

Gazette officielle du Québec

(English Edition)

Part 2

Laws and
Regulations

Volume 125

20 October
1993
No. 44

Québec 

Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 125
20 October 1993
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Summary

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2° proclamations of Acts;

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5° regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by laws;

6° rules of practice made by judicial courts and quasi-judicial tribunals;

7° drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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The English version contains the English text of the documents described in paragraphs 1, 2, 3, 5, 6 and 7 of section 1.

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Regulations

Gouvernement du Québec

O.C. 1417-93, 6 October 1993

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6)

State casinos

— Employment conditions

Rules respecting employment conditions in State casinos

WHEREAS under subparagraph *a* of the first paragraph of section 20.2 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), enacted by section 51 of Chapter 39 of the Statutes of 1993, the Régie des alcools, des courses et des jeux may make rules to establish the conditions that must be met by persons among those working in a casino, performing duties connected with the casino, entrusted with the training of such persons or supplying goods or services to the casino or to the patrons as well as the directors or employees of such persons;

WHEREAS the Régie des alcools, des courses et des jeux made the Rules respecting employment conditions in State casino attached to this Order in Council;

WHEREAS under the third paragraph of section 20.2 of that Act, those Rules must be submitted to the Government for approval;

WHEREAS under paragraph 1 of section 114 of the Act respecting the Régie des alcools, des courses et des jeux and amending various legislative provisions (1993, c. 39), the first rules made prior to 12 October 1993 by the Régie des alcools, des courses et des jeux for each of the matters covered in section 20.2 of the Act respecting lotteries, publicity contests and amusement machines may be made without a draft version being published in the *Gazette officielle du Québec* and may come into force from the date of their publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to approve the Rules attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance and the Minister of Public Security:

THAT the Rules respecting employment conditions in State casino, attached hereto, be approved.

BENOÎT MORIN,

Clerk of the Conseil exécutif

Rules respecting employment conditions in State casinos

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6, s. 20.2, 1st par., subpar. *a* and 2nd par.; 1993, c. 39, s. 51)

DIVISION I EMPLOYMENT CONDITIONS

1. The terms of this Division apply to any person who has applied for a position in a State casino and whose application is retained by the Société des loteries du Québec or one of its subsidiaries, for one of the following job categories:

(1) managers, directors and section heads, such as:

(a) Director;

(b) Assistant Director;

(c) Shift Manager, Games;

(d) Shift Manager, Slot Machines;

(e) Supervisor of Gaming Tables;

(f) Comptroller;

(g) Assistant Comptroller;

(h) Physical Security Manager;

(i) Surveillance Manager;

(j) Security Agent;

- (k) Executive Secretary;
- (l) Assistant Manager;
- (2) administrative and maintenance attendants, clerks and technicians, such as:

- (a) Secretary;
- (b) Office Clerk;
- (c) Maintenance Attendant;
- (d) Cloakroom Attendant;
- (e) Parking Attendant;
- (f) Health and Safety Supervisor;
- (g) Buyer;
- (h) Accounting Clerk;
- (i) Budget Clerk;
- (j) Administration Clerk;
- (k) Counting Attendant;
- (l) Counting Inspector;

- (3) gaming technicians and attendants, such as:

- (a) Training Technician;
- (b) Surveillance Technician;
- (c) Host;
- (d) Croupier;
- (e) Cashier;
- (f) Chief Cashier;
- (g) Change Attendant;
- (h) Slot Machine Attendant;
- (i) Equipment Maintenance Technician;
- (j) Equipment Maintenance Supervisor;

- (4) hostelry and other auxiliary service personnel, such as:

- (a) Head Chef;

- (b) Head Pastry Chef;

- (c) Cook;

- (d) Salad Cook;

- (e) Assistant Cook;

- (f) Maître D';

- (g) Bar Supervisor;

- (h) Waiter, Dining Room;

- (i) Waiter, Bar;

- (j) Bartender;

- (k) VIP Lounge Host;

- (l) Storekeeper/Receiver;

- (m) Dishwashing Supervisor;

- (5) hostelry and other auxiliary service assistants, such as:

- (a) Busperson;

- (b) Dishwasher.

2. Prior to being hired for a State casino by the Société des loteries du Québec or one of its subsidiaries and during the term of his contract, every person whose application is retained must meet the following conditions:

- (1) be of full age;

(2) at the time of his job application to the Société des loteries du Québec or one of its subsidiaries, five years must have elapsed after having served his sentence, if he pleaded guilty to or was found guilty of, in Canada or the equivalent in any other country, an indictable offence or an offence punishable on summary conviction which is connected to the position applied for and for which he has not received a pardon or an unconditional discharge, against:

- (a) the terms of any of sections 46, 49 to 52, 57, 58, 61, 74 to 78, 80, 81, 85 to 91, 93 to 97, 119 to 128, 130, 136 to 142, 144 to 147, 151 to 153, 155, 159, 160, 163, 165 to 179, 180 to 182, 191, 193, 201 to 203, 206, 209 to 213, 219 to 222, 224 to 226, 229, 230, 239, 240, 243, 244 to 248, 262, 264.1, 265 to 273, 279, 279.1, 280, 281, 322, 326 to 328, 331, 332, 336, 337, 341, 342, 342.1, 343, 345, 346 to 349, 351,

352, 354, 356, 357, 362, 363, 366, 368, 369, 374, 375, 376, 380 to 390, 392 to 404, 407, 408, 410, 411, 413, 417, 422 to 426, 430 to 436, 449 to 454, 458 to 462, 462.31, 463 to 465 of the Criminal Code (R.S.C., 1985, c. C-46);

(b) the terms of section 38.1 or 48 of the Food and Drug Act (R.S.C., 1985, c. F-27);

(c) the terms of section 3.1, 4 or 5 of the Narcotics Control Act (R.S.C., 1985, c. N-1);

(3) not have pleaded guilty to, or have been found guilty of, during the three years preceding his job application to the Société des loteries du Québec or one of its subsidiaries, an offence against section 84, section 107, paragraph 1, 2, 4 or 6 of section 108, paragraph 1, 2 or 3 of section 109, paragraph 4 or 6 of section 112, paragraph 2 of section 113 or section 117 of the Act respecting offences relating to alcoholic beverages (R.S.Q., c. I-8.1);

(4) not have pleaded guilty to, or have been found guilty of, during the three years preceding his job application to the Société des loteries du Québec or one of its subsidiaries, an offence against section 121 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6) amended by section 72 of Chapter 39 of the Statutes of 1993, which is connected to the position applied for;

(5) be honest and morally fit according to the facts revealed by the verification to which he consented, and which was conducted under section 52.11 of the Act respecting lotteries, publicity contests and amusement machines enacted by section 56 of Chapter 39 of the Statutes of 1993;

(6) not have pleaded guilty to, or have been found guilty of, during the three years preceding his job application to the Société des loteries du Québec or one of its subsidiaries, an offence against Part VIII of the Bankruptcy and Insolvency Act (R.S.C., 1985, c. B-3);

(7) consent to be finger-printed and photographed by the Sûreté du Québec for the application of these Rules.

3. Despite section 2, the persons whose applications are retained, by the Société des loteries du Québec or one of its subsidiaries, for a position in the hostelry and other auxiliary services category are not subject to paragraph 1 of section 2 or to paragraphs 4 and 6 of that section.

In the same manner, those whose applications are retained for a position in the administrative and maintenance attendants, clerks or technicians category or in the gaming technicians and attendants category are not subject to paragraph 3 of section 2.

Persons whose applications are retained for a position in the hostelry and other auxiliary service personnel category or for the position of maintenance attendant, cloakroom attendant, parking attendant or health and safety supervisor are not subject to paragraphs 4 and 6 of section 2.

Also not subject to paragraph 6 of section 2 are the persons whose applications are retained for one of the following positions:

- (1) Secretary;
- (2) Office Clerk;
- (3) Buyer;
- (4) Host.

4. Prior to being hired for a State casino by the Société des loteries du Québec or one of its subsidiaries, every person whose application is retained must provide the following documents to the Régie des alcools, des courses et des jeux:

(1) a copy of his birth certificate or a proof of his date and place of birth;

(2) in the case of a person who is not a Canadian citizen, the original or a certified copy of the document issued by the Canadian Immigration authorities attesting his permanent resident status or the original or certified copy of his work permit or any other document issued by the Canadian Immigration authorities permitting him to work in Québec.

5. Prior to being hired in a State casino by the Société des loteries du Québec or one of its subsidiaries, and, where applicable, during the term of his contract, any person in the managers, directors and section heads category, any person in the gaming technicians and attendants category and, in the administrative and maintenance attendants, clerks and technicians category, the counting attendant and the counting inspector must provide the board with a certificate of credit from each financial institution with which they do business establishing that they meet their obligations.

In addition, any person in the managers, directors and section heads category must provide the board with a statement of his financial situation on the date of the

job application and, where applicable, on the date of a request to that effect from the board pursuant to section 52.10 of the Act respecting lotteries, publicity contests and amusement machines, enacted by section 56 of Chapter 39 of the Statutes of 1993.

For the purposes of this section,

"financial institution" means a financial institution described in paragraph *a, b, c, e* or *f* of the definition of "specified financial institution" in section 1 of the Taxation Act (R.S.Q., c. I-3).

6. A contracting party himself or, in the case of a legal person or partnership, every director thereof, whose application is retained by the Société des loteries du Québec or one of its subsidiaries and that wishes to become a supplier of goods and services in a State casino is subject to the conditions laid down in paragraphs 1, 2 and 5 of section 2.

Any contracting party wishing to supply goods or services related to casino games is subject to the conditions laid down in section 5. The same applies to any subcontractor of such a contracting party who performs duties within the casino.

However, an agent or mandatary of the Government, public utility firm, financial institution or holder of a permit issued under the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13) wishing to supply goods or services to a casino, or a contracting party wishing to supply a delivery service to a casino, is not subject to the conditions laid down in paragraphs 1, 2 and 5 of section 2 and in section 5.

For the purposes of the third paragraph,

"public utility firm" means a public utility firm referred to in the Schedule to the Charter of the French language (R.S.Q., c. C-11); and

"financial institution" means a specialized financial institution as defined in section 1 of the Taxation Act.

7. A contracting party that is a legal person or a partnership whose application has been retained by the Société des loteries du Québec or one of its subsidiaries and that wishes to supply the Société des loteries du Québec or one of its subsidiaries with goods and services in a State casino must provide the board with the following information and documents:

(1) the name and telephone number of the legal person or of the partnership, and the address of its head office; and

(2) a copy of the resolution authorizing a natural person to act in the name of the legal person or the partnership.

8. When a change occurs in the conditions required by section 2 and in the information required by sections 4 and 7, the persons concerned must so advise the board within ten days of the change.

Pursuant to section 52.10 of the Act respecting lotteries, publicity contests and amusement machines, the persons concerned must, within the same period, on the board's request, provide the documents required by sections 5 and 7.

9. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

7874

Draft Regulations

Draft Regulation

Public Health Protection Act
(R.S.Q., c. P-35)

Regulation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Public Health Protection Act, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

The Draft Regulation may be made within a shorter period than the 60-day period that would normally be applicable to it pursuant to sections 11 of the Regulations Act and 69 of the Public Health Protection Act (R.S.Q., c. P-35) because the Government is of the opinion that the urgency of the situation requires it.

In the opinion of the Government, the urgency owing to the following circumstances justifies a shorter publication period:

- the forms relating to births, marriages and deaths in the Schedules to the Regulation to amend the Regulation respecting the application of the Public Health Protection Act are required for the purpose of harmonization with the new provisions of the Civil Code of Québec which is scheduled to come into force on 1 January 1994;
- the registration of births and deaths carried out in the facilities operated by the institutions of the health and social services network is subject to the prescriptions of the new Civil Code;
- consequently, the Regulation to amend the Regulation respecting the application of the Public Health Protection Act must be made and published in the *Gazette officielle du Québec* before 1 January and the forms must be distributed in advance to all health and social services institutions to ensure a coherent implementation of the new Civil Code provisions.

Any interested person wishing to make comments on the subject is asked to send them in writing before the expiry of the 15-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec), G1S 2M1.

MARC-YVAN CÔTÉ,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the application of the Public Health Protection Act

Public Health Protection Act
(R.S.Q., c. P-35, ss. 45, 46, 47, 49, 51, 52 and s. 69,
1st par., subpars e, f and h)

1. The Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, c. P-35, r. 1), amended by the Regulations made by Orders in Council 3506-81 dated 16 December 1981 (Suppl., p. 1066), 2335-82 dated 13 October 1982, 975-83 dated 18 May 1983, 1215-83 dated 15 June 1983, 1814-84 dated 16 August 1984, 1894-84 dated 22 August 1984, 47-85 dated 16 January 1985, 850-85 dated 8 May 1985, 1272-86 dated 20 August 1986, 1497-86 dated 1 October 1986, 1557-87 dated 7 October 1987, 713-89 dated 10 May 1989, 1506-89 dated 13 September 1989, 1099-90 dated 1 August 1990, 1590-91 dated 20 November 1991 and 1245-92 dated 26 August 1992, is further amended by substituting the following for Chapter I:

"CHAPTER I CERTIFICATES OF BIRTH, MARRIAGE AND DEATH"

2. Section 3 of the Regulation is amended:

(1) by substituting, in the first paragraph, the words "certificates made" for the words "declarations made" and the words "signed and mailed" for the words "signed by the declarant and mailed";

(2) by substituting, in the second paragraph, the words "certificate shall be made" for the words "declaration shall be made" and the words "the persons completing it must" for the words "the declarant must".

3. Section 4 of the Regulation is amended by substituting, in the first paragraph, the words "a certificate" for the words "a declaration".

4. Section 5 of the Regulation is amended by substituting the words "a certificate" for the words "a declaration".

5. The following is substituted for sections 6 to 8 of the Regulation:

"6. When an incomplete certificate has been sent to it, the Bureau de la statistique du Québec may return it to the person who completed it or to any other person who might provide the missing information and request that it be completed and returned within 30 days.

7. Information shall be given according to the best knowledge of the person who completes the certificate; he must indicate, where applicable, his lack of personal knowledge regarding certain facts or his source of information.

8. The Bureau de la statistique du Québec may correct any certificate when it is informed that such correction is necessary to make the certificate conform to the facts."

6. The following is substituted for the heading of Division I of Chapter I of the Regulation:

**"DIVISION I
CERTIFICATES OF BIRTH"**

7. Section 9 of the Regulation is amended by substituting the following for the first paragraph:

"9. A certificate of birth within the meaning of section 45 of the Act must be completed at each confinement."

8. Section 10 of the Regulation is amended by substituting the words "the certificate of birth is completed and sent" for the words "the declaration of birth is completed and sent".

9. Section 11 of the Regulation is amended by substituting the words "the certificate is completed and sent" for the words "the declaration is completed and sent".

10. Sections 13 and 15 of the Regulation are revoked.

11. The following is substituted for the heading of Division II of Chapter I of the Regulation:

**"DIVISION II
CERTIFICATES OF MARRIAGE"**

12. The following is substituted for section 16 of the Regulation:

"16. A certificate of marriage within the meaning of section 46 of the Act must be completed by using the form in Schedule 2."

13. Section 17 of the Regulation is amended by striking out the second sentence.

14. The following is substituted for the heading of Division III:

**"DIVISION III
CERTIFICATES OF DEATH"**

15. Section 18 of the Regulation is amended by substituting the words "A certificate" for the words "A declaration" and the words "completed by using" for the words "made by completing" in the English version and the word "transmis" for the word "transmise" in the French version.

16. Section 20 of the Regulation is amended by substituting the words "of the certificate" for the words "of the declaration".

17. Section 21 of the Regulation is amended by substituting the words "given a certificate of death;" for the words "given a copy of an attestation of the declaration of death;"

18. Sections 22 to 25 of the Regulation are revoked.

19. Division IV of Chapter I of the Regulation is revoked.

20. The following is substituted for section 86 of the Regulation:

"86. The person responsible for the transportation of a body by means of public transport within Québec must keep a copy of the certificate of death on his person.

A copy of the certificate of death must also be affixed to the box containing the coffin."

21. The following is substituted for section 88 of the Regulation:

"88. The funeral director referred to in section 87 must keep the certificate of death and, where applicable,

the document attesting to the authorization of the coroner for 5 years.

Those documents must be produced upon request to any investigator appointed under the Act.¹¹

22. Schedules 1, 2 and 3 attached to this Regulation are substituted for Schedules 1, 2 and 3 to the Regulation.

23. This Regulation comes into force on 1 January 1994.

SCHEDULE 1

(ss. 9 and 14)



Gouvernement du Québec
Ministère de la Santé et
des Services sociaux

Management entrusted to the
Bureau de la statistique du Québec

SP-1
Certificate of
Live Birth

Please type or print in block letters using a ball-point pen.
Do not write in shaded spaces. Press firmly.

PLACE OF BIRTH

1. Name of institution where birth occurred	2. Code of institution
3. Exact location where birth occurred (No., street, municipality, province or country)	Postal code

IDENTIFICATION OF PARENTS (Write the surname and given names according to the act of birth)

4. Surname of father		5. Usual given name	
6. Birthdate of father Year : Month : Day :	7. Age	8. Father's birthplace (province or country)	
9. Mother tongue of father 01 ☐ French 02 ☐ English Other _____		12. Tel. No. where mother can be reached Area code : Number :	
10. Surname of mother (according to the act of birth)		11. Usual given name	
13. Birthdate of mother Year : Month : Day :	14. Age	15. Mother's birthplace (province or country)	
16. Mother tongue of mother 01 ☐ French 02 ☐ English Other _____		17. Mother's address (No., street, municipality, province or country)	
18. Language spoken at home 01 ☐ French 02 ☐ English Other _____		19. Marital status of mother 1 ☐ Single (never married) 2 ☐ Married and living with her spouse 3 ☐ Widowed	
20. Relationship with partner 1 ☐ Living together as a couple 2 ☐ Not living together as a couple		21. Number of years mother attended school	
22. Number of children previously born (excluding present pregnancy) Unborn : Stillborn (320 grams or more) :		23. Date of last live birth Year : Month : Day :	
24. Date of last marriage Year : Month : Day :			

IDENTIFICATION OF CHILD AT BIRTH

25. Surname of child	26. Given name(s)
----------------------	-------------------

SIGNATURE OF MOTHER OR FATHER

I confirm that the above information is accurate, and authorize its being sent to the Bureau de la statistique du Québec, to the ministère de la Santé et des Services sociaux, to the regional public health department and to the local community service centre.

27. Date signed Year : Month : Day :	28. Signature of at least one of the two parents X
---	---

MEDICAL CERTIFICATION OF BIRTH

29. Date and time of birth Year : Month : Day : Hour : Minute :	30. Type of birth 01 ☐ Single 02 ☐ Twin Other (specify) _____	31. If multiple birth, state whether this child born 1 st ☐ 2 nd ☐ 3 rd ☐ Other (specify) _____
32. Sex of child 1 ☐ Male 2 ☐ Female 3 ☐ Undetermined	33. Weight at birth (grams)	34. Duration of pregnancy (completed weeks)
35. Accoucheur (surname and usual given name)	36. Permit No. (Corp. des médecins)	37. Tel. No. at work Area code : Number :
38. Accoucheur's address (No., street, municipality, province)	Postal code	
39. Was the accoucheur a 1 ☐ Physician 2 ☐ Nurse Other (specify) _____	40. Signature of accoucheur X	41. Date signed Year : Month : Day :

The information given is subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information. The conditions are listed on the back of this copy.

In the case of a multiple birth, please fill in a Certificate of Live Birth (SP-1) for each liveborn child and a Certificate of Stillbirth (SP-4) for each stillborn child.

If a child dies immediately after birth or during the days that follow, a Certificate of Live Birth (SP-1) and a Certificate of Death (SP-3) must nevertheless be completed.



Gouvernement du Québec
Ministère de la Santé et
des Services sociaux

Management entrusted to the
Bureau de la statistique du Québec

SP-1
Certificate of
Live Birth

PLACE OF BIRTH

1. Name of institution where birth occurred		2. Code of institution
3. Exact location where birth occurred (No., street, municipality, province or country)		Postal code

IDENTIFICATION OF PARENTS (Write the surname and given names according to the act of birth)

FATHER	4. Surname of father		5. Usual given name	
	6. Birthdate of father Year : : Month : : Day : :	7. Age	8. Father's birthplace (province or country)	
	9. Mother tongue of father 01 ☐ French 02 ☐ English Other : : : :			
	10. Surname of mother (according to the act of birth)			
MOTHER	11. Usual given name		12. Tel. No. where mother can be reached Area code : : Number : : : :	
	13. Birthdate of mother Year : : Month : : Day : :	14. Age	15. Mother's birthplace (province or country)	
	16. Mother tongue of mother 01 ☐ French 02 ☐ English Other : : : :			
	17. Mother's address (No., street, municipality, province or country) Postal code : : : : : : : :			
	18. Language spoken at home 01 ☐ French 02 ☐ English Other : : : :		19. Marital status of mother 1 ☐ Single (never married) 2 ☐ Married and living with her spouse 3 ☐ Widowed 4 ☐ Divorced 5 ☐ Legally separated 6 ☐ Separated, but not legally	
	20. Relationship with partner 1 ☐ Living together as a couple 2 ☐ Not living together as a couple		21. Number of years mother attended school : : : :	
22. Number of children previously born (excluding present pregnancy) Unborn : : : : Stillborn (500 grams or more) : : : :		23. Date of last live birth Year : : Month : : Day : :		
		24. Date of last marriage Year : : Month : : Day : :		

IDENTIFICATION OF CHILD AT BIRTH

25. Surname of child	26. Given name(s)
----------------------	-------------------

SIGNATURE OF MOTHER OR FATHER

I confirm that the above information is accurate, and authorize its being sent to the Bureau de la statistique du Québec, to the ministère de la Santé et des Services sociaux, to the regional public health department and to the local community service centre.

27. Date signed Year : : Month : : Day : :	28. Signature of at least one of the two parents X
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MEDICAL CERTIFICATION OF BIRTH

29. Date and time of birth Year : : Month : : Day : : Hour : : Minute : :		30. Type of birth 01 ☐ Single 02 ☐ Twin Other (specify) : : : :		31. If multiple birth, state whether this child born 1 st ☐ 2 nd ☐ 3 rd ☐ Other (specify) : : : :	
32. Sex of child 1 ☐ Male 2 ☐ Female 9 ☐ Undetermined		33. Weight at birth (grams) : : : :		34. Duration of pregnancy (completed weeks) : : : :	
35. Accoucheur (surname and usual given name)		36. Permit No. (Corp. des médecins)		37. Tel. No. at work Area code : : Number : : : :	
38. Accoucheur's address (No., street, municipality, province)				Postal code : : : : : : : :	
39. Was the accoucheur a 1 ☐ Physician 2 ☐ Nurse Other (specify) : : : :		40. Signature of accoucheur X		41. Date signed Year : : Month : : Day : :	

The information given is subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information. The conditions are listed on the back of this copy.

In the case of a multiple birth, please fill in a Certificate of Live Birth (SP-1) for each liveborn child and a Certificate of Stillbirth (SP-4) for each stillborn child.

If a child dies immediately after birth or during the days that follow, a Certificate of Live Birth (SP-1) and a Certificate of Death (SP-3) must nevertheless be completed.

**Pursuant to sections 64 and 65 of the Act respecting
Access to documents held by public bodies and the Protection
of personal information (R.S.Q., c. A-2.1)**

Please note that:

1. The information contained in the Certificate of Live Birth is gathered on behalf of the Bureau de la statistique du Québec (117, rue Saint-André, Québec), the ministère de la Santé et des Services sociaux (1075, chemin Sainte-Foy, Québec), the regional public health department and the local community service centre.
2. The information gathered for the Bureau de la statistique du Québec is used for administrative and statistical purposes. The information transmitted to the ministère de la Santé et des Services sociaux is included in the birth file used in planning, managing, controlling and assessing programs. The copy of the Certificate of Live Birth sent to the regional public health department and to the local community service centre is used in planning public and community health services.
3. This information will be accessible to:
 - employees of the Bureau de la statistique du Québec, the ministère de la Santé et des Services sociaux, the regional public health department and the local community service centre within the context of their work;
 - any other user meeting the requirements of the Act referred to in the heading and of the Public Health Protection Act (R.S.Q., c. P-35).
4. Sections 83 to 102 of the Act referred to in the heading provide for a right of access to the information contained in this form and the right to have the information corrected if it is inaccurate, incomplete or equivocal.
5. The information requested in this certificate is mandatory. However, if the child's parents are not married and the certificate is signed by the mother only, the mother is not required to indicate the surname and given name of the father.
6. The Public Health Protection Act provides for penalties in the case of a false declaration or of a refusal to supply the requested information.

General instructions concerning the Certificate of Live Birth (SP-1) intended for the Bureau de la statistique du Québec

The Certificate of Live Birth is used in compliance with the regulations made under the Public Health Protection Act (R.S.Q., c. P-35). Pursuant to that Act, the Minister of Health and Social Services has the power to establish and maintain a system for gathering and analysing social, medical and epidemiological data and compile information on births, marriages, divorces, annulments and deaths for demographic purposes. The Bureau de la statistique du Québec is responsible for gathering, processing and using this data under Order in Council 260-85, dated 12 February 1985.

Preliminary notes

- In all cases where the name of a municipality is requested in an address, the full name of the municipality must be given, not that of the region or of a neighbouring city or town, which might be better known.

Examples: (1) Name of municipality: Montréal-Nord (2) Name of municipality: Sainte-Victoire-d'Arthabaska
Not Montréal but Montréal-Nord Not Arthabaska but Sainte-Victoire-d'Arthabaska

- Care should be taken to fill in dates and numbers in the appropriate squares. Mark one zero in each empty space to the left of a figure to show that the figure is complete. All questions must be answered; if the number is zero, mark zero in the appropriate square(s); if the question is not applicable, draw a horizontal line through the appropriate square(s). Note that all dates should be entered in the following sequence: year, month, day.

Examples: Stillbirth 0:0: June 2, 1958 5:8 0:6 0:2 524 grams 0:5:2:4

- The answers must always reflect the situation at the time of the birth, such as the mother's home address, marital status, etc.

DISTRIBUTION OF FORMS

Forms (Certificate/attestation and declaration) and return envelopes are available from:

Bureau de la statistique du Québec
117, rue Saint-André
Québec (Québec)
G1K 3Y3

TIME LIMIT FOR MAILING FORMS

A time limit of eight (8) days after the birth is prescribed for mailing the Certificate of Live Birth (page 1-SP-1) to the Bureau de la statistique du Québec. The Certificate of Live Birth must be sent to the Bureau de la statistique du Québec even if the parents have not decided on the child's surname and given names.

ROLE OF THE INSTITUTION

The institution must send page 1 of the form to the Bureau de la statistique du Québec and page 4 to the regional public health department.

Questions 4, 5 and 11

Usual given name of father and mother and surname of father

Enter the given name ordinarily used, which is mentioned in the act of birth. Compound given names, such as Jean-Pierre or Marie-Claude, must be hyphenated. Do not use nicknames. Even if the father's name is not indicated by the mother in questions 4 and 5, his characteristics (age, date and place of birth, mother tongue) must still be given, if known.

Mother tongue of father and mother

This refers to the first language acquired as a child and still understood. If the first language is no longer understood, give the second language acquired and still understood. If a person gives two answers, please insist that he or she select the language most often used in childhood.

