the schedule.

If you require additional details, please contact an information agent from your Info OACIQ Centre at 450 462-9800 or 1 800 440-7170, or by email at info@oaciq.com ●

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The
OACIQ
in action!

OACIQ 2010 advertising campaign

The OACIQ's new advertising campaign aired on Québec's main websites and television networks from September 27 to October 24.

The OACIQ had created four 15-second advertising capsules in English and French to send clear, short and impactful TV messages. Airing in pairs of two 15-second spots per program, the capsules illustrated the advantages of working with a recognized professional when buying, selling or financing a residential or commercial property.

Four big box banner ads in English and French were also developed for the web component of this campaign and disseminated during the same period.

In addition, a microsite was developed to support the OACIQ's ad campaign, echoing the web and TV messages and highlighting the concrete benefits of dealing with a broker.

This campaign was primarily aimed at adults likely to buy or sell a residential or commercial property. Television was selected as



TV Message

the medium of choice for this campaign due to its strong impact potential with the target clientele. The use of the web was to give the campaign a presence in a key component of the normal home-buying process.

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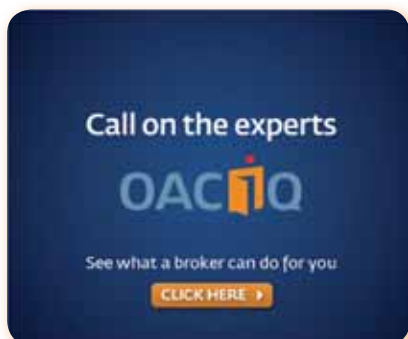
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Web Capsule

Feedback

Based on the comments we received, these ads did a great job of conveying in very few words the important role that you play in a real estate transaction. This was precisely the aim of this campaign, which was designed to show the public that not using the services of a broker for the purchase, sale or financing of a residential or commercial property is risky business.

In addition, as real estate professionals, you know the kind of fierce competition brokers face with agentless sales networks increasingly gnawing at their market share. These networks keep hammering home the message that selling without an intermediary is a real alternative to using a broker's services, at a much cheaper cost.

The OACIQ determined that it could not take this all-out offensive on your profession lying down. This is why we decided to focus on getting the public to reflect on the importance of taking advantage of the full range of services offered by brokers.

Our process

To convey this message, it was important for us to call on advertising professionals who have an expert grasp of the media and know how to reach target audiences by piquing their interest.

With today's consumers facing a barrage of advertising messages, we were looking for a strong and original concept that would set us apart. With this in mind, the Sid lee advertising agency used a proven strategy, one that consists in creating an emotion. And one of the most effective emotions that one can tap into is laughter.

Since we only had fifteen seconds to draw attention to our message, we had to quickly establish a misleading premise for the viewer, created by characters setting a specific scene. It quickly became clear for the viewer that the situation portrayed was comparable to the sale or purchase of real estate.

This being said, although they are very stereotypical, the characters used in the ads were not idiots; they were people acting in good faith who simply thought – mistakenly – that they could handle a complex situation of which they did not clearly understand every aspect. This is where the analogy with the work of real estate brokers became clear: the sale or mortgage financing of a home or building are

– continued on page 26

La méthode Immo-Succès!

by Sylvia Perreault

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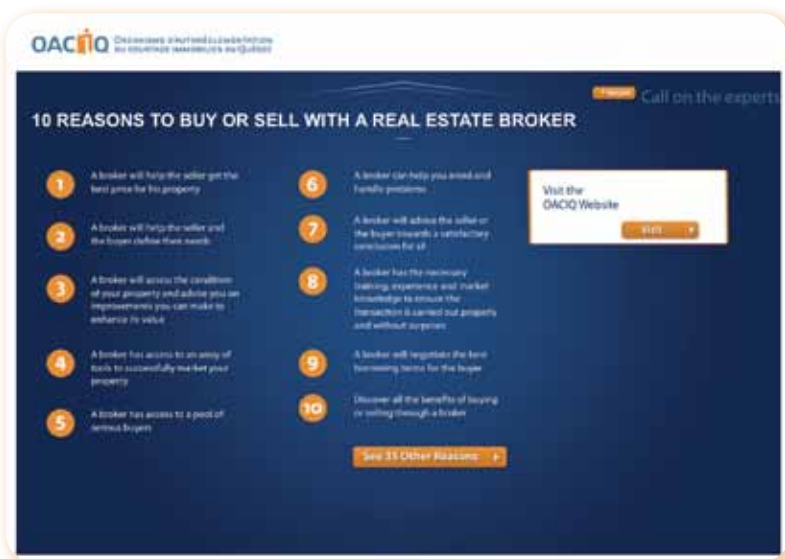
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Microsite

also complex transactions. The OACIQ's ads managed to show, in a humorous context, that this type of transaction is best left to a real estate broker if one wants to avoid random or, worse, catastrophic results.

This was the rationale behind the process we opted for to promote your profession.

And if the success of the 2010 advertising campaign is confirmed, we will go ahead with the creation of a second component. In view of this, you may be assured that all your comments on this campaign will be carefully reviewed and preserved. ●

Reminder

Tax rates: Do your detailed description sheets contain the correct information?

Following the deposit of the new three-year assessment rolls, several brokers have called us to point out that the amount of taxes appearing on some detailed description sheets refers to the year 2010, whereas the municipal assessment is the one for 2011, without this being specified.

Please make sure that your description sheets show the correct reference year for taxes, and specify the basis for the municipal assessment. As well, be vigilant and look out for the new tax rates when they are issued in the new year, and the three-year assessment when it is filed, in order to make the appropriate changes to your listings quickly. By adopting this good practice, you will avoid many unpleasant surprises for your clients!

The information agents in our Info OACIQ Centre are there to answer your questions and guide you to our various services. Contact them by phone at 450 462-9800 or 1 800 440-7170, or by email at info@oaciq.com. ●

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The OACIQ was there!

When the new law came into force, the OACIQ attended numerous conventions in order to keep brokers informed of the changes in the industry. Among others, the OACIQ had a booth at:

the La Capitale Real Estate Network annual convention

at Manoir Saint-Sauveur, on September 21-22, 2010.

the Re/Max Québec annual convention

at the Palais des congrès de Montréal, on September 24, 2010.

the annual convention of the Chambre immobilière de la Mauricie

at the Hôtel des Gouverneurs in Trois-Rivières, on October 13, 2010.

the annual convention of the Chambre immobilière de l'Estrie

at the Delta Sherbrooke, on October 19, 2010.

the annual convention of the Chambre immobilière de l'Outaouais

at the Château Cartier, on October 21, 2010.

the annual convention of the Chambre immobilière de Québec

at the Hôtel Clarion, on October 26, 2010.

In addition, the OACIQ had a speaker to address:

the Chambre immobilière de l'Outaouais at the Château Cartier, on October 21, 2010.

The Organization's Syndic, Mrs. Hélène Morand, discussed the changes brought by the new Real Estate Brokerage Act.

the Chambre immobilière de Québec at the Hôtel Clarion, on October 26, 2010. The Organization's Syndic, Mrs. Hélène Morand, also spoke about the new Act.

The OACIQ will be there!

The OACIQ will have a booth at:

the annual convention of the Chambre immobilière du Saguenay Lac St-Jean,

on November 25, 2010

The OACIQ and you

Info OACIQ Centre

The Info OACIQ Centre answers your many questions

With 6138 calls, the month of September 2010 was the second busiest month since the inception of the Info OACIQ Centre, with the month of May of the same year being the busiest. At the end of September, the total number of calls recorded thus far - 45,552 - already exceeds the total of 42,644 reached at the end of December 2009.

What's more, in September, nearly 80% of the incoming calls were from brokers and agencies, compared to a rate approaching 60%-65% usually. After answering numerous calls regarding licence maintenance in recent weeks, we are back to normal fielding questions about current transactions, forms, professional practices, and the mandatory education activity.

Education Department

New Real Estate Brokerage Act

So far, quite a few of you have registered for the mandatory education activity on the new Act. In fact, nearly 9000 brokers have now attended 67 education activities.

We also want to remind you that the deadline for taking the continuing education activity on the new Act is January 31, 2011, and that it is important that you attend, otherwise we will have no other choice but to suspend your licence.

To find out about available dates, visit *Synbad*, the OACIQ Extranet, where you can register as well. Don't wait, it's easy to do it now... and more prudent!

Assistance Service

The Assistance Service maintains its focus

New employees have been added to the Assistance Service to help the OACIQ further improve its lead time for processing cases. Furthermore, we have begun to receive requests for mediation and arbitration, responsibilities that have been assigned to the Service since the new Act came into force, and which represent a challenge that the Service is confident that it can meet with aplomb.

Elsewhere, the number of cases processed is substantially the same from year to year. They most often concern the service rendered by the licence holder, or erroneous or incomplete information.

Certification Department

Your profession is in good health

Finally, the first OACIQ licence maintenance process is officially over. We registered 17,448 licence maintenance requests out of a total of 19,949 notices sent initially. This represents an 87.5% retention rate, the best since the ACAIQ's founding in 1994.

Do you prefer to view **Profession Broker** online on the OACIQ website or to receive it by mail?

Although there are advantages to maintaining your subscription to **Profession Broker**, you should know that you now have the option to discontinue your subscription and view the publication online on the OACIQ website.

A link to unsubscribe has been created to make this service flexible and easy to use.

Simply go to **My record** on *Synbad*, the OACIQ extranet, and indicate your preference by clicking on the link:

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