Question 10

Surname of mother

This refers to the surname on the act of birth and not the spouse's surname. Do not use nicknames.

Question 18

Language spoken at home

If more than one language is spoken at home, give the one most frequently used. List one language only.

Questions 19 and 20

Marital status of mother and relationship with partner

When a mother states that she is separated, it must be ascertained whether or not she is legally separated. The notion of relationship with partner is left undefined so that the parents may answer according to their own perception. Questions 19 and 20 must be answered, regardless of the marital status of the parents.

Question 21

Number of years of schooling

This refers to the number of years of schooling successfully completed. School years that were not completed or for which a pass mark was not obtained at the end of the year should not be counted.

Question 22

Number of children born previously

This question must be answered in all cases with no exceptions. For women giving birth for the first time, enter zeros in all the appropriate spaces; for those who have given birth before, indicate the number of live births and, if applicable, the number of stillbirths.

Question 23

Date of last live birth

Enter the birth date of the preceding live birth. For women giving birth for the first time, draw a horizontal line through the appropriate square.

Question 24

Date of last marriage

For those who have been married only once, enter the date of that marriage; for those married more than once, enter the date of the most recent marriage.

Question 25

Surname of child

The surname of the child may be that of the father, Baker; that of the mother, Smith; or of both, Smith-Baker or Baker-Smith. In the latter case, the two surnames must be hyphenated. Initials, such as B.-Smith, may not be used.

Question 26

Child's given names

One or more given names may be given to the child by the parents. However, it is recommended that the number of given names be limited to four (4), and that the given name ordinarily used be placed at the beginning of the list of given names. Compound given names, such as Jean-Pierre or Marie-Claude, must be hyphenated.

Question 28

Signature of parents

The signature of at least one of the two parents is required in order to prompt them to make sure that the information in the form is the information they provided. If both parents are dead or unable to sign, the child's next-of-kin must sign in their place.

Questions 30 and 31

Multiple birth

If possible, all the forms pertaining to a multiple birth (SP-1, SP-3 or SP-4) should be stapled together.

Question 33

Birth weight

Weight should be given in grams only, never in kilograms.

Regional public health department

The copy of the Certificate of Live Birth (page 4) transmitted to the regional public health department and to the local community service centre is used in planning public or community health services.

SCHEDULE 2

(s. 16)



Gouvernement du Québec
Ministère de la Santé et des
Services sociaux

sp-2
Certificate of
Marriage

Management entrusted to the
Bureau de la statistique du Québec

PLACE AND DATE OF MARRIAGE

1. Place of solemnization of the marriage (name of the religious parish, of the municipality and, in the case of a civil marriage, of the judicial district)			
2. Address of the place of solemnization of the marriage (No., street, municipality, province)			
3. Date of marriage			

WIFE				HUSBAND			
6. Surname of wife (according to the act of birth)				20. Surname of husband (according to the act of birth)			
7. Usual given name and other given names (according to the act of birth)				21. Usual given name and other given names (according to the act of birth)			
8. Place of birth (municipality, province or country)				22. Place of birth (municipality, province or country)			
9. Place where birth was registered (parish, municipality, province or country)				23. Place where birth was registered (parish, municipality, province or country)			
10. Date of birth		11. Marital status		12. Date of spouse's death or of divorce		24. Date of birth	
Year	Month	Day	1 ☐ Single (never married) 3 ☐ Widowed 4 ☐ Divorced	Year	Month	Day	25. Marital status
:	:	:		:	:	:	1 ☐ Single (never married) 3 ☐ Widowed 4 ☐ Divorced
13. Mother tongue		14. Number of years of schooling		27. Mother tongue		28. Number of years of schooling	
01 ☐ French 02 ☐ English Other (specify)				01 ☐ French 02 ☐ English Other (specify)			
15. Domicile before the marriage (municipality, province or country)				29. Domicile before the marriage (municipality, province or country)			
16. Address of spouses' domicile (No., street, municipality, province or country)				Postal code			

SIGNATURE OF SPOUSES

I confirm that the above information is accurate, and authorize its being sent to the Bureau de la statistique du Québec and to the ministère de la Santé et des Services sociaux. The information given is subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information. The conditions are listed on the back of this copy.

33. Signature of wife	35. Signature of husband
X	X

IDENTIFICATION AND SIGNATURE OF OFFICIANT

37. Surname of officiant		39. Given name of officiant	
38. Quality of officiant		40. Religious society to which officiant belongs	
5 ☐ Minister of religion 6 ☐ Clerk or deputy clerk			
42. Address of officiant's domicile (No., street, municipality, province or country)		41. Code of officiant	
43. Tel. No. where officiant may be reached		44. Signature of officiant	
Area code		X	
		45. Date signed	
		Year Month Day	

• SP-2A (93-10)

2-0000000

BUREAU DE LA STATISTIQUE DU QUÉBEC

Pursuant to sections 64 and 65 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1)

Please note that:

1. The information contained in the Certificate of Marriage is gathered on behalf of the Bureau de la statistique du Québec (117, rue Saint-André, Québec) and the ministère de la Santé et des Services sociaux (1075, chemin Sainte-Foy, Québec).
2. The information gathered for the Bureau de la statistique du Québec is used for administrative and statistical purposes. The information transmitted to the ministère de la Santé et des Services sociaux is included in the marriage file used in planning, managing, controlling and assessing programs.
3. This information will be accessible to:
 - employees of the Bureau de la statistique du Québec and the ministère de la Santé et des Services sociaux within the context of their work;
 - any other user meeting the requirements of the Act referred to in the heading and of the Public Health Protection Act (R.S.Q., c. P-35).
4. Sections 83 to 102 of the Act referred to in the heading provide for a right of access to the information contained in this form and for the right to have the information corrected if it is inaccurate, incomplete or equivocal.
5. The information requested in the Certificate of Marriage is mandatory.
6. The Public Health Protection Act provides for penalties in the case of a false declaration or of a refusal to supply the requested information.

GENERAL INSTRUCTIONS

The Declaration of Marriage (DEC-50) intended for the Registrar of Civil Status is used in keeping with the Civil Code of Québec. The information contained in this Declaration is used to draw up the Acts of Marriage to be filed in the Register of Civil Status. Article 103 of the Civil Code stipulates that the Registrar of Civil Status is responsible for keeping the Register of Civil Status and for making the necessary alterations to it. He must also ensure the custody and publication of the Register, by issuing copies, certificates and attestations.

The Certificate of Marriage (SP-2) intended for the Bureau de la statistique du Québec is used in compliance with the regulations made under the Public Health Protection Act (R.S.Q., c. P-35). Pursuant to that Act, the Minister of Health and Social Services has the power to establish and maintain a system for gathering and analysing social, medical and epidemiological data and to compile information on births, marriages, divorces, annulments and deaths for demographic purposes. The Bureau de la statistique du Québec is responsible for gathering, processing and using this data under Order in Council 260-85 dated 12 February 1985.

Preliminary notes

- In all cases where the name of a municipality is requested in an address, the full name of the municipality must be given, not that of the region or of a neighbouring city or town, which might be better known.

Examples: (1) Name of municipality: Montréal-Nord
Not Montréal but Montréal-Nord

(2) Name of municipality: Sainte-Victoire-d'Arthabaska
Not Arthabaska but Sainte-Victoire-d'Arthabaska

- Care should be taken to fill in dates and numbers in the appropriate squares. Mark one zero in each empty space to the left of a figure to show that the figure is complete. All questions must be answered: if the number is zero, mark zero in the appropriate square(s); if the question is not applicable, such as questions 14 and 28, draw a horizontal line through the appropriate square(s). Note that all dates should be entered in the following sequence: year, month, day.

Examples: 7 years of schooling 0 7; June 2, 1958 5 8 | 0 6 | 0 2

- The answers must always reflect the situation at the time of the marriage.

DISTRIBUTION OF FORMS

Forms (Certificate/declaration of marriage) and return envelopes are available from:

Direction de l'état civil
205, rue Montmagny
Québec (Québec)
G1N 4T2

TIME LIMIT FOR MAILING FORMS

A time limit of eight (8) days after the solemnization of the marriage is prescribed for mailing the Certificate of Marriage (SP-2) to the Bureau de la statistique du Québec. No form is required to be sent before the actual solemnization of the marriage.

Questions 6, 7, 20 and 21

Surnames and given names of spouses

Enter the family name, usual given name and all other given names mentioned in the spouses' acts of birth. Do not use nicknames. In the case of a compound given name, such as Jean-Pierre or Marie-Claude, hyphenate the two names.

Questions 17, 18, 19, 30, 31 and 32

Surnames and usual given names of parents and witnesses

Enter the surname mentioned in the act of birth and the usual given name. Do not use nicknames.

Questions 9 and 23

Place of registration of birth

Enter the name of the parish, municipality, province or country where the baptism or birth registration occurred.

Questions 12 and 26

Date of spouse's death or of divorce

In the case of a widower or widow, give the date of the spouse's death; in the case of a divorced person, give the date of the divorce. These questions do not concern single persons.

Questions 13 and 27

Mother tongue

This refers to the first language acquired as a child and still understood. If the first language is no longer understood, give the second language acquired and still understood. If a person gives two answers, insist that he or she select the language most often used in childhood.

Questions 14 and 28

Number of years of schooling

This refers to the number of years of schooling successfully completed. School years that were not completed or for which a pass mark was not obtained should not be counted.

Question 16

Address of spouses' domicile

If the exact address of the spouses' domicile has not been determined, at least indicate the municipality, province or foreign country where they expect to reside.

SCHEDULE 3

(s. 18)



Gouvernement du Québec
Ministère de la Santé et
des Services sociaux

Management entrusted to the
Bureau de la statistique du Québec

SP.3
Certificate of
Death

Please type or print in block letters using a ball-point pen.
Do not write in shaded spaces. Press firmly.

PLACE OF DEATH

1. Name of institution where death occurred	2. Code of institution
3. Exact location where death occurred (No., street, municipality, province or country)	Postal code

IDENTIFICATION OF DECEASED (Write the surname and given name(s) according to the act of birth)

4. Surname	6. Health insurance No.
5. Usual given name	7. Birthdate Year Month Day
8. Age at death	9. If over 1 year Year(s) If under 1 year Month(s) Day(s) If under 24 hours Hours Minutes If under 7 days, give weight at birth Grams
10. Marital status 1 ☐ Single (never married) 4 ☐ Divorced 2 ☐ Married 5 ☐ Legally separated 3 ☐ Widowed	11. Name of spouse of the deceased
12. Birthplace (Province or country)	13. Language spoken at home 01 ☐ French 02 ☐ English Other
14. Address of deceased's domicile (No., street, municipality, province or country)	Postal code
15. Surname of mother (according to the act of birth)	16. Usual given name of mother
17. Surname of father	18. Usual given name of father

MEDICAL CERTIFICATION OF DEATH

19. Date and time of death Year Month Day Hour Minute	20. Sex of deceased 1 ☐ Male 2 ☐ Female 9 ☐ Undetermined	21. Notice to the coroner (see guidelines on back of copy 1) 1 ☐ Yes 2 ☐ No
22. Causes of death		
1. Disease or condition directly leading to death* (a) due to (or as a consequence of) (b) due to (or as a consequence of) (c) (underlying cause)		
2. Other significant conditions contributing to the death, but not related to the disease or condition causing it		

* This does not mean the mode of dying, e.g., heart failure, asphyxia, etc. It means the disease, injury or complication which caused death.

For office use only		23. Autopsy? 1 ☐ Yes 2 ☐ No If yes, does the cause of death stated above take autopsy findings into account? 1 ☐ Yes 2 ☐ No	24. Presence of radiolopes 1 ☐ Yes 2 ☐ No	25. If deceased a woman, did the death occur during pregnancy or within 42 days thereafter? 1 ☐ Yes 2 ☐ No	26. Deceased suffered from a disease that must be declared 1 ☐ Yes 2 ☐ No Specify
29. Is author of medical certification a 1 ☐ Physician 4 ☐ Coroner Other		27. If the case of violent death, check FOR STATISTICAL USE ONLY ☐ Accident ☐ Suicide ☐ Homicide			
30. Surname and given name of author of medical certification		28. Place (farm, factory, etc.) and circumstances (drowning, strangulation, etc.)			

31. Tel. No. where author can be reached Area code	Postal code
32. Address (No., street, municipality, province)	

I have reported, to the best of my knowledge, the causes and the circumstances surrounding the death of this person. The information collected is transmitted to the Bureau de la statistique du Québec, to the Ministère de la Santé et des Services sociaux, to the funeral director and to the Registrar of Civil Status. The information is subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information, except with respect to the Registrar of Civil Status who is not subject to that Act. The conditions are listed on the back of page 2.

33. Signature of author of medical certification	34. Date signed	35. If a physician, give permit No. (Corp. des médecins)
--	-----------------	--

DISPOSAL OF BODY / FUNERAL DIRECTOR

36. Disposal arrangements 1 ☐ Burial 3 ☐ Anatomical study 2 ☐ Cremation 4 ☐ Body transported outside Québec	37. Name of funeral home	38. Permit No. (funeral director)
39. Address of funeral home (No., street, municipality, province or country)	Postal code	
40. Date on which body was handed over Year Month Day	41. Surname and given name of representative of funeral home	42. Signature of representative

• SP-3 (93-10)

3-0000000

BUREAU DE LA STATISTIQUE DU QUÉBEC



Gouvernement du Québec
Ministère de la Santé et
des Services sociaux

Management entrusted to the
Bureau de la statistique du Québec

SP-3
Certificate of
Death

PLACE OF DEATH

1. Name of institution where death occurred	2. Code of institution
3. Exact location where death occurred (No., street, municipality, province or country)	Postal code

IDENTIFICATION OF DECEASED (Write the surname and given name(s) according to the act of birth)

4. Surname	5. Health insurance No.
6. Usual given name	7. Birthdate Year Month Day
8. Age at death If over 1 year: Years Months Days If under 1 year: Months Days If under 24 hours: Hours Minutes If under 7 days, give weight at birth: Grams	9. Marital status 1 ☐ Single (never married) 4 ☐ Divorced 2 ☐ Married 5 ☐ Legally separated 3 ☐ Widowed
10. Name of spouse of the deceased	11. If deceased married, give age of spouse
12. Birthplace (Province or country)	13. Language spoken at home 01 ☐ French 02 ☐ English Other
14. Address of deceased's domicile (No., street, municipality, province or country)	Postal code
15. Surname of mother (according to the act of birth)	16. Usual given name of mother
17. Surname of father	18. Usual given name of father

MEDICAL CERTIFICATION OF DEATH

19. Date and time of death Year Month Day Hour Minute	20. Sex of deceased 1 ☐ Male 2 ☐ Female 9 ☐ Undetermined	21. Notice to the coroner (see guidelines on back of copy 1) 1 ☐ Yes 2 ☐ No
22. Causes of death		Approximate interval between onset and death
1. Disease or condition directly leading to death* (a) due to (or as a consequence of) Antecedent causes, morbid conditions, if any, giving rise to the above cause, stating the underlying condition last (b) due to (or as a consequence of) (c) (underlying cause)		
2. Other significant conditions contributing to the death, but not related to the disease or condition causing it		

* This does not mean the mode of dying, e.g., heart failure, asphyxia, etc. It means the disease, injury or complication which caused death.

For office use only	23. Autopsy? 1 ☐ Yes 2 ☐ No If yes, does the cause of death stated above take autopsy findings into account? 1 ☐ Yes 2 ☐ No	24. Presence of radiotopes 1 ☐ Yes 2 ☐ No	25. If deceased a woman, did the death occur during pregnancy or within 42 days thereafter? 1 ☐ Yes 2 ☐ No	26. Deceased suffered from a disease that must be declared 1 ☐ Yes 2 ☐ No Specify
27. If the case of violent death, check FOR STATISTICAL USE ONLY ☐ Accident ☐ Suicide ☐ Homicide	28. Place (farm, factory, etc.) and circumstances (drowning, strangulation, etc.)			
29. Is author of medical certification a 1 ☐ Physician 4 ☐ Coroner ☐ Other	30. Surname and given name of author of medical certification	31. Tel. No. where author can be reached	32. Address (No., street, municipality, province) Postal code	

I have reported, to the best of my knowledge, the causes and the circumstances surrounding the death of this person. The information collected is transmitted to the Bureau de la statistique du Québec, to the ministère de la Santé et des Services sociaux, to the funeral director and to the Registrar of Civil Status. The information is subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information, except with respect to the Registrar of Civil Status who is not subject to that Act. The conditions are listed on the back of page 2.

X

33. Signature of author of medical certification 34. Date signed 35. If a physician, give permit No. (Corp. des médecins)

DISPOSAL OF BODY / FUNERAL DIRECTOR

36. Disposal arrangements 1 ☐ Burial 3 ☐ Anatomical study 2 ☐ Cremation 4 ☐ Body transported outside Québec	37. Name of funeral home	38. Permit No. (funeral director)
39. Address of funeral home (No., street, municipality, province or country)	Postal code	
40. Date on which body was handed over Year Month Day	41. Surname and given name of representative of funeral home	42. Signature of representative X

* SP-3 (93-10)

3-0000000

DOSSIER MÉDICAL OU DOSSIER DU CORONER



Gouvernement du Québec
Ministère de la Santé et
des Services sociaux

Management entrusted to the
Bureau de la statistique du Québec

SP-3
Certificate of
Death

PLACE OF DEATH

1. Name of institution where death occurred	2. Code of institution
3. Exact location where death occurred (No., street, municipality, province or country)	Postal code

IDENTIFICATION OF DECEASED (Write the surname and given name(s) according to the act of birth)

4. Surname	6. Health insurance No.
5. Usual given name	7. Birthdate Year Month Day
8. Age at death If over 1 year: Years Months Days If under 24 hours: Hours Minutes If under 7 days: Give weight at birth Grams	11. If deceased married, give age of spouse
9. Marital status 1 ☐ Single (never married) 2 ☐ Married 3 ☐ Widowed 4 ☐ Divorced 5 ☐ Legally separated	10. Name of spouse of the deceased
12. Birthplace (Province or country)	13. Language spoken at home 01 ☐ French 02 ☐ English Other _____
14. Address of deceased's domicile (No., street, municipality, province or country)	Postal code
15. Surname of mother (according to the act of birth)	16. Usual given name of mother
17. Surname of father	18. Usual given name of father

MEDICAL CERTIFICATION OF DEATH

19. Date and time of death Year Month Day Hour Minute	20. Sex of deceased 1 ☐ Male 2 ☐ Female 9 ☐ Undetermined	21. Notice to the coroner (see guidelines on back of copy 1) 1 ☐ Yes 2 ☐ No
22. Causes of death		
1. Diseases or condition directly leading to death* (a) _____ due to (or as a consequence of) _____ (b) _____ due to (or as a consequence of) _____ (c) _____ (underlying cause)		
2. Other significant conditions contributing to the death, but not related to the disease or condition causing it		
* This does not mean the mode of dying, e.g., heart failure, asphyxia, etc. It means the disease, injury or complication which caused death.		

For office use only		23. Autopsy? 1 ☐ Yes 2 ☐ No If yes, does the death stated above help autopsy findings? 1 ☐ Yes 2 ☐ No	24. Presence of radiotopes 1 ☐ Yes 2 ☐ No	25. If deceased a woman, did the death occur during pregnancy or within 42 days thereafter? 1 ☐ Yes 2 ☐ No	26. Deceased suffered from a disease that must be declared 1 ☐ Yes 2 ☐ No Specify _____
29. Is author of medical certification a 1 ☐ Physician 4 ☐ Coroner ☐ Other _____		30. Surname and given name of author of medical certification			
31. Tel. No. where author can be reached		Area code _____ Postal code _____			
32. Address (No., street, municipality, province or country)					
I have reported, to the best of my knowledge, the disease and the circumstances surrounding the death of this person. The information collected is transmitted to the Bureau de la statistique du Québec, to the ministère de la Santé et des Services sociaux, to the Registrar of Civil Status, and to the Registrar of Civil Status. The information is subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information, except with respect to the Registrar of Civil Status who is not subject to that Act. The conditions are listed on the back of page 2.					
X					
33. Signature of author of medical certification		34. Date signed		35. If a physician, give permit No. (Corp. des médecins)	

DISPOSAL OF BODY / FUNERAL DIRECTOR

36. Disposal arrangements 1 ☐ Burial 3 ☐ Anatomical study 2 ☐ Cremation 4 ☐ Body transported outside Québec	37. Name of funeral home	38. Permit No. (funeral director)
39. Address of funeral home (No., street, municipality, province or country)	Postal code	
40. Date on which body was handed over Year Month Day	41. Surname and given name of representative of funeral home	42. Signature of representative X

* SP-3 (93-10)

3-0000000

DIRECTEUR DE FUNÉRAILLES

**An Act respecting the determination of the causes and circumstances of death
(R.S.Q., c. R-0.2)**

GUIDELINES

A notice must be sent to the coroner when:

1. the physician has difficulty establishing the probable causes of death to his satisfaction (*when the death occurs in an institution, first inform the director of professional services*);
2. the death occurs in obscure or violent circumstances (*sudden death, accident, homicide, suicide, in a fire, in a disaster, etc.*);
3. the identity of the deceased person is unknown;
4. the death occurs in one of the following places:

Rehabilitation centre	Penitentiary
Sheltered workshop	Security unit
Institution for close treatment	Police station
House of detention	Family-type resource
Day care centre	
5. the body is transported outside Québec.
6. the body comes from outside Québec and the probable causes of death have not been established or the death occurs in obscure or violent circumstances.

Note: These guidelines do not replace the Act or the regulations thereunder.

For further information, contact the coroner:

Montréal and immediate vicinity: 514-873-1845

Québec and immediate vicinity: 418-643-1845

Other regions: inquire at the nearest police station or consult Communication-Québec in your area (see blue pages of the telephone directory under the heading Communications).

**Pursuant to sections 64 and 65 of the Act respecting Access to documents
held by public bodies and the Protection of personal information
(R.S.Q., c. A-2.1)**

Please note that:

1. The information requested on this form is gathered on behalf of the Bureau de la statistique du Québec (117, rue Saint-André, Québec), the ministère de la Santé et des Services sociaux (1075, chemin Sainte-Foy, Québec) and the funeral director.
2. The information gathered for the Bureau de la statistique du Québec is used for administrative and statistical purposes. The information transmitted to the ministère de la Santé et des Services sociaux is included in the death file used in planning, managing, controlling and assessing programs. The copy given to the funeral director is used for administrative purposes.
3. This information will be accessible to:
 - employees of the Bureau de la statistique du Québec, the ministère de la Santé et des Services sociaux and the funeral director within the context of their work;
 - any other user meeting the requirements of the Act referred to in the heading and of the Public Health Protection Act (R.S.Q., c. P-35).
4. Sections 83 to 102 of the Act referred to in the heading provide for a right of access to the information contained in this form and the right to have the information corrected if it is inaccurate, incomplete or equivocal.
5. The information requested in this form is mandatory.
6. The Public Health Protection Act provides for penalties in the case of a false declaration or of a refusal to supply the requested information.

General Instructions concerning the Certificate of Death (SP-3) Intended for the Bureau de la statistique du Québec

The Certificate of Death is used in compliance with the regulations made under the Public Health Protection Act (R.S.Q., c. P-35). Pursuant to that Act, the Minister of Health and Social Services has the power to establish and maintain a system for gathering and analysing social, medical and epidemiological data and compile information on births, marriages, divorces, annulments and deaths for demographic purposes. The Bureau de la statistique du Québec is responsible for gathering, processing and using this data under Order in Council 260-85 dated 12 February 1985.

Preliminary notes

- Care should be taken to fill in dates and numbers in the appropriate squares. Mark one zero in each empty space to the left of a figure to show that the figure is complete. All questions must be answered; if the number is zero, mark zero in the appropriate square(s); if the question is not applicable, draw a horizontal line through the appropriate square(s).
- The answers must always reflect the situation at the time of the death, such as the address of the deceased's domicile, marital status, etc.

DISTRIBUTION OF FORMS

Forms (Certificate/attestation of death) and return envelopes are available from:

Bureau de la statistique du Québec
117, rue Saint-André
Québec (Québec)
G1K 3Y3

TIME LIMIT FOR MAILING FORMS

A time limit of three (3) days after death is prescribed for mailing the Certificate of Death to the Bureau de la statistique du Québec.

Questions 1, 2 and 3

Place of death

If death did not occur in an institution, specify the place where the death occurred in question 1 (examples: residence, route 135, St. Lawrence River) and, in question 3, give the address or at least the name of the municipality.

Questions 4, 5, 15, 16, 17 and 18

Surname and given name

In all cases, enter the surname and usual given name which are mentioned in the act of birth. For a married woman, do not use the husband's name. Do not use nicknames. Compound names, such as Jean-Pierre or Marie-Claude, must be hyphenated. Do not hyphenate other given names.

Question 8

Age at death

Fill in appropriate spaces according to the age of the person at the time of death.

- If 1 year or older, for example: 65 years

0	:	6	:	5
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 year(s)

- If under 1 year, for example: 10 months

1	:	0	:	0	:	0
---	---	---	---	---	---	---

 months, days; 4 days

0	:	0	:	0	:	4
---	---	---	---	---	---	---

 months, days;

- If under 24 hours, for example: 2 hours,

0	:	2	:	0	:	0
---	---	---	---	---	---	---

 hours, minutes; 10 minutes

0	:	0	:	0	:	1	:	0
---	---	---	---	---	---	---	---	---

 hours, minutes

If the deceased person lived less than 7 days, weight in grams at birth must be given.

Question 9

Marital status of deceased

Persons who are not legally separated are considered married.

Question 10

Name of spouse of deceased

According to the marital status of the deceased, give name of husband or wife if the person was married, and the name of last spouse if the person was widowed, divorced or legally separated.

Question 13

Language spoken at home

If more than one language is spoken at home, give the one most frequently used by the deceased. List one language only.

Question 19

Time of death

Give the time of death as precisely as possible, using the international system. If the exact time is not known, give the assumed or approximate time of death.

Question 26

Diseases that must be declared

See section 28 of the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, c. P-35, r.1).

Questions 27 and 28

Violent death

For statistical purposes, make sure to indicate (question 27) whether an accident, a homicide or a suicide was involved. Also, specify the circumstances surrounding the death (question 28) and notify the coroner.

For example:

- In the case of a road or traffic accident, indicate whether the deceased person was the driver, a passenger or a pedestrian, and whether the accident was caused by swerving, overturning or collision with a pedestrian, an automobile or any other object, etc.;
- In the case of drowning, indicate whether it occurred during recreational activities or water transport, and specify the circumstances, such as water skiing, falling off a boat, overturning, etc.;
- In the case of intoxication, name the substance or medication (generic or trade name) concerned, and indicate whether or not addiction or chemical dependence was involved.

Question 36

Disposal of body / Funeral director

Do not delay sending the forms even if the place and method of disposal of body are not known.

Questions 37 to 42

Identification of funeral home

The funeral home (funeral director) must always be identified as well as the representative thereof. Identify any other person(s) authorized to take charge of a body not entrusted to a funeral home.

Draft By-law

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Association des courtiers et agents immobiliers du Québec — By-law

The Minister for Finance gives notice, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law on the Association des courtiers et agents immobiliers du Québec, adopted at a general meeting of the holders of permits or registration certificates issued by the Superintendent of Real Estate Brokerage held by that Association, the text of which appears below, shall be submitted to the Government for approval upon the expiry of 45 days following the publication of this notice in the *Gazette officielle du Québec*. The Government may approve it with or without amendments.

Any person wishing to make comments on the Draft By-law must do so in writing, before the expiry of the 45-day period, to Louise Robic, Minister for Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec), G1R 5L3, with a copy to the Inspector General of Financial Institutions, 800, place d'Youville, 9^e étage, Québec (Québec), G1R 4Y5.

LOUISE ROBIC
Minister for Finance

By-law of the Association des courtiers et agents immobiliers du Québec

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 74)

CHAPTER I REAL ESTATE BROKER'S OR AGENT'S CERTIFICATES

DIVISION I CATEGORIES OF CERTIFICATES

1. The categories of real estate broker's or agent's certificates issued by the Association des courtiers et agents immobiliers du Québec are:

- (1) a chartered real estate broker's certificate;
- (2) an affiliate real estate broker's certificate;
- (3) a real estate broker's certificate restricted to hypothecary loans;

- (4) a chartered real estate agent's certificate;
- (5) an affiliate real estate agent's certificate;
- (6) a real estate agent's certificate restricted to hypothecary loans.

DIVISION II CONDITIONS AND RESTRICTIONS PERTAINING TO EACH CATEGORY OF CERTIFICATE

2. The chartered real estate broker's certificate, provided for in paragraph 1 of Section 1, may be issued to a natural person, a partnership or a legal person and allows its holder to adopt the title of chartered real estate broker and engage in the real estate brokerage activity covered in Section 1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1). The holder of this certificate may employ or authorize to act on his behalf only a natural person holding an affiliate real estate broker's certificate or a chartered or affiliate real estate agent's certificate.

3. The affiliate real estate broker's certificate, provided for in paragraph 2 of Section 1, may be issued only to a natural person, holding a broker licence issued by the Superintendent of Real Estate Brokerage under the Real Estate Brokerage Act (R.S.Q., c. C-73) who is employed by a broker or is authorized to act on behalf of a broker on June 20, 1991. The holder of this certificate may adopt the title of affiliate real estate broker but may only engage in a brokerage transaction covered by Section 1 of the Act if he is employed by a holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit issued under the Act Respecting Market Intermediaries (R.S.Q., c. I-15.1), or if he is authorized to act on behalf of the holder of such a certificate. The holder of this certificate may not employ the holder of a broker or real estate agent's certificate or authorize such a person to act on his behalf.

4. The real estate broker's certificate restricted to hypothecary loans, provided for in paragraph 3 of Section 1, may be issued only to a natural person, holding a market intermediary's certificate in insurance issued under the Act Respecting Market Intermediaries, who is an insurance agent or an insurance broker. The holder of this certificate may adopt the title of real estate broker restricted to hypothecary loans. The holder of this certificate may not employ the holder of a real estate broker's or agent's certificate or authorize such a person to act on his behalf.

5. The chartered real estate agent's certificate, provided for in paragraph 4 of Section 1, may be issued only to a natural person. The holder of this certificate

may adopt the title of chartered real estate agent but may only engage in a brokerage transaction covered by Section 1 of the Act if he is employed by the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit, or if he is authorized to act on behalf of the holder of such a certificate. The holder of this certificate may not employ the holder of a real estate broker's or agent's certificate or authorize such a person to act on his behalf.

6. The affiliate real estate agent's certificate, provided for in paragraph 5 of Section 1, may be issued only to a natural person. The holder of this certificate may adopt the title of affiliate real estate agent but may only engage in a brokerage transaction covered by Section 1 of the Act if he is employed by the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit, or if he is authorized to act on behalf of the holder of such a certificate. The holder of this certificate may not employ a holder of a real estate broker's or agent's certificate or authorize such a person to act on his behalf.

7. The real estate agent's certificate restricted to hypothecary loans, provided for in paragraph 6 of Section 1, may be issued only to a natural person, holding a market intermediary's certificate in insurance issued under the Act Respecting Market Intermediaries, who is an insurance agent or an insurance broker. The holder of this certificate may adopt the title of real estate agent restricted to hypothecary loans, but may only engage in a brokerage transaction covered by Section 1 of the Act if he is employed by a holder of a multidisciplinary firm permit, or if he is authorized to act on behalf of the holder of such a certificate. The holder of this certificate may not employ a holder of a real estate broker's or agent's certificate or authorize such a person to act on his behalf.

DIVISION III

TERMS AND CONDITIONS FOR OBTAINING A CERTIFICATE

§1. Chartered Real Estate Broker's Certificate

Natural person

8. To obtain a chartered real estate broker's certificate, a natural person must apply for it, in writing, to the Association. The applicant shall fulfil the following conditions:

- (1) have at least one establishment in Québec;
- (2) have the qualifications required in the Regulations Respecting the Application of the Real Estate Brokerage Act to hold a chartered real estate broker's cer-

tificate (here state the number and date of the decree enacting the Regulations Respecting the Application of the Real Estate Brokerage Act published in the *Gazette officielle du Québec* of _____); however, this person shall be exempted from demonstrating that he has the qualifications required regarding experience, training and the examination if:

a) at the time of the application, he holds an affiliate real estate broker's certificate or a chartered real estate broker's certificate, or acts as a representative of a real estate broker or as manager or assistant manager of a place of business of a real estate broker;

b) during the 12 months prior to the application, he has held a chartered or affiliate real estate broker's certificate, or a chartered real estate agent's certificate, which has not been renewed or which has been cancelled at his request;

(3) designate each natural person who will act as manager or assistant manager of each place of business, each of whom shall have the qualifications required in the Regulations Respecting the Application of the Real Estate Brokerage Act to hold a chartered real estate broker's certificate; however, these persons shall be exempted from demonstrating that they have the qualifications required regarding experience, training and the examination if:

a) at the time of the application, they hold a chartered or affiliate real estate broker's certificate, or a chartered real estate agent's certificate, or act as a representative of a real estate broker or as manager or assistant manager of a place of business of a real estate broker;

b) during the 12 months prior to the application, they have held a chartered or affiliate real estate broker's certificate, or a chartered real estate agent's certificate, which has not been renewed or which has been cancelled at their request;

(4) the applicant shall have reimbursed, if applicable, the amount in principal, interest and costs of any final judgment to which he has been condemned due to his liability for one of the causes mentioned in Section 55 of the Act, as well as the sums disbursed, if applicable, by the Fonds d'indemnisation du courtage immobilier which the latter may recover by subrogation under Section 57 of the Act;

(5) the applicant, and each natural person designated to act as manager or assistant manager of a place of business, may not pursue any activities prohibited by law;

(6) pay the fees stipulated in Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec (here state the number and date of the decree enacting the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec published in the *Gazette officielle du Québec* of _____), as well as the contributions to the Fonds d'indemnisation.

9. The applicant mentioned in Section 8 also shall transmit, along with his application, the following information and documents, accompanied by a solemn affirmation attesting to their truthfulness:

(1) for the applicant and for each natural person designated to act as manager or assistant manager of a place of business:

a) the surnames and first names, as well as the business names;

b) the surnames and first names at birth, if they are different from those supplied in subparagraph a;

c) the date and place of birth;

d) the address of domicile, including the postal code, and the telephone number pertaining thereto;

e) the category and number of any real estate broker's or agent's certificate, real estate broker or agent permit, or builder's certificate registered with the Superintendent of Real Estate Brokerage, held during the 5 years prior to the application;

(2) a declaration to the effect that the applicant, and each natural person designated to act as manager or assistant manager of a place of business:

a) has the required qualifications;

b) does not engage in any activity prohibited by the Act;

(3) a declaration to the effect that the applicant has reimbursed, if applicable, any amount or sum stipulated in paragraph 4 of Section 8;

(4) the address of his principal establishment, that of his principal establishment in Québec, that of each of his places of business and each of his establishments in Québec, including postal codes, as well as the applicable telecommunications numbers;

(5) a copy of the registration with the prothonotary of the Superior Court, in each district where he engages or

proposes to engage in his activities, and a copy of its declaration of business name, in accordance with The Companies and Partnerships Declaration Act (R.S.Q., c. D-1);

(6) if he uses a business name, a trademark or a logo, other than those of the Association, of a real estate board which is a member of the Fédération des chambres immobilières du Québec, of this federation or of the Canadian Real Estate Association, which does not belong to him, a copy of any document authorizing the applicant to use it and stating the conditions governing this use;

(7) for the applicant, and for each natural person designated to act as manager or assistant manager of a place of business:

a) in the case of a person who has Canadian citizenship, the original or a certified true copy of his baptismal certificate, his birth certificate or his certificate of Canadian citizenship, unless this person already holds a real estate broker's or agent's certificate;

b) in the case of a person who does not have Canadian citizenship, the original or a certified true copy of the document issued by the Canadian immigration authorities attesting to his permanent resident status or the work permit issued by the Canadian immigration authorities, unless this person already holds a real estate broker's or agent's certificate;

c) 2 identical colour photographs, measuring 43 by 54 millimetres, taken during the past six months, on a white background, of the face, head and shoulders, head uncovered, dated on the back by a date stamp;

d) copy of all documents establishing that each of these people has the required qualifications;

(8) proof of the security required in Chapter III, particularly including a copy of any contract establishing this security and, when this includes a deductible for an amount greater than provided in the first paragraph of Section 59, proof that he meets the requirement of the second paragraph of that Section.

Partnership

10. To obtain a chartered real estate broker's certificate, a partnership must apply for it, in writing, to the Association. The applicant shall fulfil the following conditions:

(1) have at least one establishment in Québec;

(2) designate the natural person who will represent it for application of the law, as well as any natural person who will act as manager or assistant manager of each place of business, each of whom shall have the qualifications required in the Regulations Respecting the Application of the Real Estate Brokerage Act to hold a chartered real estate broker's certificate; however, these persons shall be exempted from demonstrating that they have the qualifications required regarding experience, training and the examination if:

a) at the time of the application, they hold a chartered or affiliate real estate broker's certificate or a chartered real estate agent's certificate, or act as a representative of a real estate broker or as manager or assistant manager of a place of business of a real estate broker;

b) during the 12 months prior to the application, they have held a chartered or affiliate real estate broker's certificate, or a chartered real estate agent's certificate, which has not been renewed or which has been cancelled at their request;

(3) the applicant must have reimbursed, if applicable, the amount in principal, interest and costs of any final judgment to which he has been condemned due to his liability for one of the causes mentioned in Section 55 of the Act, as well as the sums disbursed, if applicable, by the Fonds d'indemnisation du courtage immobilier which the latter may recover by subrogation under Section 57 of the Act;

(4) the applicant, the natural person who will represent him for the purposes of the Act and each natural person designated to act as manager or assistant manager of a place of business, may not pursue any activities prohibited by law;

(5) pay the fees stipulated in Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, as well as the contributions to the Fonds d'indemnisation.

11. The applicant mentioned in Section 10 also shall transmit, along with its application, the following information and documents, accompanied by a solemn affirmation attesting to their truthfulness:

(1) for the applicant, for each of the partners forming the partnership, for each officer of the partnership, for the natural person designated to represent it for application of the law and for each natural person designated to act as manager or assistant manager of a place of business:

a) the surnames and first names, as well as the business names;

b) the surname and first name at birth, if they are different from those supplied in subparagraph a;

c) the date and place of birth;

d) the address of domicile, including the postal code, and the telephone number pertaining thereto;

e) the category and number of any real estate broker's or agent's certificate, real estate broker or agent permit, or builder's certificate registered with the Superintendent of Real Estate Brokerage, held during the 5 years prior to the application;

(2) a declaration to the effect that the applicant, the natural person designated to represent it for application of the law and each natural person designated to act as manager or assistant manager of a place of business:

a) has the required qualifications;

b) does not engage in any activity prohibited by the Act;

(3) a declaration to the effect that the applicant has reimbursed, if applicable, any amount or sum stipulated in paragraph 3 of Section 10;

(4) the address of its principal establishment, that of its principal establishment in Québec, that of each of its places of business and each of its establishments in Québec, including postal codes, as well as the applicable telecommunications numbers;

(5) a copy of the partnership contracts and all of its amendments;

(6) a copy of the registration with the prothonotary of the Superior Court, in each district where it engages or proposes to engage in its activities, and a copy of its partnership declaration, in accordance with the Companies and Partnerships Declaration Act (R.S.Q., c. D-1);

(7) if it uses a business name, a trademark or a logo, other than those of the Association, of a real estate board which is a member of the Fédération des chambres immobilières du Québec, of this federation or of the Canadian Real Estate Association, which do not belong to it, a copy of any document authorizing the applicant to use it and stating the conditions governing this use;

(8) for the natural person designated to represent it for application of the law, and for each natural person designated to act as manager or assistant manager of a place of business:

a) in the case of a person who has Canadian citizenship, the original or a certified true copy of his baptismal certificate, his birth certificate or his certificate of Canadian citizenship, unless this person already holds a real estate broker's or agent's certificate;

b) in the case of a person who does not have Canadian citizenship, the original or a certified true copy of the document issued by the Canadian immigration authorities attesting to his permanent resident status or the work permit issued by the Canadian immigration authorities, unless this person already holds a real estate broker's or agent's certificate;

c) 2 identical colour photographs, measuring 43 by 54 millimetres, taken during the past six months, on a white background, of the face, head and shoulders, head uncovered, dated on the back by a date stamp;

d) copy of all documents establishing that each of the persons has the required qualifications;

(9) proof of the security required in Chapter III, particularly including a copy of any contract establishing this security and, when this includes a deductible for an amount greater than provided in the first paragraph of Section 59, proof that it meets the requirement of the second paragraph of that Section.

Legal person

12. To obtain a chartered real estate broker's certificate, a legal person must apply for it, in writing, to the Association. The applicant shall fulfil the following conditions:

(1) have at least one establishment in Québec;

(2) designate the natural person who will represent it for application of the law, as well as each natural person who will act as manager or assistant manager of each place of business, each of whom shall have the qualifications required in the Regulations Respecting the Application of the Real Estate Brokerage Act to hold a chartered real estate broker's certificate; however, these persons shall be exempted from demonstrating that they have the qualifications required regarding experience, training and the examination if:

a) at the time of the application, they hold a chartered or affiliate real estate broker's certificate or a chartered real estate agent's certificate, or act as a representative of a real estate broker or as manager or assistant manager of a place of business of a real estate broker;

b) during the 12 months prior to the application, they have held a chartered or affiliate real estate broker's

certificate, or a chartered real estate agent's certificate, which has not been renewed or which has been cancelled at their request;

(3) the applicant must have reimbursed, if applicable, the amount in principal, interest and costs of any final judgment to which he has been condemned due to his liability for one of the causes mentioned in Section 55 of the Act, as well as the sums disbursed, if applicable, by the Fonds d'indemnisation du courtage immobilier which the latter may recover by subrogation under Section 57 of the Act;

(4) the applicant, the natural person who will represent it for application of the law and each natural person designated to act as manager or assistant manager of a place of business, may not pursue any activities prohibited by the Act;

(5) pay the fees stipulated in Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, as well as the contributions to the Fonds d'indemnisation.

13. The applicant mentioned in Section 12 also shall transmit, along with its application, the following information and documents, accompanied by a solemn affirmation attesting to their truthfulness:

(1) for the applicant, for each of the directors or officers of the legal person, for the natural person designated to represent it for application of the law and for each natural person designated to act as manager or assistant manager of a place of business:

a) the surname and first name or firm name, as well as the business names;

b) the surname and first name at birth, if they are different from those supplied in subparagraph a;

c) the date and place of birth;

d) the address of domicile, including the postal code, and the telephone number pertaining thereto;

e) the category and number of any real estate broker's or agent's certificate, real estate broker or agent permit, or builder's certificate registered with the Superintendent of Real Estate Brokerage, held during the 5 years prior to the application;

(2) a declaration to the effect that the applicant, the natural person designated to represent it for application of the law and each natural person designated to act as manager or assistant manager of a place of business:

- a) has the required qualifications;
- b) does not engage in any activity prohibited by the Act;
- (3) a declaration to the effect that the applicant has reimbursed, if applicable, any amount or sum stipulated in paragraph 3 of Section 12;
- (4) the address of its principal establishment, that of its principal establishment in Québec, that of each of its places of business and each of its establishments in Québec, including postal codes, as well as the applicable telecommunications numbers;
- (5) a copy of its instrument of incorporation and all of amendments thereto;
- (6) if it is a foreign corporation within the meaning of the Extra-Provincial Companies Act (R.S.Q., c. C-46), a copy of the permit issued by the Inspector General of Financial Institutions allowing it to do business in Québec;
- (7) a copy of a certificate of compliance issued by the Inspector General of Financial Institutions after the previous September 1;
- (8) a copy of the registration with the prothonotary of the Superior Court, in each district where it engages or proposes to engage in its activities, and a copy of its declaration, in accordance with the Companies and Partnerships Declaration Act (R.S.Q., c. D-1);
- (9) if it uses a business name, a trademark or a logo, other than those of the Association, of a real estate board which is a member of the Fédération des chambres immobilières du Québec, of this federation or of the Canadian Real Estate Association, which do not belong to it, a copy of any document authorizing the applicant to use it and stating the conditions governing this use;
- (10) for the natural person designated to represent it for application of the law, and for each natural person designated to act as manager or assistant manager of a place of business:
 - a) in the case of a person who has Canadian citizenship, the original or a certified true copy of his baptismal certificate, his birth certificate or his certificate of Canadian citizenship, unless this person already holds a real estate broker's or agent's certificate;
 - b) in the case of a person who does not have Canadian citizenship, the original or a certified true copy of the document issued by the Canadian immigration au-

thorities attesting to his permanent resident status or the work permit issued by the Canadian immigration authorities, unless this person already holds a real estate broker's or agent's certificate;

c) 2 identical colour photographs, measuring 43 by 54 millimetres, taken during the past six months, on a white background, of the face, head and shoulders, head uncovered, dated on the back by a date stamp;

d) copy of all documents establishing that each of these persons has the required qualifications;

(11) proof of the security required in Chapter III, particularly including a copy of any contract establishing this security and, when this includes a deductible for an amount greater than provided in the first paragraph of Section 59, proof that it meets the requirement of the second paragraph of that Section.

§2. Affiliate Real Estate Broker's Certificate

14. To obtain an affiliate real estate broker's certificate, a natural person must apply for it, in writing, to the Association. The applicant shall fulfil the following conditions:

(1) hold a permit issued by the Superintendent of Real Estate Brokerage under the Real Estate Brokerage Act (R.S.Q., c. C-73) and be employed by a broker or authorized to act on behalf of a broker on June 20, 1991;

(2) have the qualifications required in the Regulations Respecting the Application of the Real Estate Brokerage Act to hold an affiliate real estate broker's certificate; however, this person shall be exempted from demonstrating that he has the qualifications required regarding experience, training and the examination if:

a) at the time of the application, he holds a chartered real estate broker's certificate or a chartered real estate agent's certificate, or acts as a representative of a real estate broker or as manager or assistant manager of a place of business of a real estate broker;

b) during the 12 months prior to the application, he has held a chartered or affiliate real estate broker's certificate, or a chartered real estate agent's certificate, which has not been renewed or which has been cancelled at his request;

(3) designate the holder of a real estate broker's certificate or of a multidisciplinary firm permit who will employ him or authorize this person to act on his behalf;

(4) have reimbursed, if applicable, the amount in principal, interest and costs of any final judgment to which he has been condemned due to his liability for one of the causes mentioned in Section 55 of the Act, as well as the sums disbursed, if applicable, by the Fonds d'indemnisation du courtage immobilier which the latter may recover by subrogation under Section 57 of the Act;

(5) the applicant may not pursue any activities prohibited by the Act;

(6) pay the fees stipulated in Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, as well as the contributions to the Fonds d'indemnisation.

15. The applicant mentioned in Section 14 also shall transmit, along with his application, any document certifying that he fulfils the conditions stipulated in paragraph 1 of Section 14 and the information and documents stipulated in paragraphs 1 to 7 of Section 19, accompanied by a solemn affirmation attesting to their truthfulness.

§3. Real Estate Broker's Certificate Restricted to Hypothecary Loans

16. To obtain a real estate broker's certificate restricted to hypothecary loans, a natural person must apply for it, in writing, to the Association. The applicant shall fulfil the conditions stipulated in the Regulations Respecting the Application of the Real Estate Brokerage Act (R.S.Q., c. C-73.1);

17. The applicant mentioned in Section 16 also shall transmit, along with his application, the following information and documents, accompanied by a solemn affirmation attesting to their truthfulness:

(1) (list here the information and documents needed to obtain a real estate broker's certificate restricted to hypothecary loans)

(2) the category and number of his market intermediary certificates in insurance;

(3) the firm name under which he practices as a market intermediary in insurance or the firm name and business names of the firm in which he practices as a market intermediary in insurance, and whether this is a multidisciplinary firm;

(4) a copy of his market intermediary certificates in insurance.

§4. Chartered Real Estate Agent's Certificate

18. To obtain a chartered real estate agent's certificate, a natural person must apply for it, in writing, to the Association. The applicant shall fulfil the following conditions:

(1) have the qualifications required in the Regulations Respecting the Application of the Real Estate Brokerage Act to hold a chartered real estate agent's certificate; however, this person shall be exempted from demonstrating that he has the qualifications required regarding experience, training and the examination if:

a) at the time of the application, he holds a chartered or affiliate real estate broker's certificate, or acts as a representative of a real estate broker or as manager or assistant manager of a place of business of a real estate broker;

b) during the 12 months prior to the application, he has held a chartered or affiliate real estate broker's certificate, or a chartered real estate agent's certificate, which has not been renewed or which has been cancelled at his request;

(2) designate the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit who will employ him or authorize him to act on his behalf;

(3) have reimbursed, if applicable, the amount in principal, interest and costs of any final judgment to which he has been condemned due to his liability for one of the causes mentioned in Section 55 of the Act, as well as the sums disbursed, if applicable, by the Fonds d'indemnisation du courtage immobilier which the latter may recover by subrogation under Section 57 of the Act;

(4) the applicant may not pursue any activities prohibited by the Act;

(5) pay the fees stipulated in Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, as well as the contributions to the Fonds d'indemnisation.

19. The applicant mentioned in Section 18 also shall transmit, along with his application, the following information and documents, accompanied by a solemn affirmation attesting to their truthfulness:

(1) the following information pertaining to the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit who will employ him or authorize him to act on his behalf:

a) the surname and first name or the firm name, as well as the business names;

b) the number of his real estate broker's certificate or multidisciplinary firm permit;

(2) the mention that he will be employed by this broker or this multidisciplinary firm, or that he will be authorized to act on his behalf;

(3) the mention that he will act as a representative of this broker or of this multidisciplinary firm for the purposes of application of the law or as manager or assistant manager of a place of business;

(4) the information stipulated in subparagraphs a to e of paragraph 1 of Section 9;

(5) a declaration to the effect that he:

a) has the required qualifications;

b) has reimbursed, if applicable, any amount or sum provided for in paragraph 4 of Section 8;

c) does not engage in any activity prohibited by the Act;

(6) a document from the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit provided for in paragraph 1, from the natural person who represents him for the purposes of the Act, or any other person specially authorized for this purpose by the holder or his representative:

a) to the effect that he undertakes to employ the applicant or to authorize him to act on his behalf once he holds the requested certificate;

b) specifying the address of the place of business to which the applicant will be assigned, including the postal code, as well as the telecommunications numbers applicable thereto;

(7) the documents stipulated in subparagraphs a to d' of paragraph 7 of Section 9.

§5. Affiliate Real Estate Agent's Certificate

20. To obtain an affiliate real estate agent's certificate, a natural person must apply for it, in writing, to the Association. The applicant shall fulfil the following conditions:

(1) have the qualifications required in the Regulations Respecting the Application of the Real Estate Bro-

kerage Act to hold an affiliate real estate agent's certificate; however, this person shall be exempted from demonstrating that he has the qualifications required regarding experience, training and the examination if, during the 12 months prior to the application, he has held an affiliate real estate agent's certificate which has not been renewed or which has been cancelled at his request;

(2) designate the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit who will employ him or authorize him to act on his behalf;

(3) have reimbursed, if applicable, the amount in principal, interest and costs of any final judgment to which he has been condemned due to his liability for one of the causes mentioned in Section 55 of the Act, as well as the sums disbursed, if applicable, by the Fonds d'indemnisation du courtage immobilier which the latter may recover by subrogation under Section 57 of the Act;

(4) the applicant may not pursue any activities prohibited by the Act

(5) pay the fees stipulated in Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, as well as the contributions to the Fonds d'indemnisation.

21. The applicant mentioned in Section 20 also shall transmit, along with his application, the information and documents stipulated in paragraphs 1 to 7 of Section 19, accompanied by a solemn affirmation attesting to their truthfulness.

§6. Real Estate Agent's Certificate Restricted to Hypothecary Loans

22. To obtain a real estate agent's certificate restricted to hypothecary loans, a natural person must apply for it, in writing to the Association. The applicant shall fulfill the conditions stipulated in the Regulations Respecting the Application of the Real Estate Brokerage Act (R.S.Q., c.C-73.1).

23. The applicant mentioned in Section 22 shall also transmit, along with his application, the following information and documents, accompanied by a solemn affirmation attesting to their truthfulness:

(1) (list here the information and documents needed to obtain a real estate agent's certificate restricted to hypothecary loans);

(2) the category and number of his insurance market intermediary certificates;

(3) the firm name under which he practices as a market intermediary in insurance or the business name and firm names of the firm within which he practices as market intermediary in insurance, and whether it is a multidisciplinary firm;

(4) copy of his certificates of market intermediary in insurance.

§7. Notice

24. The Association, whenever an affiliate real estate broker's certificate or a real estate agent's certificate is issued or is the object of a refusal, shall notify the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit whose name appears on the application.

25. The Association, whenever it refuses to issue a real estate broker's or agent's certificate, shall notify the applicant of this in writing, specifying the grounds for the refusal. This notice shall be transmitted by any means proving its date of receipt.

DIVISION IV INFORMATION THAT A CERTIFICATE MUST CONTAIN

26. The certificate issued by the Association shall contain the following information:

(1) in the case that the holder of a chartered real estate broker's certificate is a natural person:

a) his surname and first name and his business names;

b) the address of his principal establishment in Québec, including the postal code and the telephone number pertaining thereto;

(2) in the case that the holder of a chartered real estate broker's certificate is a partnership or a legal person:

a) its firm name and business names;

b) the address of its principal establishment in Québec, including the postal code and the telephone number pertaining thereto;

c) the surname and first name of the natural person who represents it for application of the Act;

(3) in the case of the holder of a real estate broker's certificate restricted to hypothecary loans:

a) his surname and first name and his business names;

b) the address of his principal establishment in Québec, including the postal code and the telephone number pertaining thereto;

c) that he also holds one or more market intermediary certificates issued under the Act Respecting Market Intermediaries;

d) a list of his market intermediary certificates;

e) in the case of an insurance agent, that he can only practice as a real estate broker with regard to a loan secured by immovable hypothec on behalf of a single financial institution or on behalf of several financial institutions that are part of the same group within the meaning of the Act Respecting Market Intermediaries;

f) in the case of an insurance broker, that he can only practice as a real estate broker with regard to a loan secured by immovable hypothec on behalf of more than one financial institution;

(4) in the case of the holder of an affiliate real estate broker's certificate or a chartered or affiliate real estate agent's certificate:

a) his surname and first name;

b) the surname and first name or the firm name, as well as the business names, of the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit who employs him or authorizes him to act on his behalf;

c) the address of the place of business to which he is assigned, including the postal code and the telephone number pertaining thereto;

d) if he acting as a representative of the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit for the purposes of application of the Act or as manager or assistant manager of a place of business;

(5) in the case of the holder of a real estate agent's certificate restricted to hypothecary loans:

a) his surname and first name;

b) the surname and first name or the firm name, as well as the business names, of the holder of a multi-

disciplinary firm permit who employs him or authorizes him to act on his behalf;

c) the address of the place of business to which he is assigned, including the postal code and the telephone number pertaining thereto;

d) that he also holds one or more market intermediary certificates issued under the Act Respecting Market Intermediaries;

e) a list of his market intermediary certificates;

f) in the case of an insurance agent, that he is only authorized to practice as a real estate broker with regard to a loan secured by immovable hypothec on behalf of a single financial institution or on behalf of several financial institutions that are part of the same group within the meaning of the Act Respecting Market Intermediaries;

g) in the case of an insurance broker, that he is only authorized to practice as a real estate broker with regard to a loan secured by immovable hypothec on behalf of more than one financial institution;

(6) in addition, in all cases:

a) the category of certificate;

b) the certificate number;

c) the date of delivery, renewal or reinstatement of the certificate;

d) the expiration date of the certificate;

e) the specialist titles provided for in Chapter II of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, which the certificate holder may use;

f) the original signature of the Secretary of the Association, or a facsimile of this signature provided by the Association.

DIVISION V TERM OF A CERTIFICATE

27. A real estate broker's or agent's certificate is valid for a period of 12 months, from January 1 to December 31.

However, the first paragraph shall not apply to the certificate that is issued, which is valid for less than twelve months from its issue date until December 31 of the same year.

DIVISION VI SUSPENSION, CANCELLATION, RENEWAL OR REINSTATEMENT OF A CERTIFICATE

§1. Suspension of a Certificate

28. A real estate broker's certificate, other than an affiliate real estate broker's certificate, shall be suspended automatically upon the occurrence of one of the following events:

(1) when the certificate holder no longer possesses one of the following qualities:

a) (here list the different qualities set forth in the government regulations, the absence of which may lead to suspension)

(2) when the certificate holder pursues an activity prohibited by the Act;

(3) when a place of business of the certificate holder ceases to be managed in accordance with Section 13 of the Act for more than 60 consecutive days;

(4) in the case of the holder of a real estate broker's certificate restricted to hypothecary loans, when he ceases to hold a market intermediary's certificate in insurance issued under the Act Respecting Market Intermediaries, or when this certificate is suspended or cancelled;

29. An affiliate real estate broker's certificate or a real estate agent's certificate shall be suspended automatically upon the occurrence of one of the following events:

(1) when the certificate holder no longer possesses one of the following qualities:

a) (here list the different qualities set forth in the government regulations, the absence of which may lead to suspension)

(2) when the certificate holder pursues an activity prohibited by the Act;

(3) when the holder of a chartered real estate broker's certificate or of a multidisciplinary firm who employs him or on whose behalf he is authorized to act sees his certificate suspended or cancelled.

30. A real estate broker's or agent's certificate shall be suspended automatically when its holder is in default of payment of any contribution owing to the Fonds d'indemnisation du courtage immobilier, upon the deadline prescribed for its payment.

31. A real estate broker's or agent's certificate shall be suspended automatically if the cheque or other letter of exchange remitted by the certificate holder to cover the fees stipulated in Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec or the contribution to the Fonds d'indemnisation du courtage immobilier has not been paid, when it has been presented for payment.

32. A real estate broker's or agent's certificate shall be suspended automatically if the certificate holder is in default of payment to the Association of a sum due under the Act or its by-laws, other than the fees payable under Chapter I of the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, 30 days after he has been billed.

33. Subject to the provisions of Section 137 of the Act, the Secretary of the Discipline Committee of the Association shall transmit to the Secretary of the Association, without delay, a copy of every decision of the Discipline Committee or of the Québec Court ordering the suspension of a real estate broker's or agent's certificate.

34. Subject to Sections 137 and 138 of the Act, the Secretary of the Association, following suspension of a certificate, shall send a written notice to the natural person, partnership or legal person concerned by registered mail or delivered in accordance with the Code of Civil Procedure (R.S.Q., c. C-25). This notice shall state the cause, duration and effective date of the suspension.

A notice of this suspension also shall be transmitted to each member of the Association.

The notice stipulated in the second paragraph shall include the surname and first name, firm name or business names of the certificate holder, the address of his principal place of practice, his head office and his principal establishment in Québec, of the place of business to which he is assigned, as applicable, and state the category of certificate he holds, the cause, the duration and the effective date of the suspension.

Such a notice shall be deemed validly transmitted to each member if it is published or inserted in any official or regular publication sent by the Association to each of its members. When this notice is published, it shall be presented in a box covering at least two columns, with the title "NOTICE OF SUSPENSION OR REVOCATION OF CERTIFICATE".

35. The suspension of a certificate shall not have the effect of giving a right to a refund or of reducing the

amount of fees payable or of a sum due under the Act or its by-laws.

§2. Cancellation of a Certificate

36. A real estate broker's certificate, other than that of an affiliate real estate broker, shall be cancelled automatically upon the occurrence of one of the following events:

(1) when the certificate holder no longer possesses one of the following qualities:

a) (here list the different qualities set forth in the government regulations, the absence of which may lead to cancellation)

(2) when the certificate holder so requests;

(3) when it is established that the certificate holder has obtained delivery, renewal or reinstatement of a certificate based on misrepresentation;

(4) when the certificate holder no longer has any places of business in Québec;

(5) in the case of a certificate holder who is a natural person, when this person dies;

(6) in the case of a certificate holder which is a partnership, when it is considered to be dissolved for one of the reasons provided by law;

(7) in the case of a certificate holder which is a legal person, when it is considered to be extinct for one of the reasons provided by law.

37. An affiliate real estate broker's certificate or a real estate agent's certificate shall be cancelled automatically upon the occurrence of one of the following events:

(1) when the certificate holder no longer possesses one of the following qualities:

a) (here list the different qualities set forth in the government regulations, the absence of which may lead to cancellation)

(2) when the certificate holder so requests;

(3) when it is established that the certificate holder has obtained delivery, renewal or reinstatement of a certificate based on misrepresentation;

(4) when the certificate holder dies.

38. A real estate broker's or agent's certificate shall be cancelled automatically if the certificate holder, within the stipulated deadlines, has not reimbursed the amount in principal, interest and costs of any final judgment to which he has been condemned due to his liability for one of the causes mentioned in Section 55 of the Act, as well as the sums disbursed, if applicable, by the Fonds d'indemnisation du courtage immobilier that the latter may recover by subrogation under Section 57 of the Act.

39. Subject to the provisions of Section 137 of the Act, the Secretary of the Discipline Committee of the Association shall transmit to the Secretary of the Association, without delay, a copy of every decision of the Discipline Committee or of the Québec Court ordering the cancellation of a real estate broker's or agent's certificate.

40. Subject to Sections 137 and 138 of the Act, the Secretary of the Association, following cancellation of a certificate, shall send a written notice to the natural person, partnership or legal person concerned by registered mail or delivered in accordance with the Code of Civil Procedure (R.S.Q., c. C-25). This notice shall state the cause, duration and effective date of the cancellation.

A notice of this cancellation also shall be transmitted to each member of the Association.

The notice stipulated in the second paragraph shall include the surname and first name, firm name or business names of the certificate holder, the address of his principal place of practice, his head office and his principal establishment in Québec, of the place of business to which he is assigned, as applicable, and state the category of certificate he holds, the cause, the duration and the effective date of the cancellation.

Such a notice shall be deemed validly transmitted to each member if it is published or inserted in any official or regular publication sent by the Association to each of its members. When this notice is published, it shall be presented in a box covering at least two columns, with the title "NOTICE OF SUSPENSION OR REVOCATION OF CERTIFICATE".

41. The cancellation of a certificate shall not have the effect of giving a right to a refund or of reducing the amount of fees payable or of a sum due under the Act or its by-laws.

§3. Renewal of a Certificate

42. To obtain renewal of a real estate broker's or agent's certificate, the certificate holder must apply for it, in writing, to the Association before the expiration

date of the certificate. The applicant shall fulfil the following conditions:

(1) if he holds a chartered real estate broker's certificate, the conditions stipulated in Sections 8, 10 or 12, depending on whether he is a natural person, a partnership or a legal person, except for paragraph 2 of Section 8, 10 or 12;

(2) if he holds an affiliate real estate broker's certificate, the conditions stipulated in Section 14, except for paragraphs 1 and 2;

(3) if he holds a real estate broker's certificate restricted to hypothecary loans, the conditions stipulated in Section 16;

(4) if he holds a chartered real estate agent's certificate, the conditions stipulated in Section 18, except for paragraph 1;

(5) if he holds an affiliate real estate agent's certificate, the conditions stipulated in Section 20, except for paragraph 1;

(6) if he holds a real estate agent's certificate restricted to hypothecary loans, those stipulated in Section 22.

43. For any renewal of a certificate taking effect on January 1, 1997 and for any other renewal thereafter, an applicant who is a natural person shall also have taken continuing education courses provided by the Association for a total period of at least:

(1) either 15 hours during the year prior to the year for which the renewal of a certificate is requested;

(2) or 30 hours during the 2 years prior to the year for which the renewal of a certificate is requested.

(3) or 45 hours during the 3 years prior to the year for which the renewal of a certificate is requested.

If the applicant is a natural person holding a chartered real estate broker's certificate, his representative shall also have taken the continuing education courses stipulated in the first paragraph.

If the applicant is a partnership or legal person, its representative shall also have taken the continuing education courses stipulated in the first paragraph.

However, the first paragraph shall not apply if the applicant obtained his certificate during the year preceding the year for which the renewal is requested.

44. The preceding Section shall not apply to the renewal of an affiliate real estate agent's certificate taking effect during the three years following the year it is issued, unless this certificate was issued under Section 182 of the Act.

45. The applicant mentioned in Section 42 shall also transmit, along with his application, any document demonstrating that he fulfils the conditions stipulated in Section 43, as well as any information or document which has been the object of a change in relation to the documents transmitted at the time of the initial application for a certificate or of the last renewal, accompanied by a solemn affirmation attesting to their truthfulness.

§4. Reinstatement of a Certificate

46. To obtain reinstatement of a real estate broker's or agent's certificate which has been suspended:

(1) the cause which has resulted in this suspension must no longer exist or, if applicable, the term of the suspension must have expired;

(2) the certificate holder must apply for it, in writing, to the Association before the expiration date of the certificate and fulfil the following conditions:

a) if he holds a chartered real estate broker's certificate, the conditions stipulated in Sections 8, 10 or 12, depending on whether he is a natural person, a partnership or a legal person, except for paragraph 2 of Section 8, 10 or 12;

b) if he holds an affiliate real estate broker's certificate, the conditions stipulated in Section 14, except for paragraphs 1 and 2;

c) if he holds a real estate broker's certificate restricted to hypothecary loans, the conditions stipulated in Section 16;

d) if he holds a chartered real estate agent's certificate, the conditions stipulated in Section 18, except for paragraph 1;

e) if he holds an affiliate real estate agent's certificate, the conditions stipulated in Section 20, except for paragraph 1;

f) if he holds a real estate agent's certificate restricted to hypothecary loans, those stipulated in Section 22.

47. The applicant mentioned in Section 46, shall also transmit, along with his application, any document demonstrating that he fulfils the conditions stipulated in

paragraph 1 of Section 46, as well as any information or document which has been the object of a change in relation to the documents transmitted at the time of the initial application for a certificate or of the last renewal, accompanied by a solemn affirmation attesting to their truthfulness.

§5. Notice

48. The Association, whenever an affiliate real estate broker's certificate or a real estate agent's certificate is the object of a suspension, cancellation, renewal, non-renewal, reinstatement or refusal of reinstatement, shall notify the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit whose name appears on the certificate concerned.

49. The Association, whenever it refuses to renew a real estate broker's or agent's certificate, or to grant reinstatement of such a certificate, shall notify the applicant of this in writing, specifying the grounds for the refusal. This notice shall be transmitted by any means proving its date of receipt.

CHAPTER II RULES FOR THE PREPARATION OF EXAMINATIONS WHICH MUST BE TAKEN BY PERSONS APPLYING FOR A CERTIFICATE

50. The examination stipulated in Section 79 of the Act for obtaining a broker's or agent's certificate shall be prepared by the Association and deal with the subjects stipulated in the Regulations Respecting the Application of the Real Estate Act (R.S.Q., c. C-73.1).

51. The Association shall prepare a bank of several examinations, each of which shall deal with all of the subjects stipulated.

52. The examination, stipulated in Section 79 of the Act, taken by any person who applies for a certificate shall be one of those approved for the category of certificate requested; this examination, in whole or in part, may be on paper or on computer.

53. The Association shall publish a textbook or textbooks dealing with the subjects stipulated.

54. The Association shall notify the applicant in writing of the result of his examination. In case of failure, this notice shall be transmitted by any means proving its date of receipt.

55. In case of failure on an examination, the applicant shall be entitled to a supplemental examination within 3 months following the date of the initial exami-

nation. If he fails this supplemental examination, the applicant may not submit a new certificate application, or take another examination, until after a six-month waiting period following the date of the supplemental examination.

CHAPTER III SECURITY

DIVISION I GENERAL PROVISIONS

56. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall at all times maintain security to indemnify himself against the pecuniary consequences of liability which he may incur due to damages caused to third parties by any fault, error, negligence or omission committed in the practice of his real estate brokerage activity, by himself or by any person for whom he is civilly responsible.

Such security shall consist of a professional liability insurance policy or, when the certificate holder is refused an insurance policy by 3 or more insurers, a bond in place of such a policy.

57. The amount of this security shall be at least \$ 100 000 per claim and, for all claims pertaining to a 12-month period, at least \$ 500 000.

DIVISION II LIABILITY INSURANCE

58. The professional liability insurance policy shall contain the following stipulations:

(1) the policy shall cover the pecuniary consequences of the liability stipulated in Section 56;

(2) the insurer shall take the part of any person or partnership entitled to the benefits of the insurance and assume their defence in any action filed against them; the costs and expenses of any lawsuit, including those of the defence, as well as the interest on the amount of insurance, shall be assumed by the insurer in addition to the amounts stipulated in Section 57;

(3) the coverage shall extend to services rendered before the effective date of the insurance contract, as well as to omissions to render services;

(4) the coverage shall extend to any claim filed within 3 years following the coverage period during which the certificate holder mentioned in Section 56 ceases to act as a real estate broker;

(5) the insurer shall notify the Association in writing of any change to the contract as soon as it occurs;

(6) the insurer shall notify the Association in writing of any claim received, as well as any settlement of a claim, including all the details pertaining thereto;

(7) the insurer shall notify the Association in writing of the cancellation or non-renewal of the contract, at least 60 days before this cancellation or no later than 30 days following this non-renewal, as the case may be; this notice shall be accompanied by written proof demonstrating that such a notice has also been sent to the certificate holder mentioned in Section 56.

59. The insurance policy may provide for a deductible not exceeding \$ 5 000.

Notwithstanding the first paragraph, the deductible may be for an amount greater than \$ 5 000. In such a case, the certificate holder mentioned in Section 56 shall maintain, at all times, net liquid assets at least equal to the amount of the deductible stipulated in his insurance policy.

For the purposes of this Section, net liquid assets shall mean the excess of liquid assets over total current liabilities.

60. The certificate holder mentioned in Section 56 who holds an insurance policy covering his professional liability shall supply the Association, no later than its expiration date, with proof of its renewal, or a copy of a new insurance policy, for a minimum period of 12 months.

DIVISION III BOND

61. The bond shall be supplied by means of a guarantee policy issued in favour of the Association in trust.

62. The certificate holder mentioned in Section 58, no later than the expiration date of the guarantee policy, shall supply the Association with proof of its renewal, a new guarantee policy, or a copy of an insurance policy, for a minimum period of 12 months.

63. The professional liability guarantee policy shall include the following stipulations:

(1) the guarantee shall cover the pecuniary consequences of the liability stipulated in Section 56;

(2) the guarantee shall extend to services rendered before the effective date of the insurance contract, as well as to omissions to render services;

(3) the guarantee shall extend to any claim filed within 3 years following the coverage period during which the certificate holder mentioned in Section 56 ceases to act as a real estate broker;

(4) the guarantor shall notify the Association in writing of any change to the contract as soon as it occurs;

(5) the guarantor shall notify the Association in writing of the cancellation or non-renewal of the contract, at least 60 days before this cancellation or no later than 30 days following this non-renewal, as the case may be; this notice shall be accompanied by written proof demonstrating that such a notice has also been sent to the certificate holder mentioned in Section 56.

64. In the event of a lawsuit filed against a certificate holder mentioned in Section 56, based on the liability mentioned in that Section, the certificate holder shall notify the Association promptly, provide it with a copy of the procedures and demonstrate to the Association that the guarantor has been informed of the lawsuit. The certificate holder shall proceed in the same way when a judgment becomes executable against him.

CHAPTER IV CONDITIONS APPLICABLE TO THE CARRYING ON OF THE ACTIVITY OF REAL ESTATE BRO- KER

65. A person may not hold more than one certificate, notwithstanding the category.

66. To engage in the activity provided for in Section 1 of the Act, a natural person who represents a chartered real estate broker for the purposes of the Act, or who manages a place of business or who acts as an assistant to a person who manages a place of business shall hold an affiliate real estate broker's certificate or a chartered real estate agent's certificate.

67. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, may not have more places of business than there are holders of real estate broker's or agent's certificates in his employ or authorized to act on his behalf.

68. Any place of business or any establishment of the holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall:

(1) be established in such a manner that it does not create any confusion with the establishment of another enterprise;

(2) be organized to ensure the suitable practice of real estate brokerage activity and ensure the confidentiality of personal information which may be received in the exercise of the broker activity, and for this purpose give access to one closed space to meet clients;

(3) comply with the applicable municipal by-laws;

(4) when located in a commercial building, have a main entrance which leads directly to the outside, a common area or to a corridor intended for the clientele.

69. The holder of a real estate broker's or agent's certificate shall supply the Association promptly with any change to any of the information or documents that he has transmitted to the Association.

70. When the holder of a chartered real estate broker's certificate reassigns the holder of an affiliate real estate broker's certificate or a chartered or affiliate real estate agent's certificate from one place of business to another, he shall notify the Association of this promptly in writing.

71. When the holder of an affiliate real estate broker's certificate or a chartered or affiliate real estate agent's certificate ceases to be employed by the holder of a chartered real estate broker's certificate or authorized to act on his behalf, the latter shall notify the Association of this promptly in writing, specifying the cause of this cessation.

72. When a real estate broker's certificate, other than that of an affiliate real estate broker, is suspended, its holder may not practice as a real estate broker or use this title.

73. When an affiliate real estate broker's certificate is suspended, its holder may not engage in a transaction covered by Section 1 of the Act for a holder of a chartered real estate broker's certificate or a multidisciplinary firm permit, or use the title of real estate broker.

74. When a real estate agent's certificate is suspended, its holder may not engage in a transaction covered by Section 1 of the Act for a holder of a chartered real estate broker's certificate or a multidisciplinary firm permit, or use the title of real estate agent.

75. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall refrain from:

(1) accepting payment, directly or indirectly, of compensation from a person who practices or attempts to practice as a real estate broker without being:

a) either the holder of a real estate broker's certificate other than that of an affiliate real estate broker;

b) or the holder of a multidisciplinary firm permit;

c) or a real estate broker who practices outside of Québec and who comes under another jurisdiction;

(2) accepting to pay, directly or indirectly, compensation to a person who practices or attempts to practice as a real estate broker or agent without holding a certificate;

(3) accepting to pay, directly or indirectly, compensation to the holder of an affiliate real estate broker's certificate or a real estate agent's certificate who is not in his employ or who is not authorized to act on his behalf.

76. The holder of an affiliate real estate broker's certificate or of a real estate agent's certificate shall refrain from:

(1) splitting his compensation directly or indirectly;

(2) accepting payment, directly or indirectly, of compensation from a person other than the holder of a chartered real estate broker's certificate or a multidisciplinary firm permit who employs him or authorizes him to act on his behalf.

77. The holder of a real estate broker's or agent's certificate shall show his certificate on request.

78. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall display in each of his places of business and in each of his establishments, so that it is visible to any person entering this place or business or this establishment, a document attesting that he holds a broker's certificate, and which contains the following information:

(1) his surname and first name, firm name and business names;

(2) the category of the real estate broker's certificate he holds;

(3) the number of the real estate broker's certificate he holds;

(4) the expiration date of the real estate broker's certificate he holds;

(5) the address of his principal establishment in Québec, including the postal code, as well as the telephone number pertaining thereto;

(6) the surname and first name of the natural person who represents him for the purposes of the Act as well as the number of this person's certificate, if applicable;

(7) the address of the place of business or establishment concerned by the document, including the postal code, as well as the telephone number pertaining thereto;

(8) if applicable, the surname and first name of the natural person who manages the place of business as well as the category and number of his certificate, if applicable;

(9) in the case of the holder of a real estate broker's certificate restricted to hypothecary loans who is an insurance agent, the mention that he may only practice as an insurance broker with regard to a loan secured by immovable hypothec on behalf of a single financial institution or on behalf of several financial institutions which are part of the same group within the meaning of the Act Respecting Market Intermediaries;

(10) in the case of the holder of a real estate broker's certificate restricted to hypothecary loans who is an insurance broker, the mention that he may only practice as an insurance broker with regard to a loan secured by immovable hypothec on behalf of more than one financial institution;

(11) in the case of a certificate holder who uses a business name, a trademark or a logo, other than that of the Association, of a real estate board which is a member of the Fédération des chambres immobilières du Québec, of this federation or of the Canadian Real Estate Association, which does not belong to him, the mention that the holder of the real estate broker's certificate is independent of any other person or partnership owning or using this business name, this trademark or this logo;

(12) the surname and first name, firm name and business names of the proprietor of any business name, any trademark or any logo used by the holder of the real estate broker's certificate;

(13) the mention that the person stipulated in paragraph 12 is, or is not, the holder of a real estate broker's or agent's certificate;

(14) the firm name or business names of the insurer who has granted the security stipulated in the Act to cover his liability;

(15) the original signature of the Secretary of the Association, or a facsimile of this signature provided by the Association, attesting that the information appearing

on this document is the information that was brought to his attention.

79. The holder of a chartered real estate broker's certificate to whom a brokerage contract has been entrusted shall notify the contracting party in writing:

(1) of any change in the identity of the holder of an affiliate real estate broker's certificate or a chartered or affiliate real estate agent's certificate responsible for representing the broker with the contracting party;

(2) of any change in the address of the place of business to which is assigned the holder of an affiliate real estate broker's certificate or a chartered or affiliate real estate agent's certificate responsible for representing the broker with the contracting party.

80. When a brokerage contract, other than the one mentioned in Chapter III of the Act, is entrusted in writing to the holder of a real estate broker's certificate, other than that of an affiliate real estate broker, the latter shall:

(1) include in the contract a provision to the effect that it expires at a specific date and time;

(2) remit a duplicate of the contract to the contracting party.

81. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall remit to the contracting party a copy of any document containing the information serving to describe the property, the stock-in-trade or the loan secured by immovable hypothec which is the object of the brokerage contract.

This copy shall be transmitted as soon as this document is established or, if the contract contains a provision to the effect that the real estate broker is obliged to transmit the information in this contract to a multiple listing service or to a similar service of a real estate board or of any other organization for distribution to the members subscribing to such a service, as soon as they have been distributed by one of these services.

If an error or omission is found in this document, the certificate holder shall make the necessary changes as soon as possible.

The certificate holder shall give the contracting party a new copy of this document as soon as a change has been made.

When this document contains abbreviations, the certificate holder shall also provide the contracting party with a document stating the meaning of the abbreviations used.

82. Subject to Section 39 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), the holder of a real estate broker's or agent's certificate, as soon as possible following receipt, shall present the prospective contracting party with any proposed transaction that he receives in writing. This presentation shall be made by the holder of a real estate broker's certificate, other than that of an affiliate real estate broker, whom the prospective contracting party has retained to act as an intermediary, unless this certificate holder provides written authorization to the contrary.

83. When the holder of a real estate broker's or agent's certificate receives more than one proposed transaction in writing, he shall present each without preference, particularly with regard to chronological order of receipt, to the identity of the holder of a real estate broker's or agent's certificate who has taken it or to the circumstances surrounding the taking of the proposal.

84. The holder of a real estate broker's or agent's certificate, when he acts as an intermediary within the framework of a transaction covered by Section 1 of the Act, shall recommend that a reasonable down payment be paid in trust to the holder of a real estate broker's certificate, other than that of an affiliate real estate broker, to whom the brokerage contract has been entrusted, unless this certificate holder provides instructions to the contrary.

85. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, who receives an asset in trust, other than a sum of money, shall deposit it in a safety deposit box rented by the certificate holder in Québec, in a financial institution that is registered with the Régie de l'assurance-dépôts du Québec or a member of the Canada Deposit Insurance Corporation.

The certificate holder mentioned in the first paragraph shall, each time he makes a trust deposit into or withdrawal from a safety deposit box, promptly transmit to the Association a written notice to this effect.

CHAPTER V CASES IN WHICH A PERSON MANAGING A PLACE OF BUSINESS MUST DEVOTE HIMSELF EXCLUSIVELY TO HIS MANAGEMENT DUTIES

86. A natural person who manages a place of business shall devote himself exclusively to his managerial duties, whenever one of the following situations exists:

(1) either 15 or more persons, holding an affiliate real estate agent's certificate issued within the past 2 years, are assigned to this place of business;

(2) or 25 or more persons, holding an affiliate real estate agent's certificate, regardless of the number of years since the date of issue, are assigned to this place of business;

(3) or 30 or more persons, holding an affiliate real estate broker's certificate or a chartered or affiliate real estate agent's certificate, are assigned to this place of business.

CHAPTER VI **CONDITIONS FOR PRESENTING ONESELF** **AS A BROKER OR REAL ESTATE AGENT WHEN** **THE CERTIFICATE HOLDER IS PARTY** **TO THE PURCHASE, SALE OR EXCHANGE** **OF PROPERTY**

87. For the purposes of the disclosure stipulated in Section 22 of the Act, the holder of a real estate broker's or agent's certificate shall transmit a written notice promptly to the prospective contracting party, by any means capable of proving its date of receipt, indicating in legible characters:

(1) the surname and first name, firm name and business names of the certificate holder;

(2) the category and number of the real estate broker's or agent's certificate he holds;

(3) the address of his place of business or the place of business to which he is assigned, including the postal code, as well as the telephone number pertaining thereto;

(4) the name of the holder of the real estate broker's certificate or of the multidisciplinary firm permit who employs him or on whose behalf he is authorized to act;

(5) the surname and first name, firm name and business names of the prospective contracting party, including the postal code;

(6) the identification of the property that is the object of the purchase, sale or exchange;

(7) the nature of the transaction concerning the property that is the object of the purchase, sale or exchange;

(8) whether he is practising his profession, and in what capacity;

(9) the nature of the direct or indirect interest he owns or proposes to acquire in the property that is the object of the purchase, sale or exchange;

(10) how long he has owned this interest in the property that is the object of the purchase, sale or exchange;

(11) a mention to the effect that he attests to the truthfulness of the information disclosed in the written notice;

(12) his signature or, in the case that the certificate holder is a partnership or a legal person, that of the natural person designated to represent it for the purposes of the Act or any member it employs or authorizes to act on its behalf and that it specially designates for this purpose;

(13) the date on which this signature is affixed.

88. The holder of a real estate broker's or agent's certificate, at the same time that he transmits the information stipulated in Section 23 of the Act to the Association, shall transmit to the Association a copy of the written notice stipulated in Section 89.

89. The holder of an affiliate real estate broker's certificate or a real estate agent's certificate shall remit a copy of the written notice stipulated in Section 87 to the holder of a chartered real estate broker's certificate or of a multidisciplinary firm permit who employs him or on whose behalf he is authorized to act, to the natural person designated to represent the latter for the purposes of the Act or to the natural person who manages the place of business to which he is assigned.

90. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall place a copy of the written notice stipulated in Section 87 in his files.

CHAPTER VII **CONTENT, FORM AND USE OF MANDATORY** **FORMS DESIGNATED BY THE REGULATION** **RESPECTING THE APPLICATION OF THE REAL** **ESTATE BROKERAGE ACT**

91. The content of the mandatory forms that must be used by the holder of a real estate broker's or agent's certificate, as designated in the Regulation Respecting the Application of the Real Estate Brokerage Act, is stipulated in Appendices 1 to 6.

92. The Association shall publish the mandatory forms, which shall take the form stipulated hereinafter:

(1) the mandatory form shall be reproduced on paper measuring 216 by 356 millimetres;

(2) each copy of the same mandatory form shall make it possible for the signature or initial of each contracting party to be executed as an original;

(3) the minimum margins of a mandatory form shall be 12 millimetres on the left and the right, 21 millimetres at the top and 9 millimetres at the bottom;

(4) the side margins of each copy of a mandatory form shall be left blank;

(5) the top margin of a mandatory form shall bear the logo of the Association, as well as the title of the mandatory form, the words "Mandatory form for all Québec brokers and real estate agents" and, if applicable, the words "(see the text of Section (here state the number of the Section of the Regulations Respecting the Application of the Real Estate Brokerage Act which determines which forms are mandatory) of the Regulations Respecting the Application of the Real Estate Brokerage Act on the back of this form)". The logo shall have a minimum size of 12 by 12 millimetres, a maximum size of 17 by 17 millimetres, and be aligned on the left or right margin. The title shall be printed in at least 12 point type, and the text in at least 6 point type.

(6) the logo of the Association shall also be reproduced in a frame no more than 15 % in the centre of the front side of the mandatory form. The logo shall have a minimum size of 85 by 85 millimetres, and a maximum size of 120 by 120 millimetres;

(7) the bottom margin of a mandatory form shall bear a distinct number, consisting of two letters followed by 5 digits. The number shall be printed in at least 14 point type on each copy of the form;

(8) the text and the lines indicating the spaces to be completed shall be reproduced in black or charcoal grey ink, with the exception of the section headings which may be reproduced in ink of another colour. The text shall be printed in at least 7 point type.

93. The mandatory form entitled "Exclusive Brokerage Contract Sale of a Principally Residential Immovable" shall be drawn up in at least 2 copies.

94. The mandatory forms "Promise to Purchase General", "Appendix A Immovable", "Appendix G General", "Counter-Proposal" and "Modifications and Notice of Fulfilment of Conditions" shall be drawn up in at least 4 copies.

95. A mandatory form shall be completed in French. However, it may be completed in another language if this is the express will of the parties.

96. A mandatory form shall be completed clearly and legibly by the holder of a real estate broker's or agent's certificate, by hand or by means of a typewriter, a computer system or a printing system.

The certificate holder, in particular, shall not use any abbreviation incomprehensible to the parties nor leave any ambiguity as to whether or not certain terms and conditions of a form apply.

97. When the holder of a real estate broker's or agent's certificate completes a mandatory form by hand, he shall do so in ink and write neatly to facilitate reading.

98. When the holder of a real estate broker's or agent's certificate completes a mandatory form by means of a typewriter, a computer system or a printing system, he shall use at least 10 point type, different from the typeface used for the compulsory content, so as to enable the parties to distinguish the text of any addition or modification easily from that of the compulsory content of the form.

99. When the holder of a real estate broker's or agent's certificate uses the mandatory form "Appendix A Immovable", "Appendix G General", "Counter-Proposal" or "Modifications and Notice of Fulfilment of Conditions", he shall indicate, in the space provided for this purpose, the distinct number of the mandatory form "Exclusive Brokerage Contract Sale of a Principally Residential Immovable" or, if applicable, the mandatory form "Promise to Purchase General", to which he makes reference.

100. When the holder of a real estate broker's or agent's certificate crosses out an item on a mandatory form, he shall have this deletion initialled by the parties before they sign or initial the form.

101. The additions or changes that the holder of a real estate broker's or agent's certificate may make to a mandatory form solely shall concern the object of the terms and conditions of this form.

102. The holder of a real estate broker's or agent's certificate, before having anyone sign or initial a mandatory form that he has completed, shall ensure that the parties can take cognizance of the terms and conditions of this form.

103. The holder of a real estate broker's or agent's certificate shall not add, change or cross out anything on a mandatory form after the parties have signed or initialled this form.

104. The holder of a real estate broker's or agent's certificate shall use the mandatory form "Modifications and Notice of Fulfilment of Conditions" when the parties want to make a change to a mandatory form, "Exclusive Brokerage Contract Sale of a Principally Residential Immovable" or "Promise to Purchase General", which they have already signed or initialled.

105. The holder of a real estate broker's or agent's certificate shall only use the mandatory form "Appendix G General" to complete the terms and conditions of the mandatory forms "Exclusive Brokerage Contract Sale of a Principally Residential Immovable" and "Promise to Purchase General" or those of another form which is neither compulsory nor an appendix.

The certificate holder, in particular, shall not use this form to make a change to a mandatory form, "Exclusive Brokerage Contract Sale of a Principally Residential Immovable" or "Promise to Purchase General" which the parties have already signed or initialled, as a notice of fulfilment of conditions, or to make a counter-offer.

CHAPTER VIII CONDITIONS, OBLIGATIONS AND PROHIBITIONS REGARDING ADVERTISING, SOLICITATION OF CLIENTS AND REPRESENTATIONS MADE BY A MEMBER

106. Only a member who holds a certificate issued by the Association and which is not the object of a suspension may advertise, solicit clients or make representations regarding the practice of the real estate brokerage activity covered by Section 1 of the Act.

He may only do what is mentioned in the first paragraph jointly with a person or partnership if this person or partnership fulfils the conditions stipulated in this paragraph, unless this is the person or partnership that has entrusted him with a brokerage contract.

107. A member may only advertise, solicit clients or make representations regarding a brokerage transaction covered by Section 1 of the Act if he has been expressly authorized to do so by the person or partnership that has entrusted him with a brokerage contract.

108. A member, in any advertising, solicitation of clients or representations regarding the practice of the real estate brokerage activity covered by Section 1 of the Act, shall not:

(1) convey any information which he knows to be false, misleading or incomplete, particularly with regard to a price, which must be the price stipulated in the brokerage contract or in the proposed transaction stipulated in Section 1 of the Act;

(2) use any form which may lead to confusion, particularly with regard to firm name, business name, trademark, slogan or logo.

109. A member shall state clearly the following information in any advertising, solicitation of clients and representation regarding the practice of the real estate brokerage activity covered by Section 1 of the Act, particularly on his business card and in the letterhead of his stationery:

(1) if he holds a chartered real estate broker's certificate:

a) the surname and first name, firm name and business names indicated on his certificate;

b) the category of real estate broker's certificate he holds, unless the advertising is done in a periodical, in which case mentioning that he is acting as a restricted real estate broker is sufficient;

c) the telephone number of his principal establishment in Québec or of one of his places of business, unless the advertising is done in a periodical or on a signboard;

(2) if he holds a real estate broker's certificate restricted to hypothecary loans;

a) the surname and first name, as well as the business names, that are indicated on his certificate;

b) the category of real estate broker's certificate he holds, unless the advertising is done in a periodical, in which case mentioning that he is acting as a restricted real estate broker is sufficient;

c) the telephone number of his principal establishment in Québec or of one of his places of business, unless the advertising is done in a periodical or on a signboard;

d) in the case of an insurance agent, that he is only authorized to practice as a real estate broker with regard to a loan secured by immovable hypothec on behalf of a single financial institution or several financial institutions which are part of the same group within the meaning of the Act Respecting Market Intermediaries;

e) in the case of an insurance broker, that he is only authorized to practice as a real estate broker with regard to a loan secured by immovable hypothec on behalf of more than one financial institution;

(3) if he holds an affiliate real estate broker's certificate or a real estate agent's certificate:

a) the surname and first name indicated on his certificate;

b) the category of real estate broker's or agent's certificate he holds, unless the advertising is done in a periodical;

c) the surname and first name, firm name and business names of the holder of the chartered real estate broker's certificate or of the multidisciplinary firm permit who employs him or on whose behalf he is authorized to act;

d) whether the person or partnership covered by subparagraph c holds a real estate broker's certificate or a multidisciplinary firm permit;

e) the telephone number of the place of business to which he is assigned, unless the advertising is done in a periodical or on signboard.

110. A member shall indicate the following information on his business card and in the letterhead of his stationery, apart from the information required in Section 109:

(1) if he holds a real estate broker's certificate, other than that of an affiliate real estate broker, the address of his principal establishment in Québec or of one of his places of business and, if he is franchised;

a) the surname and first name of the firm name of the franchiser;

b) that he is franchised but independent and autonomous of the franchiser mentioned in subparagraph a;

(2) if he holds an affiliate real estate broker's certificate or a real estate agent's certificate, the address of the place of business to which he is assigned.

111. Apart from the information stipulated in Sections 109 and 110, a member may indicate, to identify himself in any advertising, solicitation of clients and representation regarding the practice of the real estate brokerage activity covered by Section 1 of the Act, particularly on his business card and in the letterhead of his stationery, all information that can be verified and measured.

112. The member shall not solicit a brokerage contract from a person who has entrusted an exclusive brokerage contract for the same object to another member.

Notwithstanding the first paragraph, a member holding a real estate broker's or agent's certificate may solicit a group of persons in general, whether in person, by telephone, by mail or otherwise, provided that this solicitation is not directly or specifically aimed at persons who have in common the fact of already being bound by an exclusive brokerage contract entrusted to another member. Such solicitation, in particular, may be done among all persons who are proprietors in a given geographical sector or who have in common the fact of belonging to a specific profession, club or organization.

CHAPTER IX RULES FOR ESTABLISHMENT AND MAINTENANCE OF A TRUST ACCOUNT

113. Only the holder of a real estate broker's certificate, other than that of an affiliate real estate broker, may open a trust account.

114. The certificate holder covered by Section 113 shall open a single general trust account and as many special trust accounts as necessary, in which he shall deposit the sums received for other parties in the performance of his duties. These accounts shall be opened in Québec in a financial institution, the deposits in which are guaranteed under the Deposit Insurance Act (R.S.Q., c. A-26) or the Canada Deposit Insurance Corporation Act (R.S.C., 1985, c. B-3).

115. So that each depositor benefits from deposit insurance, the certificate holder covered by Section 113 shall ensure that each deposit is made with a financial institution in such a way that it constitutes a distinct deposit, within the meaning of the Deposit Insurance Act or the Canada Deposit Insurance Corporation Act.

116. When the certificate holder covered by Section 113 opens a general trust account, he shall promptly transmit to the depositary financial institution, as well as to the Association, a copy of the declaration the content of which appears in Appendix 7.

117. The certificate holder covered by Section 113 shall deposit in his general trust account any sum for which the client has not claimed the interest. This deposit shall be made in accordance with the terms and conditions of the agreement establishing the certificate holder as the trustee of this sum.

The interest generated by such sums shall be paid into the fund established under the second paragraph of Section 74 of the Act.

118. When the certificate holder covered by Section 113 opens a special trust account, he shall promptly transmit to the depositary financial institution, a copy of the declaration the content of which appears in Appendix 8, and keep a copy for professional inspection purposes.

119. The certificate holder covered by Section 113 shall deposit any sum for which the client has claimed interest in a special trust account and indicate the name of the client for whom this account is opened. This deposit shall be made in accordance with the terms and conditions of the agreement establishing the certificate holder as the trustee of this sum.

120. When the certificate holder covered by Section 113 receives a sum in cash, he shall give the depositor an acknowledgement of receipt, the content of which appears in Appendix 9.

121. As soon as he has deposited a sum in a general or special trust account, the certificate holder covered by Section 113 shall give the depositor a receipt, the content of which appears in Appendix 10, bearing the unique number, from a consecutive series of numbers, assigned by the real estate broker to his receipts. The certificate holder shall keep a duplicate of this receipt in his files.

122. When payment of a cheque or a letter of exchange which has been received as a down payment is refused by the financial institution on which it has been drawn, the certificate holder covered by Section 113 shall inform the parties to the transaction covered by Section 1 of the Act promptly in writing.

123. Any withdrawal from a general or special trust account shall be effected by means of a cheque, a letter of exchange or a transfer slip bearing the unique number assigned to each intended transaction. The certificate holder covered by Section 113 shall keep a duplicate of these cheques, bills of exchange and transfer slips in his files, as well as the originals of his cheques and bills of exchange which have been cashed, for professional inspection purposes.

124. The cheques, bills of exchange and transfer slips that the certificate holder covered by Section 113 draws on a general or special trust account shall bear:

(1) a unique number, from a consecutive series of numbers, assigned by the certificate holder to its cheques, bills of exchange and transfer slips;

(2) the mention "Trust account governed by the Real Estate Brokerage Act".

125. When the certificate holder covered by Section 113 closes a general trust account, he shall promptly transmit to the depositary financial institution, as well as to the Association, a copy of the notice the content of which appears in Appendix 11.

126. In the month following the end of each month, the certificate holder covered by Section 113 shall reconcile his accounting records regarding the sums and other assets held in trust with his receipts, cheques, bills of exchange and transfer slips, as well as with the statements of the depositary financial institution.

127. The certificate holder covered by Section 113, during the month following the end of each quarter of the calendar year, shall transmit to the Association:

(1) a summary, the content of which appears in Appendix 12, of the deposits to and withdrawals from his general trust account and all of his special trust accounts;

(2) a copy of the bank reconciliation statement, the content of which appears in Appendix 13, established at the end of the quarter for his general trust account and each of his special trust accounts;

(3) a detailed list, the content of which appears in Appendix 14, of all sums held at the end of the quarter in his general trust account and all of his special trust accounts at the end of the quarter.

The amounts appearing under the heading "Total balances according to accounting records at end of quarter" in Appendix 12, under the heading "Total of balances of accounts after reconciliation" in Appendix 13 and under the heading "Total of sums held" in Appendix 14 must coincide.

128. The certificate holder covered by Section 113 shall ensure that the conditions according to which the sums deposited in a trust account may be used are recorded in writing. This document shall bear the signature of each of the parties to the transaction covered by Section 1 of the Act.

129. When a written request for reimbursement of sums deposited in a trust account of a certificate holder covered by Section 113 is formulated by a depositor, this certificate holder, in the event that such a request does not correspond to the conditions according to which these sums may be used, shall follow the following procedure:

(1) transmit a written notice, the content of which appears in Appendix 15, to the other parties to the transaction covered by Section 1 of the Act, that such a

written request for reimbursement has been formulated. This notice shall be transmitted by any means proving its date of receipt;

(2) send a copy of the notice mentioned in paragraph 1 to the depositor, this copy to be transmitted by any means proving its date of receipt;

(3) when applicable, remit the deposited sums to the depositor upon expiration of the delay stipulated in the notice mentioned in paragraph 1.

130. When a written request for payment of sums deposited in a trust account of a certificate holder covered by Section 113 is formulated by a person other than the depositor, this certificate holder, in the event that such a request does not correspond to the conditions according to which these sums may be used, shall follow the following procedure:

(1) transmit a written notice, the content of which appears in Appendix 16, to the other parties to the transaction covered by Section 1 of the Act, that such a written request for reimbursement has been formulated. This notice shall be transmitted by any means proving its date of receipt;

(2) if the person who made the request for payment is not party to the transaction, transmit to him copy of the notice mentioned in paragraph 1. This copy shall be transmitted by any means proving its date of receipt.

131. When 3 years have elapsed since the projected conclusion date of a transaction and the certificate holder covered by Section 113 has not succeeded in contacting the depositor of a sum held in trust, the certificate holder shall pay this sum to the order of the "Association des courtiers et agents immobiliers du Québec in trust". The Association shall act as depository of these sums to the benefit of the original depositor, and shall maintain to this end a book of account for these sums held in trust in accordance with generally accepted accounting principles.

132. The general or special trust account of a certificate holder covered by Section 113 does not belong to him and he may not deposit or leave his personal funds therein.

133. A certificate holder covered by Section 113 who does not intend to receive any sum on behalf of another person in the performance of his duties shall transmit to the Association, when a certificate is issued to him or when he closes his general trust account, a declaration, the content of which appears in Appendix 17.

CHAPTER X

RULES FOR DISCLOSURE OF SHARING OF COMPENSATION BETWEEN A BROKER AND A MARKET INTERMEDIARY

134. For the purposes of the disclosure stipulated in Section 27 of the Act, the holder of a real estate broker's certificate, other than that of an affiliate real estate broker, once a sharing agreement is reached with a market intermediary, shall transmit a written notice promptly to his client, by any means capable of proving its date of receipt, indicating in legible characters:

(1) the surname and first name, firm name and business names of the real estate broker;

(2) the number of the real estate broker's certificate he holds;

(3) the surname and first name, firm name and business names, as well as the address of the market intermediary with whom he shares his compensation;

(4) the number of the certificate held by this market intermediary;

(5) the terms of sharing the real estate broker's compensation;

(6) a mention to the effect that he attests to the accuracy of the information disclosed in the written notice;

(7) his signature or, in the case of a partnership or a legal person, that of the natural person designated to represent it for the purposes of the Act or of any member it employs or authorizes to act on its behalf and specially designates for this purpose;

(8) the date on which this signature is executed.

135. The certificate holder covered by Section 134 shall place a copy of the written notice stipulated in that Section in his files.

136. Any sharing of compensation with a market intermediary shall be recorded promptly in the register provided for this purpose, as soon as it is effected.

CHAPTER XI

FILES, BOOKS AND REGISTERS

DIVISION I

NATURE OF FILES, BOOKS AND REGISTERS THAT A REAL ESTATE BROKER MUST KEEP

137. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall keep the following files, books and registers up to date:

- (1) a file for each brokerage contract;
- (2) a register of his brokerage contracts;
- (3) a file for each proposed transaction not accepted, in cases where the real estate broker is not the one to whom the brokerage contract has been entrusted;
- (4) an individual register for each of his transactions covered by Section 1 of the Act;
- (5) a file for each transaction covered by Section 1 of the Act;
- (6) a register of his transactions covered by Section 1 of the Act;
- (7) account books pertaining to the sums and other assets held in trust;
- (8) a register of compensation shared with a market intermediary;
- (9) account books pertaining to the business of the real estate broker.

The registers stipulated in paragraphs 2 and 6 to 9 may be kept by photographic, computer or electronic means of data or document processing.

The certificate holder shall keep these files, books and registers in each of his places of business. However, he may keep the registers stipulated in paragraphs 7 to 9 at his principal establishment in Québec.

DIVISION II

FORM AND CONTENT OF FILES, BOOKS AND REGISTERS THAT A REAL ESTATE BROKER MUST KEEP

138. The file for each brokerage contract shall contain the following documents:

- (1) the original of the brokerage contract;
- (2) a copy of any document containing the data serving to describe the immovable, the stock-in-trade or the loan secured by immovable hypothec which is the object of the brokerage contract;
- (3) a copy of any document that the certificate holder covered by Section 137 has in his possession to justify the truthfulness of the information that he is transmitting concerning the object of the brokerage contract;
- (4) a copy of any agreement pertaining to a future sharing of compensation;

(5) the original of any proposed transaction which has not been accepted;

(6) any other document pertaining to the transaction covered by the contract, including all correspondence.

139. The register of brokerage contracts shall contain the following information for each brokerage contract, which shall be entered in ascending numerical order of the unique numbers assigned by the certificate holder covered by Section 137 to each of the brokerage contracts or in alphanumeric order of the addresses or cadastral descriptions:

(1) the address, including the postal code, of the immovable or stock-in-trade which is the object of the brokerage contract, or its cadastral description if there is no address;

(2) the date on which the brokerage contract was entrusted to the certificate holder;

(3) the date on which the brokerage contract must expire;

(4) the unique number, from a consecutive series of numbers specific to the place of business, assigned to the brokerage contract;

(5) the surname and first name, firm name and business names of the person or partnership which has entrusted the brokerage contract to the certificate holder, as well as his or its address, postal code and telephone number.

140. The file for each proposed transaction not accepted, in cases where the certificate holder covered by Section 137 is not the one to whom the brokerage contract has been entrusted, shall contain the following documents:

(1) the original of the proposed transaction which has not been accepted or, if the certificate holder does not have this in his possession, a copy;

(2) a copy of any document concerning the information serving to describe the immovable, the stock-in-trade or the loan secured by immovable hypothec which is the object of the proposed transaction.

141. The individual register for each transaction covered by Section 1 of the Act shall contain the following information:

(1) the unique number, from a consecutive series of numbers specific to the place of business, assigned by the certificate holder covered by Section 137 of the transaction;

(2) the date of acceptance of the proposed transaction;

(3) the projected date of conclusion of the transaction;

(4) the address, including the postal code, of the immovable or of the stock-in-trade covered by the transaction, or its cadastral description if there is no address;

(5) the nature of the transaction;

(6) the unique number, from a consecutive series of numbers specific to the place of business, assigned by the certificate holder to the brokerage contract;

(7) the surname and first name, firm name and business names of the person or partnership which, by this transaction, alienates a right, as well as his or its address, including the postal code and telephone number;

(8) the surname and first name, firm name and business names of the person or partnership which, by this transaction, acquires a right, as well as his or its address, including the postal code and telephone number;

(9) the total value of the consideration agreed between the parties;

(10) the address of the place of business of the certificate holder;

(11) the amount or the market value, excluding the applicable taxes, of the compensation which the certificate holder shall receive;

(12) the identification of the person or partnership which shall pay the certificate holder's compensation, either by indicating one of the persons or partnerships stipulated in paragraphs 7 or 8, or by mentioning the surname and first name, firm name and business names of this person or partnership, as well as his address including his postal code and telephone number;

(13) the amount or the market value, excluding the applicable taxes, of the portion of compensation that the certificate holder shares with the holder of a real estate broker's certificate, other than that of an affiliate real estate broker, with a person entitled to practice as a real estate broker in a jurisdiction outside of Québec, or with a market intermediary;

(14) the surname and first name, firm name and business names of the holder of a real estate broker certificate, other than that of an affiliate real estate broker, of the person entitled to practice as a real estate broker in a

jurisdiction outside of Québec, or of the market intermediary with whom the certificate holder shares his compensation, as well as their respective certificate numbers;

(15) the date of receipt of any sum or any other asset received in trust, if it differs from the date of the promise;

(16) the mention that this is a sum received in trust, or else the description of any other asset received in trust;

(17) the amount of any sum received in trust, or the value agreed in the proposed transaction for any other asset received in trust;

(18) the mention that any sum received in trust shall or shall not bear interest to the benefit of the depositor;

(19) the surname and first name of the member of the legal profession approached to conclude the transaction, and the business name of his firm;

(20) the date on which this register has been completed;

(21) the signature of the certificate holder, or of the natural person designated to represent it for the purposes of the Act or to manage this place of business.

142. The file for each transaction covered by Section 1 of the Act shall contain the following documents:

(1) the contents of the file, stipulated in Section 138, for the brokerage contract concerning the transaction in cases in which the certificate holder covered by Section 137 is not the one to whom the brokerage contract was entrusted, a copy of any document stipulated in Section 138 that he has in his possession;

(2) the individual register for the transaction;

(3) the original of the proposed transaction which has been accepted or, if the certificate holder does not have this in his possession, a copy;

(4) a copy of the receipt issued to the depositor for any sum or other asset received in trust;

(5) a copy of the cheque, the bill of exchange or the transfer slip that has served to effect a withdrawal from a trust account, unless such copy is kept at the certificate holder's principal establishment;

(6) the original of any document establishing that the certificate holder has remitted an asset, other than a sum of money, which he held in trust;

(7) a copy of any notice regarding the sharing of the certificate holder's compensation with a market intermediary;

(8) any other document pertaining to the transaction, including all correspondence.

143. The register of transactions covered by Section 1 of the Act shall contain the following information for each transaction, which shall be recorded in ascending numerical order of the unique transactions assigned to each of these transactions:

(1) the unique number, from a consecutive series of numbers specific to the place of business, assigned by the certificate holder covered by Section 137 of the transaction;

(2) the date of acceptance of the proposed transaction;

(3) the projected date of conclusion of the transaction;

(4) the address, including the postal code, of the immovable or of the stock-in-trade covered by the transaction, or its cadastral description if there is no address;

(5) the nature of the transaction;

(6) the unique number, from a consecutive series of numbers specific to the place of business, assigned by the certificate holder to the brokerage contract;

(7) the surname and first name, firm name and business names of the person or partnership which, by this transaction, alienates a right, as well as his or its address, including the postal code and telephone number;

(8) the surname and first name, firm name and business names of the person or partnership which, by this transaction, acquires a right, as well as his or its address, including the postal code and telephone number;

(9) the total value of the consideration agreed between the parties;

(10) the address of the place of business of the certificate holder;

(11) the amount or the market value, excluding the applicable taxes, of the compensation that the certificate holder shall receive;

(12) the identification of the person or partnership who must pay the compensation to the certificate holder, either by making reference to one of the persons or partnerships covered in paragraphs 7 or 8, or by mentioning the surname and first name, firm name and business names of this person or partnership, as well as his or its address, including the postal code and telephone number;

(13) the mention whether or not there is sharing of compensation with a holder of a real estate broker's certificate, other than that of an affiliate real estate broker, with a person entitled to practice as a real estate broker in a jurisdiction outside of Québec, or with a market intermediary;

(14) the amount of any sum received in trust, or the value agreed in the proposed transaction for any other asset received in trust;

(15) the mention that this is a sum received in trust, or another asset received in trust;

(16) the date of the entry in the register.

The register of transactions also may be constituted by the compilation of copies of each of the individual transaction registers stipulated in Section 141, filed in ascending numerical order of the unique numbers assigned by the certificate holder to each of the transactions.

144. The account books pertaining to the sums or other assets held in trust by the certificate holder covered by Section 137 shall be integrated into an accounting system kept according to generally accepted accounting principles and shall contain the following information, entered in chronological order:

(1) in the case of a sum received in trust which is deposited into the general trust account;

a) the unique number assigned by the certificate holder to the transaction;

b) the amount of the sum received;

c) the date of receipt of the sum received, if it differs from the date of acceptance of the proposed transaction;

d) the number of the receipt issued to the depositor for the sum received;

e) the date of entry in the register;

f) the date of deposit with the financial institution;

(2) in the case of a sum received in trust which is withdrawn from the general trust account:

a) the unique number assigned by the certificate holder to the transaction;

b) the amount of the sum received;

c) the unique number assigned to the cheque, bill of exchange or transfer slip which serves to effect a withdrawal;

d) the identity of the beneficiary of the cheque, the bill of exchange or the transfer slip serving for the withdrawal;

e) the date appearing on the cheque, the bill of exchange or the transfer slip serving for the withdrawal;

f) the date of entry in the register;

(3) in the case of a sum received in trust which is deposited in a special trust account:

a) the mentions stipulated in paragraph 1;

b) the identification of the special account;

c) the identification of the financial institution where this account is opened;

(4) in the case of a sum received in trust which is withdrawn from a special trust account:

a) the mentions stipulated in paragraph 2;

b) the identification of the special account;

c) the identification of the financial institution where this account was opened;

(5) in the case of an asset, other than a sum of money, received in trust and deposited in a safety deposit box in accordance with Section 85;

a) the unique number assigned by the certificate holder to the transaction;

b) the value agreed in the proposed transaction for the asset received;

c) the date of receipt of the asset received, if it differs from the date of acceptance of the proposed transaction;

d) the nature of the asset received in trust;

e) the number of the receipt issued to the depositor for the asset received in trust;

f) the date of the entry in the register;

g) the date of the deposit in the safety deposit box;

h) the identification of the safety deposit box where it is deposited;

i) the identification of the financial institution where the safety deposit box is located;

(6) in the case of an asset, other than a sum of money, received in trust and withdrawn from a safety deposit box:

a) the unique number assigned by the certificate holder to the transaction;

b) the value agreed upon in the proposed transaction for the asset received;

c) the identification of the safety deposit box from which the asset is withdrawn;

d) the identification of the financial institution where the safety deposit box was located;

e) the surname and first name, firm name and business names of the person or partnership to whom the asset is remitted;

f) the date on which the asset is remitted;

g) the date of entry in the register.

145. The register of compensation shared by the certificate holder covered by Section 137 with a market intermediary shall contain the following information, for each transaction covered by Section 1 of the Act:

(1) the unique number assigned by the certificate holder to the transaction;

(2) the date of acceptance of the proposed transaction;

(3) the projected date of conclusion of the transaction;

(4) the address, including the postal code, of the immovable or stock-in-trade covered by the transaction, or its cadastral description if there is no address;

(5) the address of the place of business of the certificate holder;

(6) the terms of sharing of the certificate holder's compensation with the market intermediary;

(7) the surname and first name, firm name and business names of the market intermediary, as well as the number of its certificate;

(8) the date of the entry in the register.

146. The account books pertaining to the certificate holder's business shall be integrated into an accounting system kept in accordance with generally accepted accounting principles.

DIVISION III

RETENTION, USE AND DESTRUCTION OF FILES, BOOKS AND REGISTERS

147. The certificate holder covered in Section 137 shall take the necessary measures to prevent the loss or destruction of the files, books and registers stipulated in Section I and to prevent any falsification of the information and documents contained therein.

148. The certificate holder covered in Section 137 shall keep the files, books and records stipulated in Section I for at least 5 years following their final closing. After this delay, these files, books and registers may be destroyed, unless these files, books, and registers constitute a piece of evidence in support of a civil, disciplinary, penal or criminal action.

149. Any destruction of files, books and registers shall be done by taking the necessary measures to protect the confidential nature of the information contained therein.

150. The certificate holder covered by Section 137 who ceases to practice in this capacity shall remit his files, books and registers, other than those regarding the accounting of his business, without delay to one of the following persons or partnerships:

(1) if he holds a chartered real estate broker's certificate, to another holder of such a certificate, or to the Association;

(2) if he holds a real estate broker's certificate restricted to hypothecary loans, to another holder of such a certificate, to a holder of a chartered real estate broker's certificate or to the Association.

The person or partnership which thus receives files, books and registers shall have the same obligation with regard to the retention, use and destruction of these documents as with regard to his own.

151. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, who receives the files, books and registers of another certificate holder in accordance with Section 150 shall notify the Association of this in writing within 15 days following the date of their receipt.

CHAPTER XII

OBLIGATION OF A REAL ESTATE AGENT TO REPORT TO THE PLACE OF BUSINESS TO WHICH HE IS ASSIGNED AND TO TRANSMIT THE INFORMATION NECESSARY FOR MAINTAINING FILES, BOOKS AND REGISTERS

152. The holder of an affiliate real estate broker's certificate or of a real estate certificate shall report to the place of business to which he is assigned so that the natural person who manages this place of business can know his availability and the status of his work.

153. The holder of an affiliate real estate broker's certificate or of a real estate agent's certificate shall report in person to the place of business to which he is assigned, at the request of the holder of the chartered real estate broker's certificate or multidisciplinary firm who employs him or on whose behalf he is authorized to act, of the natural person designated to represent this certificate holder for the purposes of the Act or the natural person designated to manage this place of business.

154. The holder of an affiliate real estate broker's certificate or of a real estate agent's certificate shall transmit without delay, to the person who manages the place of business to which he is assigned, the information and documents necessary for maintenance by the holder of a real estate broker's certificate, other than that of a chartered real estate broker or multidisciplinary firm who employs him or on whose behalf he is authorized to act, of the files, books and registers stipulated in Chapter XI.

CHAPTER XIII

ACAIQ PUBLIC INFORMATION FUND

DIVISION I

ESTABLISHMENT OF THE FUND

155. A fund entitled "ACAIQ Public Information Fund" shall be established. It shall be constituted from the interest generated by the sums of money held in trust by the real estate brokers. This fund shall serve primarily for the production and release of information relating to the rights of the public in the field of real estate brokerage and subsidiarily for the professional inspection of the members of the Association and, if funds are

sufficient, for the discipline of the members of the Association.

DIVISION II

RULES FOR ADMINISTRATION OF THE FUND

156. The affairs of the fund shall be administered by the Board of Directors of the Association.

157. The accounting kept for the fund shall be integrated with the accounting of the Association, but nevertheless shall constitute a distinct part of this accounting.

158. The sums of money constituting the fund shall be invested by the Board of Directors of the Association as follows:

(1) the part of the sums that the Board of Directors of the Association plans to use in the short term shall be deposited with the financial institution chosen by the Association, so that a distinct account is maintained;

(2) the other part is invested in accordance with the rules stipulated in Sections 981o to 981u of the Civil Code of Lower Canada.

159. The Board of Directors of the Association shall conclude agreements with the financial institutions serving as depositaries of the general trust accounts held by the holders of a real estate broker's certificate, other than that of an affiliate real estate broker, regarding the interest payable on these accounts and the transfer to the fund of this interest, as well as any other agreement useful to the purposes of these by-laws.

DIVISION III

TERMS AND CONDITIONS OF PAYMENT INTO THE FUND OF INTEREST GENERATED BY SUMS HELD IN TRUST

160. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, in the form that he shall transmit to a financial institution as well as to the Secretary of the Association when he opens a general trust account in accordance with Section 116, shall waive the interest generated by this general trust account irrevocably in favour of the ACAIQ Public Information Fund and authorize this financial institution to transfer this interest directly to the fund, after deducting administration charges, if applicable.

CHAPTER XIV

MEMBERSHIP CATEGORIES AND RELATED CONDITIONS

DIVISION I

MEMBERSHIP CATEGORIES

161. The holder of a real estate broker's certificate, other than that of an affiliate real estate broker, shall be a member of the Association as a "member broker".

162. The holder of an affiliate real estate broker's certificate or of a real estate agent's certificate shall be a member of the Association as a "member agent".

163. The natural person who represents a real estate broker for the purposes of the Act shall be a member of the Association as a "member representative".

164. Any natural person who manages a place of business or who acts as an assistant of a person who manages a place of business shall be a member of the Association as a "member manager".

DIVISION II

RIGHTS AND RESTRICTIONS PERTAINING TO THE DIFFERENT MEMBERSHIP CATEGORIES

165. Each member shall have the right to one vote. However, a natural person who belongs to more than one membership category shall only have the right to one vote.

Notwithstanding the foregoing paragraph, the voting right of a member whose certificate is suspended shall be suspended until the reinstatement of his certificate.

CHAPTER XV

BOUNDARIES OF REGIONS STIPULATED IN SECTION 86 OF THE ACT

166. The Montreal region shall consist of administrative regions numbers 06, 13 and 16, the territory of which is described in the Decree Concerning Revision of the Limits of the Administrative Regions of Québec, Decree 2000-87 of December 22, 1987, amended by Decrees 1379-88 of September 14, 1988 and 1389-89 of August 23, 1989.

167. The Québec City region shall consist of administrative regions 03 and 12.

168. The other regions of Québec shall be the following:

(1) the Eastern region, consisting of administrative regions 01, 02, 09, 10 and 11;

(2) the Central region, consisting of administrative regions 04, 05 and 14;

(3) the Western region, consisting of administrative regions 07, 08 and 15.

CHAPTER XVI

MODE OF COMMUNICATION OF MEMBERS OF THE BOARD OF DIRECTORS NOT PRESENT AT A SITTING OF THE BOARD OF DIRECTORS

169. A written resolution, signed by each member of the Board of Directors, shall be valid and have the same effect as if it had been adopted at a meeting of the Board of Directors duly convened and held. Such a resolution shall be inserted in the minute book and, if applicable, in the resolutions book of the Board of Directors of the Association, according to its date, on the same basis as regular minutes.

170. The members of the Board of Directors, if all of them agree, may participate in a meeting of the Board of Directors by means allowing all participants to communicate verbally with each other, particularly by telephone or video conference. They then shall be deemed to have attended the meeting.

CHAPTER XVII

FINAL PROVISION

171. These by-laws shall take effect on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*, except for Sections (here state the number of the Sections which shall take effect on a later date) which shall take effect on the later dates fixed by government proclamation.

APPENDIX 1

(Section 91)

Exclusive Brokerage Contract Sale of a Principally Residential Immovable**LOGO****EXCLUSIVE BROKERAGE CONTRACT
SALE OF A PRINCIPALLY RESIDENTIAL IMMOVABLE**Mandatory form for all Québec
real estate brokers and agents(see text of Article # of the Regulations Respecting the Application of the
Real Estate Brokerage Act on the back of this form)**1. IDENTIFICATION OF BROKER**Broker's name _____
Address and phone # of place of business _____
(Postal code) _____Represented by _____
Agent's certificate number _____
(hereinafter called the BROKER)**IDENTIFICATION OF VENDOR**Name of vendor 1 _____
Address and phone # of place of business _____
(Postal code) _____Name of vendor 2 _____
Address and phone of vendor 2 _____
(Postal code) _____

(hereinafter called the VENDOR)

2. OBJECT AND TERM OF THE CONTRACT

2.1 The service of the BROKER are retained in exclusivity by the VENDOR to offer for sale the immovable described hereunder and to carry out a transaction covered by Section 1 of the Real Estate Brokerage Act (see text of Section 1 of the Act on the back of this form). This contract is irrevocable until 23:59 hours on _____ 19 _____. The preceding notwithstanding, cancellation of the BROKER's certificate shall automatically result in cancellation of this contract.

3. SHORT DESCRIPTION OF THE IMMOVABLE

3.1 Address: _____ (civic number, street, city) _____

3.2 The immovable, with building erected thereon, is designated as follows:

Cadastral designation: _____ (lot number, part of lot, subdivision) _____ (name of official cadastre) _____

Dimensions: _____ in frontage by _____ in depth, for an area of _____ square feet, more or less.

☐ The immovable is held in ☐ divided co-ownership (condominium)
☐ undivided co-ownership, for a portion equal to _____ %.

The immovable, held in co-ownership, includes _____ parking spaces (n^{os} _____) and _____ storage space(s) n^{os} _____.
 (hereinafter called the IMMOVABLE)

4. SALE CONDITIONS OF THE IMMOVABLE

4.1 Price: _____ dollars (\$ _____)
 (if applicable, the price includes the goods and services tax and the Québec sales tax that may be imposed).

4.2 Terms of payment: _____

4.3 Existing mortgage loan: _____ (mortgagee/loan number) _____

4.4 Costs related to the reimbursement of such loan as well as to the cancellation of any existing mortgage shall be borne by the VENDOR.

4.5 Date or deadline for signing the deed of sale: _____ Date or deadline for occupancy: _____

4.6 Are included in the sale: a) all permanent heating equipment as well as electrical and lighting fixtures; b) other: _____

4.7 Are excluded from the sale: a) curtain rods and blinds; b) other: _____

c) the following equipment under a rental contract: _____

4.8 If the IMMOVABLE is held in co-ownership, there will be no adjustments relating to any fund.

5. REMUNERATION

5.1 The VENDOR shall pay the BROKER, in the cases set forth in a), b), c), d) and e) hereinafter, a remuneration of:

☐ _____ per cent (_____ %) of the sale price, or, if there is no sale, the price mentioned in Clause 4.1; or

☐ _____ dollars (\$ _____):

a) if a promise to purchase which meets the above-mentioned sale conditions is presented to him during the term of this contract, or

b) if an agreement for the sale, exchange or lease of the IMMOVABLE is reached during the term of this contract, whether or not the BROKER is involved as an intermediary, or

c) if a sale, exchange or a lease of the IMMOVABLE is concluded within 180 days (or within 365 days, if it is not a residential building covered by Section 32 of the Real Estate Brokerage Act) following the expiry of this contract with a person who has been interested in the immovable during the term of the contract. However, no remuneration shall be due should such a transaction be concluded in consequence of a new and exclusive contract granted in good faith to another broker, or

d) in the event of a wilful act by the VENDOR intended to prevent the free execution of this contract, or

e) in the event the VENDOR should not respect his obligations.

5.2 The VENDOR shall pay the BROKER, in addition to the remuneration stipulated in Clause 5.1, the goods and services tax as well as the Québec sales tax that may be imposed due to services rendered by the BROKER.

6. OTHER DECLARATIONS AND CONDITIONS

6.1 _____

6.2 The BROKER agrees to transmit the information of this contract to the Multiple Listing Service TM of the real estate board

_____ or to the similar service of this board _____ (identification of organization) _____

for the purposes of distribution to the members subscribing to such a service, unless the VENDOR has initialled the following box.

7. CONDITIONS ON BACK AND APPENDICES

7.1 The conditions set forth on the back of this form, as well as those set forth in the appendices named below, are an integral part of this contract:

General Appendix: GA- ☐ ☐ ☐ ☐ ☐ Other: _____

8. OPTIONAL ARBITRATION CLAUSE

8.1 If the VENDOR initials the following box, the parties agree to submit to arbitration any dispute arising following or during this contract, to the exclusion of the courts, in accordance with the provisions of the Civil Code and the Code of Civil Procedure in force at the time the contract is signed. The VENDOR acknowledges that he has read and understood this arbitration clause and accepts its terms.

SIGNATURES

The BROKER acknowledges having read and understood this contract, including the back, and received a duplicate copy thereof. Signed in:

_____ address of place of signing _____, on _____ 19 ____.

_____ (signature: broker or his agent)

The VENDOR acknowledges having read and understood this contract, including the back, and received a duplicate thereof. Signed in:

_____ address of place of signing _____, on _____ 19 ____.

_____ (signature: Vendor 1)

_____ (signature: spouse of Vendor 1)

_____ (signature: Vendor 2)

_____ (signature: spouse of Vendor 2)

IMPORTANT - READ THE BACK OF THIS FORM

CONDITIONS FORMING PART OF THE BROKERAGE CONTRACT ON THE OTHER SIDE**9. DECLARATIONS OF THE VENDOR**

9.1 The VENDOR declares that the information contained in this contract is true.

9.2 Unless otherwise provided herein, the VENDOR hereby declares that:

- a) he does not know of any fact relevant to the IMMOVABLE which could significantly lower its value or significantly increase the co-ownership expenses;
- b) he has received no notice of non-compliance in respect to the IMMOVABLE which has not been complied with;
- c) he has received no notice from a tenant or the spouse of a tenant that the IMMOVABLE, or any part thereof, serves as a family residence;
- d) he is not a non-resident of Canada as defined in provincial and federal tax legislation;
- e) the municipality supplies water and sewerage facilities;
- f) he is the sole owner of the IMMOVABLE or duly authorized to sign this contract and accept any promise to purchase pertaining to the said IMMOVABLE;
- g) his spouse agrees to this contract and, as the case may be, will intervene in the acceptance of any such promise to purchase relating to the IMMOVABLE;
- h) the IMMOVABLE is not the object of a brokerage contract with a broker other than the BROKER, nor the object of a promise to purchase, exchange or lease or of a lease including a right of preference or of first refusal in favour of a third party.

10. OBLIGATIONS OF THE VENDOR

10.1 The VENDOR agrees, during the term of this contract, not to, directly or otherwise:

- a) offer the IMMOVABLE for sale by himself or through the intermediary of a person other than the BROKER;
- b) enter into any agreement for the sale, exchange or lease of the IMMOVABLE without the BROKER being involved as an intermediary.

10.2 The VENDOR shall provide the BROKER, at his request, with a copy of the following existing documents: deed of acquisition, declaration of co-ownership, property tax receipts, lease, deed of mortgage loan, certificate of location (or an excerpt thereof describing the divided portion), plan, service contract, financial statements of the co-ownership, resolution of the company.

10.3 The VENDOR grants the BROKER exclusive right, subject to the rules governing said BROKER, to:

- a) show the IMMOVABLE at any reasonable hour, all appointments to be made directly with the occupants of the premises. However, the BROKER may allow other brokers to exercise this right, in whole or in part;
- b) do any advertising he deems to be appropriate, including the installation of a sign showing that the IMMOVABLE is for sale, or has been sold, should a promise to purchase be accepted. However, the BROKER may allow other brokers to exercise this right, in whole or in part;
- c) obtain from the mortgagee any information or document pertaining to his mortgage loan, and for this purpose, the VENDOR authorizes the mortgagee to provide them to him;
- d) share his remuneration with another broker who may have cooperated to conclude a real estate transaction regarding the IMMOVABLE, even though such broker has no relationship with the VENDOR, and if required, assign his claim to him.

10.4 The VENDOR shall provide the eventual purchaser with a good title, free and clear of all encumbrances and other real rights except servitudes usually granted for public utilities and what is stated herein, as well as a certificate of location describing the present state of the IMMOVABLE. If the IMMOVABLE is held in divided co-ownership, an excerpt of the certificate describing the divided portion shall be sufficient.

11. OBLIGATIONS OF THE BROKER

11.1 The BROKER agrees:

- a) to offer the IMMOVABLE for sale in accordance with normal real estate brokerage practice;
- b) to present the VENDOR, as soon as possible, any promise to purchase or to exchange which he receives in writing;
- c) to carry out faithfully the obligations imposed upon him by this contract and by law.

12. GENERAL

12.1 For the purposes of this contract, the expression "a person who has been interested in the IMMOVABLE during the term of the contract" in Clause 5.1 c) includes any person whose interest has been initiated, renewed or increased during the term of this contract, whether or not the BROKER is involved as an intermediary.

12.2 Unless the context should call for a different meaning, the masculine form includes the feminine and vice versa, and the singular includes the plural and vice versa.

INFORMATION NOT INCLUDED IN THE BROKERAGE CONTRACT

FOR YOUR INFORMATION...

Any real estate broker or agent practising in Québec must hold a certificate issued under the Real Estate Brokerage Act. All these certificate holders are members of the Association des courtiers et agents immobiliers du Québec and are required, in particular, to abide by the Bylaw on the Code of Ethics adopted by this Association. The Association des courtiers et agents immobiliers du Québec has the main mission of ensuring the protection of the public through the application of the Code of Ethics and the professional inspection of its members, particularly by seeing to it that they pursue their activity in accordance with the Act and the regulations. Certain provisions of the Real Estate Brokerage Act are set forth below.

Certain provisions of the Real Estate Brokerage Act (R.S.Q., c. C-73.1)

1. For the purposes of this Act, a person who, for compensation and for others, engages in a brokerage transaction relating either to the purchase, sale, lease or exchange of immovable property, to promises to purchase or sell immovable property, to the purchase or sale or such promises, to a loan secured by immovable hypothec, to the bulk purchase or bulk sale of a stock-in-trade, to promises of bulk purchase or bulk sale of a stock-in-trade or to the purchase or sale of such promises, except a transaction involving a security within the meaning of the Securities Act (R.S.Q., Chapter V-1.1), is pursuing the activity of real estate broker.

Rules for certain real estate brokerage contracts

32. This chapter applies to every contract between a natural person and a broker under which the broker undertakes to act as intermediary for the sale, leasing or exchange:

1° of part or all of a chiefly residential immovable containing less than five dwellings;

2° of a fraction of a chiefly residential immovable subject to a declaration of co-ownership under Articles 441b to 442p of the Civil Code of Lower Canada.

33. The contract is formed when both parties have signed it.

34. The broker must give a duplicate of the contract to the natural person who signed it.

The natural person is bound to perform his obligations only from the time he is in possession of a duplicate of the contract.

36. Where there is no stipulation as to the date and time of expiry of the contract, the contract shall expire 30 days after being concluded.

37. No contract may contain a stipulation for automatic renewal.

38. Any agreement binding a natural person, for a fixed period after the expiry of the contract, to compensate the broker even if the sale, leasing or exchange of an immovable property is effected after such expiry, is null.

The first paragraph does not apply if the agreement provides that compensation is due where

1° the contract is exclusive;

2° the sale, leasing or exchange is made with a person who became interested in the immovable property while the contract was in force;

3° the transaction occurs more than 180 days after the date of expiry of the contract and during that period, the natural person did not enter into an exclusive contract for the sale, leasing or exchange of the immovable property with another broker.

40. Notwithstanding any stipulation to the contrary, the natural person may, at his own discretion, cancel the contract within the three days which follow the day on which he receives a duplicate of the contract signed by both parties, unless a waiver is written in its entirety by the person and signed.

The contract is cancelled by operation of law from the sending or giving of a written notice to the broker.

41. The broker may claim no compensation following the cancellation of a contract in accordance with Section 40, unless a sale, leasing or exchange which meets the conditions specified in Section 38 occurs.

(Here insert the text of Section # of the Regulations Respecting the Application of the Real Estate Brokerage Act)

For any information concerning the application of the Real Estate Brokerage Act and its regulations, please contact:

L'Association des courtiers et agents immobiliers du Québec
(address and telephone number)

APPENDIX 2

(Section 91)

Promise to Purchase General**LOGO****PROMISE TO PURCHASE
GENERAL**

Mandatory form for all real estate brokers
and agents in Québec

(see text of Article # of the Regulations Respecting the Application
of the Real Estate Brokerage Act on the back of this form)

1. IDENTIFICATION OF PARTIES

Name of purchaser 1 _____
Address of purchaser 1 _____ (Postal code) _____
Name of purchaser 2 _____
Address of purchaser 2 _____ (Postal code) _____
(hereinafter called the PURCHASER)

Name of vendor 1 _____
Address of vendor 1 _____ (Postal code) _____
Name of vendor 2 _____
Address of vendor 2 _____ (Postal code) _____
(hereinafter called the VENDOR)

2. OBJECT OF THE CONTRACT

2.1 The PURCHASER hereby promises to purchase the immovable property described hereinafter at the price and conditions set forth hereunder, through the intermediary of _____, broker, represented by _____ (agent's certificate number _____).

3. SHORT DESCRIPTION OF THE IMMOVABLE

3.1 ADDRESS: _____ (number, street, city) _____

3.2 ☐ IMMOVABLE The immovable, with building erected thereon, is designated as follows:

Cadastral designation: _____ (lot number, part of lot, subdivision) _____ (name of official address)

Dimensions: _____ in frontage by _____ in depth, for an area of _____ square feet, more or less.

☐ The immovable is held in ☐ divided co-ownership (condominium)
☐ undivided co-ownership, for a proportion equal to _____ %.

The immovable, held in co-ownership, includes _____ parking spaces (n^{os} _____) and _____ storage space(s) (n^{os} _____).

3.3 ☐ STOCK-IN-TRADE The stock-in-trade known and operated under the names and business name of: _____

(hereinafter called the IMMOVABLE)

4. PRICE AND DOWN PAYMENT

4.1 **PRICE** The purchase price shall be _____ dollars (\$ _____) (if applicable, the price shall include the goods and services tax and the Québec sales tax that may be imposed), which the PURCHASER agrees to pay entirely at the signing of the deed of sale, unless another method of payment is set forth hereunder. Unless otherwise stipulated herein, the PURCHASER shall not pay any goods and services tax or Québec sales tax that may be imposed on the purchase price.

4.2 **DOWN PAYMENT** With this promise to purchase, the PURCHASER tenders to the aforementioned intermediary, as a down payment on the sale price to be paid, the amount of _____ dollars (\$ _____) by means of a cheque drawn to the order of "_____ (name of listing broker) in Trust" (hereinafter called the TRUSTEE).

Following acceptance of this promise to purchase, the cheque may be certified and shall be handed over to the TRUSTEE. The TRUSTEE shall deposit the amount in trust until the signing of the deed of sale, whereupon it shall be applied to the purchase price. After depositing this sum in a trust account, the TRUSTEE shall give the depositor a receipt. In the event that this promise to purchase should become null and void in accordance with the provisions hereinafter, the TRUSTEE shall reimburse the deposit to the PURCHASER upon his written request, without interest. Otherwise, the TRUSTEE shall only dispose of such deposit in accordance with this promise to purchase.

5. MUTUAL DECLARATIONS AND OBLIGATIONS OF THE PARTIES

5.1 **DEED OF SALE** The parties agree to sign a deed of sale drawn up in English (or in French if the VENDOR so desires), before _____ notary, on or before _____ 19 _____. The PURCHASER shall become the owner upon the signing of the deed of sale.

5.2 **ADJUSTMENTS** Upon signing of the deed of sale, all adjustments relating to general and special property taxes, co-ownership expenses, fuel reserves and any income or expenses relating to the IMMOVABLE shall be made as of _____. If the IMMOVABLE is held in co-ownership, there shall be no adjustments relating to any fund.

5.3 **BROKER'S REMUNERATION** The parties hereby irrevocably instruct the acting notary to retain and pay such remuneration agreed upon in the brokerage contract entered into by the VENDOR, from the proceeds of the sale directly to _____ broker.

5.4 **FAULT OF THE PURCHASER** In the event that, due to his fault, no acquisition contract is signed for the IMMOVABLE, the PURCHASER agrees to directly compensate the broker bound to the VENDOR by brokerage contract, by paying him the remuneration that the VENDOR otherwise would have had to pay him.

5.5 **INCLUSIONS** Are included in the sale: a) all permanent heating equipment as well as electrical and lighting fixtures; b) other: _____

5.6 **EXCLUSIONS** Are excluded from the sale: a) curtain rods and blinds; b) other: _____; c) the following equipment under a rental contract: _____

6. OTHER DECLARATIONS AND CONDITIONS

6.1 _____

7. CONDITIONS ON BACK AND APPENDICES

7.1 The conditions set forth on the back of this form, as well as those set forth in the appendices named below, are an integral part of this contract:

Appendix A: AA- [] [] [] [] Appendix B: AB- [] [] [] [] General appendix: GA- [] [] [] []
Other: _____

8. OPTIONAL ARBITRATION CLAUSE

8.1 If all parties initial the boxes below, they agree to submit to arbitration any dispute arising following or during this promise to purchase, to the exclusion of the courts, in accordance with the provisions of the Civil Code and the Code of Civil Procedure in force at the time the promise to purchase is signed. The parties acknowledge that they have read and understood this arbitration clause and agree to its terms.

Purchaser 1

Purchaser 2

Vendor 1

Vendor 2

9. TERMS OF AGREEMENT

9.1 The parties hereby declare that their agreement hereto is not based on any representation or condition other than those contained herein. The PURCHASER hereby irrevocably binds himself by this promise to purchase until _____ hours, on _____ 19 _____. Should the VENDOR accept it within such period of time, this promise to purchase shall constitute a contract legally binding both parties until fulfilment of all conditions herein. Should the VENDOR not accept it within such period of time, this promise to purchase shall become null and void. Any refusal or any counter-proposal by the VENDOR shall have the effect of rendering this promise to purchase null and void.

SIGNATURES

PURCHASER The PURCHASER acknowledges having read and understood this promise to purchase, including the back, and having received a copy thereof.

Signed in: _____, on _____ 19____, at _____ hours.

(signature: purchaser 1)

(signature: purchaser 2)

(signature: witness)

ACKNOWLEDGEMENT OF RECEIPT The PURCHASER acknowledges having received a copy of the VENDOR's reply. He hereby ☐ ("accepts" or "refuses") this promise to purchase.

☐ submits the counter-proposal **CP-**

--	--	--	--	--

Signed in: _____, on _____ 19____, at _____ hours.

(signature: purchaser 1)

(signature: purchaser 2)

(signature: witness)

VENDOR'S REPLY The VENDOR acknowledges having read and understood this promise to purchase, including the back, and received a copy thereof.

Signed in: _____, on _____ 19____, at _____ hours.

(signature: vendor 1)

(signature: vendor 2)

(signature: witness)

POUSE'S CONSENT The undersigned declares himself/herself to be the spouse of the VENDOR, consents to the acceptance of this promise to purchase and hereby agrees to participate in the signing of the notarized deed of sale relating thereto.

Signed in: _____, on _____ 19____, at _____ hours.

(signature: spouse of vendor 1)

(signature: spouse of vendor 2)

(signature: witness)

IMPORTANT - READ THE BACK OF THIS FORM

(N.B.: The text reproduced above is part of the first page of the form.)

CONDITIONS FORMING PART OF THE PROMISE TO PURCHASE GENERAL ON THE OTHER SIDE**10. DECLARATIONS AND OBLIGATIONS OF THE PURCHASER**

10.1 DECLARATIONS The PURCHASER has examined the IMMOVABLE and hereby declares himself to be satisfied therewith. Unless otherwise stipulated herein, the PURCHASER has also examined, if applicable, the declaration of co-ownership, as well as the bylaws of the co-ownership, and hereby declares himself to be satisfied therewith.

10.2 TAXES AND CO-OWNERSHIP EXPENSES The PURCHASER agrees to pay, following the signing of the deed of sale, any municipal property transfer taxes, all general or special property taxes as well as any co-ownership expenses.

10.3 COSTS The PURCHASER agrees to bear the costs of the deed of sale, its registration and copies thereof.

10.4 NON-TRANSFERABILITY The PURCHASER agrees not to sell, assign or otherwise transfer his rights herein without the written consent of the VENDOR.

11. VENDOR'S DECLARATIONS AND OBLIGATIONS

11.1 DECLARATIONS Unless otherwise provided herein, the VENDOR hereby declares that he:

- a) does not know of any fact relevant to the IMMOVABLE which could significantly lower its value or significantly increase the co-ownership expenses;
- b) has not received any notice of non-compliance in respect to the IMMOVABLE which has not been complied with;
- c) he has received no notice from a tenant or the spouse of a tenant that the IMMOVABLE, or any part thereof, serves as a family residence;
- d) he is not a non-resident of Canada as defined in provincial and federal tax legislation;
- e) the municipality supplies water and sewerage facilities;

11.2 DELIVERY OF IMMOVABLE The VENDOR hereby promises to sell the IMMOVABLE to the PURCHASER, and agrees to deliver it in the same condition as it was when the PURCHASER examined it.

11.3 REIMBURSEMENT AND CANCELLATION COSTS Except for any existing loan for which the PURCHASER is assuming the obligations, the VENDOR shall bear the costs for the reimbursement of all loans as well as for the cancellation of any pledge or mortgage.

11.4 OWNERSHIP DOCUMENTS The VENDOR shall provide the PURCHASER with a good title, free and clear of all encumbrances and other real rights except servitudes usually granted for the purpose of public utilities and what is stated herein, as well as a certificate of location describing the present state of the IMMOVABLE. If the IMMOVABLE is held in divided co-ownership, an excerpt of the certificate describing the divided portion shall be sufficient.

11.5 DEFECT OR IRREGULARITY Should the parties be made aware before the signing of the deed of sale of any defect or irregularity with respect to the titles, the certificate of location or any of the **VENDOR's** obligations herein, the **VENDOR** shall, within 21 days of the receipt of a written notice to this effect, advise the **PURCHASER** in writing that he has corrected at his own expense such defect or irregularity, or that he is unable to do so.

In the latter case, the **PURCHASER** may, within five (5) days of receiving such notice, advise the **VENDOR** in writing that he shall:

- a) purchase the immovable in spite of such defects or irregularities, in which case the **VENDOR's** warranty shall be accordingly reduced, or
- b) declare this promise to purchase null and void, in which case the **VENDOR** shall be solely liable for all fees, costs and expenses reasonably incurred by both parties.

Should the **PURCHASER** fail to avail himself of the provisions of paragraphs a) or b) within the specified time, this promise to purchase shall become null and void, in which case each party shall be responsible for any fees, costs or expenses has incurred.

11.6 SPOUSE'S INTERVENTION If part of the **IMMOVABLE** described herein is his family residence, or if required by his matrimonial regime, the **VENDOR** agrees to provide the **PURCHASER**, upon acceptance of his promise to purchase, with either the consent of his spouse together with a commitment on the spouse's part to participate in the signing of the notarized deed of sale, or a copy of a court decision authorizing him to sell the **IMMOVABLE** without the consent of the spouse. Failing this, the **PURCHASER** may, by written notice to that effect, declare this promise to purchase null and void.

12. INTERPRETATION

12.1 Unless the context should call for a different meaning, the masculine form includes the feminine and vice versa, and the singular form includes the plural and vice versa.

INFORMATION NOT INCLUDED IN THE PROMISE TO PURCHASE GENERAL FOR YOUR INFORMATION...

Any real estate broker or agent practising in Québec must hold a certificate issued under the Real Estate Brokerage Act. All these certificate holders are members of the Association des courtiers et agents immobiliers du Québec and are required, in particular, to abide by the Bylaw on the Code of Ethics adopted by this Association. The Association des courtiers et agents immobiliers du Québec has the main mission of ensuring the protection of the public through the application of the Code of Ethics and the professional inspection of its members, particularly by seeing to it that they pursue their activity in accordance with the Act and the regulations. Certain provisions of the Real Estate Brokerage Act are set forth below.

Certain provisions of the Real Estate Brokerage Act (R.S.Q., c. C-73.1)

1. For the purposes of this Act, a person who, for compensation and for others, engages in a brokerage transaction relating either to the purchase, sale, lease or exchange of immovable property, to promises to purchase or sell immovable property, to the purchase or sale or such promises, to a loan secured by immovable hypothec, to the bulk purchase or bulk sale of a stock-in-trade, to promises of bulk purchase or bulk sale of a stock-in-trade or to the purchase or sale of such promises, except a transaction involving a security within the meaning of the Securities Act (R.S.Q., Chapter V-1.1), is pursuing the activity of real estate broker.

Rules regarding trust deposits:

11. Any sum of money received on behalf of others by a broker in the course of his duties must be deposited into a trust account, in the manner prescribed in the by-laws of the Association.

Interest generated by the sums of money held in trust, unless claimed by the client, must be paid into the financing fund established under the second paragraph of Section 74, on the conditions and in the manner prescribed in the by-laws of the Association.

(Here insert the text of Article # of the Regulations in Application of the Real Estate Brokerage Act)

For any information concerning the application of the Real Estate Brokerage Act and its regulations, please contact:

L'Association des courtiers et agents immobiliers du Québec
(address and telephone number)

APPENDIX 3

(Section 91)

Appendix A Immovable**LOGO****APPENDIX A
IMMOVABLE**Mandatory form for all real estate brokers
and real estate agents in Québec**A1. REFERENCE TO THE PRINCIPAL CONTRACT**The conditions hereunder form an integral part of the promise to purchase PP- [] [] [] [] []
concerning the IMMOVABLE located at: _____ (address) _____**A2. OCCUPANCY OF PREMISES**

A2.1 PREMISES OCCUPIED BY THE VENDOR The VENDOR agrees to make available for occupancy by the PURCHASER the premises he occupies as of _____ 19 ____, and to remove therefrom any property not included in this promise to purchase, failing which the PURCHASER may freely remove it at the VENDOR's expense. If the VENDOR vacates the premises before such date he shall nevertheless remain liable for maintaining the premises in the same condition they were when the PURCHASER examined them. Upon the signing of the deed of sale, the purchase price shall be adjusted by an amount equal to \$ _____ per month, calculated from the signing date of the deed of sale to the expected date of occupancy, in consideration of the VENDOR's occupancy of the premises during this period of time. The VENDOR shall continue to bear, during such period, heating and electricity costs related to the general maintenance of the occupied premises.

A2.2 PREMISES OCCUPIED BY A TENANT The rents and the expiry dates of the leases affecting the IMMOVABLE, if applicable, are as follows: _____; the VENDOR certifies that he has not received any notice amending the term of the leases or any obligations thereunder, except those declared herein. The PURCHASER agrees to honour any lease respecting this declaration.

A3. TERMS OF PAYMENT

A3.1 DOWN PAYMENT Part to be allocated to the IMMOVABLE from the down payment tendered as per 4.2 of this promise to purchase:

\$ _____

A3.2 ADDITIONAL SUM At the signing of the deed of sale, the PURCHASER shall pay, or cause to be paid, by means of a certified cheque drawn to the order of the acting notary in trust, an additional sum of approximately:
This sum includes any amount to be obtained through a new loan, as per Section A4.

\$ _____

A3.3 EXISTING MORTGAGE LOAN The PURCHASER shall assume, as per Section A5, all obligations relating to the existing mortgage loan, the balance of such loan being approximately:

\$ _____

A3.4 BALANCE OF SALE PRICE The PURCHASER shall refund to the VENDOR, as per Section A6, the balance of sale price in the amount of:

\$ _____

TOTAL PRICE

\$ _____

A4. NEW MORTGAGE LOAN

A4.1 TERMS The PURCHASER agrees to immediately undertake, in good faith and at his expense, all necessary steps to obtain a loan of \$ _____ secured by a _____ ranking hypothec; such loan shall bear interest at the current rate, which shall not however exceed _____ % per annum (computed semi-annually and not in advance) and shall be payable by maximum instalments of _____ (blending principal and interest) calculated as per an amortization plan of _____ years, the balance becoming due in _____ years.

A4.2 LOAN COMMITMENT The PURCHASER agrees to provide the VENDOR, within _____ days of acceptance hereof, with a copy of the mortgage lender's loan commitment. Upon receipt of such a commitment within the specified time, conditions A4.1 and A4.2 shall be deemed fulfilled.

A4.3 ABSENCE OF COMMITMENT If the VENDOR receives no evidence of such loan commitment, he may, within five (5) days following the expiry of the period described in 11.2 or upon receipt of a notice of refusal, notify the PURCHASER, in writing, that:

a) he requires the PURCHASER to apply, immediately and at his expense, for a new mortgage loan corresponding to the terms described in A4.1. In the event that the PURCHASER is not able to obtain such a written commitment within the time period set forth in the VENDOR's notice, this promise to purchase shall become null and void. Upon receipt of such a commitment within the specified time, the conditions of this section shall be deemed fulfilled; or

b) he declares this promise to purchase null and void;

In the event that the VENDOR has not availed himself of the provisions of paragraphs (a) or (b) within the specified time, this promise to purchase shall become null and void.

A5. ASSUMING OF EXISTING MORTGAGE OBLIGATIONS

A5.1 TERMS The PURCHASER agrees to immediately undertake, in good faith and at his expense, all necessary steps to obtain the consent of the mortgagees allowing the PURCHASER to assume the mortgage obligations of the following existing loans:

a) a loan, the balance of which is approximately \$ _____, secured by a _____ ranking hypothec held by _____; such loan, bearing interest at _____ % per annum (compounded semi-annually and not in advance, is payable by instalments of _____ (blending principal and interest), and is due on _____ 19 _____.

b) a loan, the balance of which is approximately \$ _____, secured by a _____ ranking hypothec held by _____; such loan, bearing interest at _____ % per annum (compounded semi-annually and not in advance, is payable by instalments of _____ (blending principal and interest), and is due on _____ 19 _____.

A5.2 CONSENT The PURCHASER agrees to provide the VENDOR, within _____ days of acceptance hereof, with a copy of the mortgagee's consent to such request. Upon receipt of such consent within the specified time, conditions A5.1 and A5.2 shall be deemed fulfilled.

A5.3 ABSENCE OF CONSENT If the VENDOR receives no evidence of such consent, he may, within five (5) days following the expiry of the period described in A5.2 or upon the receipt of a notice of refusal:

a) himself request, on behalf of the PURCHASER, that the mortgagees allow, in writing, the PURCHASER to assume the VENDOR's mortgage obligations. In the event that the VENDOR is not able to obtain such written consent within five (5) days, this promise to purchase shall become null and void. Upon receipt of such consent within the specified time, the conditions of this section shall be deemed fulfilled; or

b) declare this promise to purchase null and void by way of a written notice to that effect.

In the event the VENDOR has not availed himself of the provisions of paragraphs a) or b) within the specified time, this promise to purchase shall become null and void.

In the event the VENDOR has not availed himself of the provisions of paragraphs a) or b) within the specified time, this promise to purchase shall become null and void.

A6. BALANCE OF SALE PRICE

A6.1 TERMS The PURCHASER shall reimburse to the VENDOR the balance of sale price mentioned in A3.4, secured by a vendor's privilege and _____ ranking hypothec following an hypothec securing a loan, the balance of which does not exceed \$ _____; such balance of sale price shall bear interest at _____ % per annum (computed semi-annually and not in advance) and shall be payable by instalments of _____ (blending principal and interest) calculated as per an amortization plan of _____ years, the balance becoming due in _____ years.

The PURCHASER shall have the right at any time to reimburse without penalty such balance in advance, in whole or in part, provided the payments are equal to \$ _____ or multiples thereof.

A6.2 GUARANTEE AND PRIORITY The deed of sale shall include a dation in payment clause with sixty (60) days notice, other customary guaranty clauses, as well as a clause by which the VENDOR agrees to give up priority of rank in the event of the creation of a new hypothec respecting Section A4, or the renewal or replacement of any hypothec which already ranks prior to the balance of sale price, provided the balance of the loans secured by such hypothec is not increased.

A6.3 TRANSFERABILITY This balance of sale price shall not be transferred without the prior written approval of the VENDOR.

INITIALS

Purchaser 1

Purchaser 2

Witness

Vendor 1

Vendor 2

Witness

(N.B.: The text reproduced above is part of the first (and only) page of the form.)

APPENDIX 4

(Section 91)

Appendix G General**LOGO****APPENDIX G
GENERAL**

Mandatory form for all real estate brokers
and agents in Québec

G1 REFERENCE TO THE PRINCIPAL CONTRACT

The conditions hereunder are an integral part of the form entitled:

Brokerage Contract BC-

--	--	--	--	--

Promise to Purchase PP-

--	--	--	--	--

Promise to Lease PL-

--	--	--	--	--

concerning the IMMOVABLE located at _____ (address) _____

G2 ADDITIONAL CONDITIONS**INITIALS**

Part A1

Part A2

Witness

Part B1

Part B2

Witness

APPENDIX 5

(Section 91)

Counter-Proposal**LOGO****COUNTER-PROPOSAL**Mandatory form for all real estate brokers
and agents in Québec**P1. IDENTIFICATION OF PARTIES**_____
(name: 1)

(name: 2)☐ VENDOR OR LESSOR☐ PURCHASER OR TENANT

(hereinafter called the COUNTER-PROPOSER)

(name: 1)

(name: 2)☐ VENDOR OR LESSOR☐ PURCHASER OR TENANT

(hereinafter called the RESPONDENT)

P2. AMENDMENTSP2.1 The COUNTER-PROPOSER hereby promises
the premises located☐ to sell or to lease to

PURCHASER, the immovable or

☐ to purchase or lease fromat _____ (address) _____ (hereinafter called the IMMOVABLE), under the conditions set forth in the form
entitled: promise to purchase PP- [] [] [] [] [] (hereinafter called the PROMISE), as amended below.

promise to lease

PL- [] [] [] [] []

P2.2 PREVIOUS COUNTER-PROPOSALS Any previous counter-proposal, made by either party, shall be null and void.

P2.3 AMENDMENTS

P2.4 OTHER CONDITIONS All other conditions of the PROMISE TO PURCHASE shall remain unchanged.

P2.5 TERMS OF AGREEMENT The Parties hereby declare that their agreement herein is not based on any claim or condition other than those contained herein. The COUNTER-PROPOSER hereby irrevocably binds himself by this counter-proposal until _____ hours, on _____ 19 _____. Should the RESPONDENT accept it within such period of time, this counter-proposal and the PROMISE shall constitute a contract legally binding both parties until fulfilment of all conditions herein. Should the RESPONDENT not accept it within such period of time, this counter-proposal and the PROMISE shall become null and void and the deposit shall be remitted to the PURCHASER or to the TENANT, as the case may be, in accordance with the down payment clause of the PROMISE. Any refusal by the RESPONDENT, any new promise to purchase or lease, as the case may be, or any new counter-proposal shall have the effect of rendering this counter-proposal and the PROMISE null and void and the deposit shall be remitted to the PURCHASER or to the TENANT, as the case may be, in accordance with the down payment clause of the PROMISE.

SIGNATURES

COUNTER-PROPOSER The COUNTER-PROPOSER acknowledges having read and understood this counter-proposal and having received a copy thereof.

Signed in _____, on _____ 19 _____, at _____ hours.

(signature: counter-proposer 1)

(signature: counter-proposer 2)

(signature: witness)

RESPONDENT The RESPONDENT acknowledges having read and understood the counter-proposal and having received a copy thereof.

He hereby ☐ ("accepts" or "refuses") this counter-proposal.

☐ submits the counter-proposal CP- [] [] [] [] []

Signed in _____, on _____ 19 _____, at _____ hours.

(signature: respondent 1)

(signature: respondent 2)

(signature: witness)

ACKNOWLEDGEMENT OF RECEIPT The COUNTER-PROPOSER acknowledges having received a copy of the RESPONDENT's reply.

Signed in _____, on _____ 19 _____, at _____ hours.

(signature: counter-proposer 1)

(signature: counter-proposer 2)

(signature: witness)

SPOUSE'S CONSENT The undersigned declares himself/herself to be the spouse of the VENDOR or the LESSOR, as the case may be, consents to the acceptance of the present counter-proposal and hereby agrees to participate in the signing of the notarized deed of sale relating thereto.

Signed in _____, on _____ 19 _____, at _____ hours.

(signature: spouse of vendor or lessor 1)

(signature: spouse of vendor or lessor 2)

(signature: witness)

APPENDIX 6

(Section 91)

Modifications and Notice of Fulfilment of Conditions**LOGO****MODIFICATIONS AND NOTICE OF FULFILMENT OF CONDITIONS**

Mandatory form for all real estate brokers
and agents in Québec

M1. REFERENCE TO THE CONTRACT

The parties agree to make the following amendments to the document identified as:

Brokerage Contract BC-

--	--	--	--	--

Promise to Purchase PP-

--	--	--	--	--

Promise to Lease PL-

--	--	--	--	--

(hereinafter called the CONTRACT)

concerning the IMMOVABLE located at _____ (address) _____.

M2. AMENDMENTS

M2.1 a) The expiry date or the deadline for acceptance, as the case may be, mentioned in Clause _____ of the CONTRACT is extended until 23:59 on _____ 19 _____.

b) The price or the rent, as the case may be, mentioned in Clause _____ of the CONTRACT is amended and shall be _____ dollars (\$ _____).

M2.2 Other amendments: _____

M3. FULFILMENT OF CONDITIONS

M3.1 The conditions stipulated in Clauses _____ of the CONTRACT are fulfilled.

M4. OTHER CONDITIONS

M4.1 All other conditions of the CONTRACT shall remain unchanged.

SIGNATURES

The party ☐ BROKER ☐ PURCHASER ☐ TENANT acknowledges having read and understood this document and received a duplicate thereof.

Signed in _____, on _____ 19____, at _____ hours.

(signature 1)

(signature 2)

(signature: witness)

The party ☐ VENDOR ☐ LESSOR acknowledges having read and understood this document and received a duplicate thereof.

Signed in _____, on _____ 19____, at _____ hours.

(signature 1)

(signature 2)

(signature: witness)

SPOUSE'S CONSENT The undersigned declares himself/herself to be the spouse of the party ☐ VENDOR ☐ LESSOR, consents to the present document and agrees to participate, as the case may be, in the signing of the notarized deed to that effect.

Signed in _____, on _____ 19____, at _____ hours.

(signature 1)

(signature 2)

(signature: witness)

APPENDIX 7

(Section 116)

Declaration Regarding the Opening of a General Trust Account

To: _____ (name and address of the financial institution) _____.

I, the undersigned, _____, in the capacity of real estate broker or representative for the purposes of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) of _____, real estate broker, holding the certificate number _____ and having its principal place of business at _____, hereby declare:

- (1) the general account number bearing number: _____ is opened at your institution in the name of: _____ in trust;
- (2) the said account is made up of deposits of sums received in trust in the practice of real estate brokerage activity;
- (3) the said account is governed by the Real Estate Brokerage Act;
- (4) the interest generated by this account is irrevocably waived;
- (5) your institution is irrevocably authorized to transfer directly, to the ACAIQ Public Information Fund established for the Association des courtiers et agents immobiliers du Québec, the interest generated by this account and, if applicable, to deduct at source the administration costs provided for in the agreement concluded or to be concluded with the Association;
- (6) in accordance with your records, the persons whose name and signature appear hereunder are authorized to sign on behalf of the real estate broker any document pertaining to the current operations of this account:
_____, (name) _____, (signature) _____;
_____, (name) _____, (signature) _____;
- (7) the Association des courtiers et agents immobiliers du Québec is irrevocably authorized to request and obtain at any time from your institution any information, explanation or copy of a document necessary or useful for audit purposes pertaining to this account.

IN WITNESS WHEREOF, I have signed in _____ this _____ day of the month of _____ 19 _____.

Signature of the real estate broker or representative

Solemnly affirmed before me in _____ this _____ day of the month of _____ 19 _____.

Commissioner of oaths for the judicial district of _____._____
Commissioner's signature

APPENDIX 8

(Section 118)

Declaration Regarding the Opening of a Special Trust Account

To: _____ (name and address of the financial institution) _____.

I, the undersigned, _____, in the capacity of real estate broker or representative for the purposes of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) of _____, real estate broker, holding the certificate number _____ and having its principal place of business at _____, hereby declare:

- (1) I have received in trust, in the practice of real estate brokerage activity, a sum from _____ (name and address of depositor) _____;
- (2) this sum is deposited in the special trust account bearing number: _____, opened at your institution in the name of: _____ in trust;
- (3) the said account is governed by the Real Estate Brokerage Act;
- (4) the interest generated by this account is the property of the aforementioned depositor;
- (5) in accordance with your records, the persons whose name and signature appear hereunder are authorized to sign on behalf of the real estate broker any document pertaining to the current operations of this account:
_____, (name) _____, (signature) _____;
_____, (name) _____, (signature) _____;
- (6) the Association des courtiers et agents immobiliers du Québec is irrevocably authorized to request and obtain at any time from your institution any information, explanation or copy of a document necessary or useful for audit purposes pertaining to this account.
b) block the deposited sums and take control of their management.

IN WITNESS WHEREOF, I have signed in _____ this _____ day of the month of _____ 19 _____.

Signature of the real estate broker or representative

APPENDIX 9

(Section 120)

Acknowledgment of Receipt of a Sum in Cash

____ (date) ____ 19 ____ .

I, the undersigned, acknowledge receipt of the sum of _____ dollars (\$ _____) paid in cash by _____ (name of depositor) _____

_____ (address of depositor) _____ .

If applicable, once this sum is deposited in a trust account, a receipt in accordance with the Real Estate Brokerage Act (R.S.Q., c. C-73.1) and its regulations will be issued to the depositor.

_____ (certificate number of the real estate broker) _____

_____ (name and address of the real estate broker) _____

Signature of an authorized signatory of the real estate broker's

APPENDIX 10

(Section 121)

Receipt in Trust

(unique number, from a consecutive series of number, assigned by the real estate broker to his receipts)

_____ (date) _____ 19 ____.

Received from _____ (name of depositor) _____

_____ (address of depositor) _____

☐ the sum of _____ dollars (\$ _____)
for deposit into the undersigned real estate broker's trust account.

☐ the following asset, other than a sum of money: _____

for deposit into the undersigned real estate broker's trust safety deposit box.

This sum or this asset, as the case may be, is received by the undersigned for the following purposes:

The undersigned will dispose of it for these purposes in accordance with the Real Estate Brokerage Act (R.S.Q., c. C-73.1).

_____ (certificate number of the real estate broker) _____

_____ (name and address of the real estate broker) _____

Signature of an authorized signatory of the real estate broker's

APPENDIX 11

(Section 125)

Notice of Closing of a General Trust Account

Association des courtiers et agents immobiliers du Québec

(address of the Association)

I, the undersigned, give you notice, in accordance with Section 125 of the Regulations of the Association des courtiers et agents immobiliers du Québec, that the general trust account bearing number _____, opened with _____ (name and address of the financial institution) _____

was closed on the _____ day of the month of _____ 19 _____.

IN WITNESS WHEREOF, I have signed in _____ this _____ day of the month of _____ 19 _____.

_____ (certificate number of the real estate broker) _____

_____ (name and address of the real estate broker) _____

Signature of the real estate broker's authorized signatory

Solemnly affirmed before me in _____ this _____ day of the month of _____ 19 _____.

Commissioner of oaths for the judicial district of _____.

Commissioner's signature

APPENDIX 12

(Section 127, Paragraph 1)

Summary of Deposits to and Withdrawals from the General and Special Trust AccountsFor the quarter from _____ 19 ____ to _____
19 ____.**Information concerning my general trust account**

Starting balance in the account according to accounting records: \$ _____ ;

PLUS: Total sums deposited during the quarter: \$ _____ ;

MINUS: Total sums withdrawn during the quarter: \$ _____ ;

Ending balance according to accounting records: \$ _____ .

Information concerning all my special trust accounts

Starting balance in the accounts according to accounting records: \$ _____ ;

PLUS: Total sums deposited during quarter: \$ _____ ;

PLUS: Total interest deposited during quarter: \$ _____ ;

MINUS: Total sums withdrawn during quarter: \$ _____ ;

MINUS: Total interest withdrawn during quarter: \$ _____ ;

Ending balance in the accounts according to accounting records: \$ _____ ;

Information concerning all my trust accounts

Total balances according to accounting records at end of quarter: \$ _____ .

IN WITNESS WHEREOF, I have signed in _____ this _____ day of the
month of _____ 19 ____ .

_____ (certificate number of the real estate broker) _____

_____ (name and address of the real estate broker) _____

Signature of an authorized signatory of the real estate broker's

APPENDIX 13

(Section 127, Paragraph 2)

Statement of Bank Reconciliation of General Trust Account and Each Special Trust Accounts

At the end of the quarter ending on _____ 19 ____.

Information concerning my general trust account bearing number _____ opened with
_____ (name and address of the financial institution) _____

Balance of the account according to the financial institution's statement: \$ _____ ;
PLUS: Sums not yet deposited: \$ _____ ;
SUB-TOTAL: \$ _____ ;
MINUS: Outstanding cheques, bills of exchange and transfer slips: \$ _____ ;
TOTAL Balance of the account after reconciliation: \$ _____ ;
Balance according to accounting records \$ _____ ;
DIFFERENCE: \$ _____ .

Information concerning my special trust account bearing number _____ opened with
_____ (name and address of the financial institution) _____

Balance of the account according to the financial institution's statement: \$ _____ ;
PLUS: Sums not yet deposited: \$ _____ ;
SUB-TOTAL: \$ _____ ;
MINUS: Outstanding cheques, bills of exchange and transfer slips: \$ _____ ;
TOTAL Balance of the account after reconciliation: \$ _____ ;
Balance according to accounting records \$ _____ ;
DIFFERENCE: \$ _____ .

Information concerning all of my trust accounts

Total of balances of accounts after reconciliation: \$ _____ .

IN WITNESS WHEREOF, I have signed in _____ this _____ day of the
month of _____ 19 ____.

_____ (certificate number of the real estate broker) _____

_____ (name and address of the real estate broker) _____

Signature of an authorized signatory of the real estate broker's

APPENDIX 14

(Section 127, Paragraph 3)

Detailed List of Sums Held in Trust

At the end of the quarter ending on _____ 19 ____.

Information concerning my general trust account:

Unique number assigned by the holder to each transaction: _____ ;

Amount of each sum held: \$ _____ ;

Total of sums held in general account: \$ _____ .

Information concerning all of my special trust accounts:

Unique number assigned by the holder to each transaction: _____ ;

Amount of each sum held: \$ _____ ;

Total of sums held in special account: \$ _____ .

Information concerning all of my trust accounts

Total of sums held: \$ _____ .

IN WITNESS WHEREOF, I have signed in _____ this _____ day of the
month of _____ 19 ____ ._____
(certificate number of the real estate broker)_____
(name and address of the real estate broker)_____
Signature of an authorized signatory of the real estate broker's

APPENDIX 15

(Section 129)

**Notice of a Request, by the Depositor, for Reimbursement of Sums
Held in Trust***(date of notice)**(name and address of the person or partnership to whom the notice is addressed)*

Re: Request for reimbursement of sums held in trust concerning *(nature of the transaction and address of the immovable or stock-in-trade which is the object of the request)*

On *(date of receipt of the request)* we received a written request for reimbursement of the sums deposited in our trust account concerning the transaction mentioned in the reference above. This request was formulated by the depositor *(name of the depositor)*.

Should you fail, within 10 days of receipt of this notice, to send us any judicial procedure requiring forced execution of the transaction or ordering us not to remit these sums, we will have to remit them to the depositor, without any other notice or delay, in accordance with the provisions of the Bylaws of the Association des courtiers et agents immobiliers du Québec. A copy of this notice is also given to the depositor.

_____ *(name and address of the real estate broker)* _____

Signature of an authorized signatory of the real estate broker's

APPENDIX 16

(Section 130)

**Notice of a Request, by a Person or Partnership other than the Depositor, for
Payment of Sums Held in Trust***(date of notice)**(name and address of the person or partnership to whom the notice is addressed)*

Re: Request for payment of sums held in trust concerning *(nature of the transaction and address of the immovable or stock-in-trade which is the object of the request)*

On *(date of receipt of the request)* we received a written request for reimbursement of the sums deposited in our trust account in the name of the depositor *(name of depositor)* concerning the transaction mentioned in the reference above. This request was formulated by *(name of person making the request)*.

In the absence of a document signed by the depositor and by the other parties to the transaction authorizing us to make such remittance, we are obliged, under the provisions of the By-laws of the Association des courtiers et agents immobiliers du Québec, to keep these sums in our trust account. Accordingly, we cannot act on this request for payment for the time being. If the person who made this request for payment is not a party to the transaction, a copy of this notice is also being sent to him.

____ *(name and address of the real estate broker)* ____

Signature of an authorized signatory of the real estate broker's

APPENDIX 17

(Section 133)

Declaration Regarding the Absence of Trust Transactions

Association des courtiers et agents immobiliers du Québec

(address of the Association)

I, the undersigned, _____, in the capacity of real estate broker or representative for the purposes of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) of _____, real estate broker, holding the certificate num. _____ and having its principal place of business at _____, hereby declare:

- (1) I do not intend to receive any sum on behalf of others in the course of my duties;
- (2) if, following this declaration, I receive sums on behalf of others in the course of my duties, I undertake to comply with the provisions of the Real Estate Brokerage Act and its regulations regarding the establishment and maintenance of a trust account.

IN WITNESS WHEREOF, I have signed in _____ this _____ day of the month of _____ 19 ____.

Signature of the real estate broker or representative

Solemnly affirmed before me in _____ this _____ day of the month of _____ 19 ____.

Commissioner of oaths for the judicial district of _____.

Commissioner's signature

7880

Draft By-law

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Association des courtiers et agents immobiliers du Québec — Fees Payable and Specialist Titles

The Minister for Finance gives notice, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec, adopted at a general meeting of the holders of permits or registration certificates issued by the Superintendent of Real Estate Brokerage held by that Association, the text of which appears below, shall be submitted to the Government for approval upon the expiry of 45 days following the publication of this notice in the *Gazette officielle du Québec*. The Government may approve it with or without amendments.

Any interested person wishing to make comments on the Draft By-law must do so in writing, before the expiry of the 45-day period, to Louise Robic, Minister for Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec), G1R 5L3, with a copy to the Inspector General of Financial Institutions, 800, place d'Youville, 9^e étage, Québec (Québec), G1R 4Y5.

LOUISE ROBIC
Minister for Finance

By-law on Fees Payable and Specialist Titles of the Association des courtiers et agents immobiliers du Québec

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 75 and 76)

CHAPTER I FEES PAYABLE

1. The fees to be charged by the Association des courtiers et agents immobiliers du Québec for the issue of a certificate shall be \$300 plus:

- (1) \$400 for a chartered real estate broker's certificate;
- (2) \$400 for an affiliate real estate broker's certificate;
- (3) \$400 for a real estate broker's certificate restricted to hypothecary loans;

(4) \$165 for a chartered real estate agent's certificate;

(5) \$165 for an affiliate real estate agent's certificate;

(6) \$165 for a real estate agent's certificate restricted to hypothecary loans.

In the event that a certificate is issued for a period of less than 12 months, the amounts mentioned in paragraphs 1 to 6 shall be reduced in proportion to the number of months gone by, at the time of application for the certificate, since the beginning of the civil year, excluding the month during which the application is made.

2. The fees to be charged by the Association for renewal of a certificate shall be:

(1) \$400 for a chartered real estate broker's certificate;

(2) \$400 for an affiliate real estate broker's certificate;

(3) \$400 for a real estate broker's certificate restricted to hypothecary loans;

(4) \$165 for a chartered real estate agent's certificate;

(5) \$165 for an affiliate real estate agent's certificate;

(6) \$165 for a real estate agent's certificate restricted to hypothecary loans.

3. The fees to be charged by the Association for reinstatement of a certificate shall be:

(1) \$200 for a chartered real estate broker's certificate;

(2) \$200 for an affiliate real estate broker's certificate;

(3) \$200 for a real estate broker's certificate restricted to hypothecary loans;

(4) \$200 for a chartered real estate agent's certificate;

(5) \$200 for an affiliate real estate agent's certificate;

(6) \$200 for a real estate agent's certificate restricted to hypothecary loans.

4. The fees to be charged under this by-law shall be adjusted as of January 1 of each year according to the rate of increase in the general consumer price index for Canada, as determined by Statistics Canada for the twelve months ending on September 30 of the previous year.

The fees adjusted in the prescribed manner shall be rounded down to the nearest dollar if they include a fraction of a dollar less than \$ 0.50; they shall be rounded up to the nearest dollar if they include a fraction of a dollar equal to or greater than \$ 0.50.

The Association shall inform the public of the result of the indexation done under this Section in Part I of the *Gazette officielle du Québec* and by any other means it deems appropriate.

CHAPTER II SPECIALIST TITLES

5. The specialist titles that the Association may award shall be:

- (1) specialist in stock-in-trade;
- (2) specialist in agricultural real estate.
- (3) specialist in commercial, industrial and office real estate;
- (4) specialist in residential income property;
- (5) specialist in immovable hypothecary loans;

6. To obtain a specialist title stipulated in this chapter, a natural person holding a real estate broker's or agent's certificate shall apply in writing to the Association and transmit proof to the Association that, for at least 2 years, he has held a certificate issued by the Association or a permit issued by the Superintendent of Real Estate Brokerage under the Real Estate Brokerage Act (R.S.Q., c. C-73), and that he has taken and passed, with a passing mark of at least 70 %, the training courses given for this speciality by the Association.

In cases where the Association does not provide any courses for a given speciality, a natural person holding a real estate broker's or agent's certificate shall transmit proof to the Association that, for at least 5 years, he has held a certificate issued by the Association or a permit issued by the Superintendent of Real Estate Brokerage under the Real Estate Brokerage Act (R.S.Q., c. C-73), and

file a declaration accompanied by a solemn statement to the effect:

(1) that he has practised as a full-time real estate broker or agent during the 2 years prior to the date of the solemn affirmation;

(2) that he requests that his file and all necessary supporting documents be examined so that the Association may analyse his qualifications, training, knowledge and the relevance of his experience and determine if he has the necessary equivalences to be granted the title of specialist in the specialty for which the application is made;

(3) that he undertakes to take and pass with a mark of at least 70% the courses provided by the Association as soon as these are available in the specialty for which the title of specialist is to be granted following the equivalence analysis, failing which his title shall be withdrawn;

(4) that he undertakes to keep his knowledge up to date in the specialty for which the title application is made.

7. The member's specialist title shall be suspended as soon as his real estate broker's or agent's certificate is suspended, for the entire period of this suspension.

8. The member's specialist title shall be withdrawn as soon as he no longer holds a real estate broker's or agent's certificate.

9. The member's specialist title may be withdrawn following a decision in this sense by a disciplinary body provided for in the Act.

CHAPTER III FINAL PROVISION

10. This by-law shall take effect on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7879

Draft By-law

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Association des courtiers et agents immobiliers
du Québec — Rules of Professional Ethics

The Minister for Finance gives notice, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law on the Rules of Professional Ethics of the Association des courtiers et agents

immobiliers du Québec, adopted at a general meeting of the holders of permits or registration certificates issued by the Superintendent of the Real Estate Brokerage held by that Association, the text of which appears below, shall be submitted to the Government for approval upon the expiry of 45 days following the publication of this notice in the *Gazette officielle du Québec*. The Government may approve it with or without amendments.

Any person wishing to make comments on the Draft By-law must do so in writing, before the expiry of the 45-day period, to Louise Robic, Minister for Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec), G1R 5L3, with a copy to the Inspector General of Financial Institutions, 800, place d'Youville, 9^e étage, Québec (Québec), G1R 4Y5.

LOUISE ROBIC
Minister for Finance

By-law on the Rules of Professional Ethics of the Association des courtiers et agents immobiliers du Québec

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 75)

CHAPTER I GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A member of the Association des courtiers et agents immobiliers du Québec shall practice his profession prudently, diligently and competently, and be honest, courteous and cooperative. He shall not commit any act derogatory to the honour and dignity of the profession.

2. A member shall offer his professional services without distinction, exclusion or preference based on race, colour, gender, pregnancy, number or age of children, sexual orientation, marital status, age except to the extent provided under the law, religion, political convictions, language, ethnic or national origin, social condition, handicap or use of a means to alleviate such handicap.

3. A member shall disclose, to any person with whom he is in a relationship within the context of his professional practice, his capacity as the holder of a real estate broker's or agent's certificate issued under the Act, as well as his capacity as manager or assistant manager of a place of business or as representative of the holder of a real estate broker's certificate.

4. A member shall practice his profession in such manner as to avoid any controversy.

5. A member, in accordance with generally accepted practice, shall verify the information that he provides to the public or to another member. He shall always be able to prove the accuracy of this information.

6. A member shall not attempt to intimidate a person with whom he is in a relationship within the context of his professional practice, particularly to incite this person to withdraw a request for a disciplinary inquiry or alter his testimony.

7. A member shall not participate in any act or practice, in real estate matters, which may be illegal or which may cause prejudice to the public or his profession.

8. A member shall take all reasonable means to ensure that the provisions of the law and its regulations are respected.

9. A member shall promptly bring to the attention of the competent authorities any act contrary to the law and its regulations of which he has personal knowledge.

10. A member shall cooperate with any official department or agency responsible for protecting the public, in real estate matters.

11. A member shall refrain from using excessive pressure in urging a person to make use of his professional services.

12. A member shall provide a level of expertise consistent with generally accepted practice.

13. A member shall not agree to work on a transaction covered by Section 1 of the Act which is outside his field of expertise without first ensuring that he has the necessary assistance, particularly by obtaining the help of a member with the required expertise.

14. A member shall not let it be understood that he can engage in an activity for which he is not authorized, nor falsely let it be understood that he holds a specialist title.

15. A member, when dealing with the public on real estate matters, shall do so in a competent manner.

16. A member shall not express an opinion on the value of an immovable or a stock-in-trade unless it is based on and supported by generally accepted rules of good practice.

CHAPTER II
DUTIES AND OBLIGATIONS TOWARDS
THE CLIENT AND THE PARTIES
TO A TRANSACTION COVERED BY SECTION 1
OF THE ACT

17. A member shall perform the obligations he has agreed to fulfil in a prudent, diligent and competent manner. To this end, he shall especially make himself reasonably available, or else designate another member to replace him.

18. A member shall supply all explanations necessary to the understanding and appreciation of the services he renders.

19. A member shall protect and promote the interests of his client and provide fair treatment to all parties to a transaction covered by Section 1 of the Act.

20. In circumstances where protection of the interests of his client or of one of the parties to a transaction covered by Section 1 of the Act so requires, a member shall recommend that this person use the services of an expert recognized by law.

21. A member shall, in an objective manner, counsel and inform his client and all parties to a transaction covered by Section 1 of the Act. This obligation pertains to all facts relevant to the transaction, as well as to the object thereof, and shall be fulfilled without exaggeration, concealment or misrepresentation.

22. A member shall take steps to discover the factors, in accordance with generally accepted practice, that may unfavourably affect his client or the parties to a transaction covered by Section 1 of the Act or the very object of this transaction.

23. A member shall inform his client and all parties to a transaction covered by Section 1 of the Act of any factor of which he has knowledge which may unfavourably affect the parties or the very object of the transaction.

24. A member, to ensure the protection of his client and all parties to a transaction covered by Section 1 of the Act, shall see to it that their rights and obligations are committed in writing and accurately reflect their intentions.

25. A member, in accordance with generally accepted rules of good practice, shall inform in a reasonable manner his client and all parties to a transaction covered by Section 1 of the Act of the effects of the rights and obligations contained in the documents that he has them sign.

26. A member, in order to provide his client with service of unmitigated quality, shall promote an exclusive relationship in matters relating to the brokerage contract.

27. A member shall not use or lend an asset, the custody of which has been entrusted to him by a client or a party to a transaction covered by Section 1 of the Act, for purposes other than those for which this asset has been entrusted to him, unless he has written authorization to this effect.

28. A member shall not unduly delay the delivery of any asset, the custody of which has been entrusted to him by a client or a party to a transaction covered by Section 1 of the Act.

CHAPTER III
DUTIES AND OBLIGATIONS TOWARDS
FELLOW MEMBERS

29. A member, to further the success of a transaction covered by Section 1 of the Act, shall cooperate with any other member who so requests, under reasonable, predetermined and mutually accepted conditions.

30. In circumstances where another member cooperates with him in the fulfilment of a transaction covered by Section 1 of the Act which has been entrusted to him under a brokerage contract, a member shall disclose the existence of any written proposal of a transaction already in progress, regardless of whether it is accepted; however, he may not reveal the contents of this transaction to this other member.

31. In circumstances where a member cooperates in the fulfilment of a transaction covered by Section 1 of the Act entrusted to another member, he shall disclose all information relevant to the success of this transaction.

32. A member shall neither abuse the good faith of another member, nor use unfair practices against this member, nor seek to obtain an undue advantage over him. In particular, a member shall refrain from falsely claiming that he holds a brokerage contract, that a brokerage contract has been awarded to him exclusively, or that an immovable or stock-in-trade is not available for visiting.

33. A member, before accepting a brokerage contract, shall take the necessary steps to determine whether the immovable or stock-in-trade concerned is not already the object of a brokerage contract.

34. A member shall not engage in any act that is incompatible with a brokerage contract awarded to an-

other member. In particular, a member shall set appointments or carry on negotiations concerning an immovable or stock-in-trade only through the intermediary of a member to whom a brokerage contract has been entrusted, unless the member concerned should agree otherwise.

When a brokerage contract contains a stipulation of exclusivity, this obligation shall be absolute. When it does not contain such a stipulation, this obligation shall only exist if the member has been placed in a relationship with the contracting party of this other member through the intermediary of this member or because of his efforts.

35. A member, when a real estate brokerage contract has been entrusted to him, shall not prevent another member, who has obtained a written proposal of a transaction covered by Section 1 of the Act, from participating in the presentation of this proposal, unless his client gives written instructions to this effect.

36. A member, when he obtains information from another member within the framework of a transaction covered by Section 1 of the Act, shall not use this information to his sole benefit nor transmit it to another member without the authorization of the former.

37. A member shall not denigrate another member nor attempt to damage the relations between another member and his client or the parties to a transaction covered by Section 1 of the Act or with other members.

38. A member shall not express an opinion on a transaction covered by Section 1 of the Act which has been negotiated by another member unless his opinion is sought. The member then shall give an informed and objective opinion which takes into account all the elements regarding this transaction.

39. A member shall not avail himself of a decision of the discipline committee as a way of harming the reputation of another member.

40. A member shall not incite another member, in any way whatsoever, to leave his employment with one real estate broker to the benefit of another on the premises of the Association or during a meeting or a course.

41. A member, when he receives remuneration for a transaction covered by Section 1 of the Act, shall pay it promptly to the broker who employs him or on whose behalf he is authorized to act.

CHAPTER IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

42. A member, to the extent of his abilities, shall participate in the advancement of the profession. In particular, he shall play an active role in the activities of the Association and agree to share his knowledge and experience with the other members.

43. A member shall cooperate during a professional inspection, or an inquiry conducted by the syndic or the deputy syndic, or during his testimony at a disciplinary hearing, particularly by disclosing all the facts of which he has personal knowledge and by producing all the relevant documents.

44. A member shall not exaggerate, conceal or misrepresent the information or documents he supplies during a professional inspection, or an inquiry conducted by the syndic or the deputy syndic, or during a hearing of a disciplinary body provided for in the Act.

45. A member shall avoid initiating or prolonging to no purpose an inquiry conducted by the syndic or deputy syndic, when he knows that no infraction has been committed.

CHAPTER V FINAL PROVISION

46. This by-law shall take effect on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7878

Draft Regulation

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Multidisciplinary firms — Amendments

The Minister for Finance hereby gives notice, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting multidisciplinary firms, the text of which appears below, may be made by the Government on the expiry of 45 days following the publication of this notice in the *Gazette officielle du Québec*.

Any interested person having comments to make is asked to send them in writing before the expiry of the 45-day period to Mrs. Louise Robic, Minister for Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec), G1R 5L3, with a copy to the Inspector General of Financial Institutions, 800, place d'Youville, 9^e étage, Québec (Québec), G1R 4Y5.

LOUISE ROBIC,
Minister for Finance

Regulation to amend the Regulation respecting multidisciplinary firms

An Act respecting market intermediaries
(R.S.Q., c. I-15.1, s. 201, par 23)

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 155, pars. 14 and 16)

1. The Regulation respecting multidisciplinary firms, made by Order in Council 1020-91 dated 17 July 1991, is amended in section 1 by adding the following after paragraph 4:

"(5) a certificate for a multidisciplinary firm in the fields of insurance of persons and real estate brokerage;

(6) a certificate for a multidisciplinary firm in the fields of damage insurance and real estate brokerage;

(7) a certificate for a multidisciplinary firm in the field of financial planning, through financial planners holding certificates issued by the Inspector General, and in the fields of insurance of persons and real estate brokerage;

(8) a certificate for a multidisciplinary firm in the field of financial planning, through financial planners holding certificates issued by the Inspector General, and in the fields of damage insurance and real estate brokerage;

(9) a certificate for a multidisciplinary firm in the fields of insurance of persons, damage insurance and real estate brokerage;

(10) a certificate for a multidisciplinary firm in the field of financial planning, through financial planners holding certificates issued by the Inspector General, and in the fields of insurance of persons, damage insurance and real estate brokerage;

(11) a certificate for a multidisciplinary firm in the fields of insurance of persons and real estate brokerage in respect of loans secured by immovable hypothec;

(12) a certificate for a multidisciplinary firm in the fields of damage insurance and real estate brokerage in respect of loans secured by immovable hypothec;

(13) a certificate for a multidisciplinary firm in the field of financial planning, through financial planners holding certificates issued by the Inspector General, and in the fields of insurance of persons and real estate brokerage in respect of loans secured by immovable hypothec;

(14) a certificate for a multidisciplinary firm in the field of financial planning, through financial planners holding certificates issued by the Inspector General, and in the fields of damage insurance and real estate brokerage in respect of loans secured by immovable hypothec;

(15) a certificate for a multidisciplinary firm in the fields of insurance of persons, damage insurance and real estate brokerage in respect of loans secured by immovable hypothec;

(16) a certificate for a multidisciplinary firm in the field of financial planning, through financial planners holding certificates issued by the Inspector General, and in the fields of insurance of persons, damage insurance and real estate brokerage in respect of loans secured by immovable hypothec."

2. Section 3 is amended by substituting the words "Act respecting market intermediaries" for the word "Act".

3. Section 4 is amended by substituting the words "Act respecting market intermediaries" for the word "Act" wherever it occurs.

4. Section 5 is amended by substituting the words "Act respecting market intermediaries" for the word "Act" wherever it occurs.

5. The Regulation is amended by inserting the following after section 5:

"5.1 A certificate provided for in paragraph 5 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries, through real estate agents, or through real estate brokers referred to in the second paragraph of section 15 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) and authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage, act only through persons holding a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate, issued by the Association des courtiers et agents immobiliers du Québec.

5.2 A certificate provided for in paragraph 6 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries, through real estate agents, or through real estate brokers referred to in the second paragraph of section 15 of the Real Estate Brokerage Act and authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage, act only through persons holding a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable

hypothec or an affiliated real estate broker's certificate, issued by the Association des courtiers et agents immobiliers du Québec.

5.3 A certificate provided for in paragraph 7 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries, through real estate agents, or through real estate brokers referred to in the second paragraph of section 15 of the Real Estate Brokerage Act and authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage, act only through persons holding a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate, issued by the Association des courtiers et agents immobiliers du Québec.

5.4 A certificate provided for in paragraph 8 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries, through real estate agents, or through real estate brokers referred to in the second paragraph of section 15 of the Real Estate Brokerage Act and authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage, act only through persons holding a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate, issued by the Association des courtiers et agents immobiliers du Québec.

5.5 A certificate provided for in paragraph 9 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries, through real estate agents, or through real estate brokers referred to in the second paragraph of section 15 of the Real Estate Brokerage Act and authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage, act only through persons who hold a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate, issued by the Association des courtiers et agents immobiliers du Québec.

5.6 A certificate provided for in paragraph 10 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries, through real estate agents, or through real estate brokers referred to in the second paragraph of section 15 of the Real Estate Brokerage Act and authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the mean-

ing of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage, act only through persons who hold a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate, issued by the Association des courtiers et agents immobiliers du Québec.

5.7 A certificate provided for in paragraph 11 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries or real estate agents authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only through market intermediaries in insurance of persons holding a certificate for a real estate agent restricted to loans secured by immovable hypothec.

5.8 A certificate provided for in paragraph 12 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries or real estate agents authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only

through market intermediaries in insurance of persons holding a certificate for a real estate agent restricted to loans secured by immovable hypothec.

5.9 A certificate provided for in paragraph 13 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries or real estate agents authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only through market intermediaries in insurance of persons holding a certificate for a real estate agent restricted to loans secured by immovable hypothec.

5.10 A certificate provided for in paragraph 14 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries or real estate agents authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only through market intermediaries in damage insurance holding a certificate for a real estate agent restricted to loans secured by immovable hypothec.

5.11 A certificate provided for in paragraph 15 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries or real estate agents authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only

through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only through market intermediaries in insurance of persons or market intermediaries in damage insurance holding a certificate for a real estate agent restricted to loans secured by immovable hypothec.

5.12 A certificate provided for in paragraph 16 of section 1 permits its holder to carry on activities only in the fields mentioned therein and only through market intermediaries or real estate agents authorized to carry on activities in those fields.

A holder of that certificate must, in carrying on activities in the field of insurance of persons, act only through market intermediaries in insurance of persons who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must, in carrying on activities in the field of damage insurance, except when acting as a claims adjuster, act only through market intermediaries in damage insurance who are either insurance agents or insurance brokers within the meaning of section 1 of the Act respecting market intermediaries.

A holder of that certificate must not, in carrying on activities in the field of damage insurance, act as a special broker.

A holder of that certificate must, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only through market intermediaries in insurance of persons or market intermediaries in damage insurance holding a certificate for a real estate agent restricted to loans secured by immovable hypothec."

6. Section 6 is amended

- (1) by adding the following to the end of paragraph 2:

"in the case of a multidisciplinary firm planning to carry on activities in the field of real estate brokerage, a real estate agent or an affiliated real estate broker governed by the Real Estate Brokerage Act is, in accordance with section 169 of that Act, deemed to be a market intermediary whose activities are governed by the Government;"

- (2) by substituting the following for paragraph 3:

"(3) in the case of a partnership applying for a certificate provided for in any of paragraphs 5 to 10 of section 1, designate the natural person who is qualified to hold a chartered real estate broker's certificate and who will represent the partnership for the purposes of the Real Estate Brokerage Act, as well as every natural person who is qualified to hold a chartered real estate broker's certificate and who is to be the director or assistant director of each place of business;

(3.1) in the case of a partnership applying for a certificate provided for in any of paragraphs 11 to 16 of section 1, designate the natural person who is qualified to hold a certificate for a real estate broker restricted to loans secured by immovable hypothec and who will represent the partnership for the purposes of the Real Estate Brokerage Act;"

- (3) by adding the following after paragraph 7:

"(8) have reimbursed any amount of principal, interest and costs resulting from any final judgment rendered against it by reason of its liability for any of the causes provided for in section 175 of the Act respecting market intermediaries or in section 55 of the Real Estate Brokerage Act."

7. Section 7 is amended

- (1) by inserting the following after paragraph 1:

"(1.1) where the partnership is applying for a certificate provided for in any of paragraphs 5 to 10 of section 1, the address of each of its places of business within the meaning of section 13 of the Real Estate Brokerage Act;"

- (2) by substituting the following for paragraph 4:

"(4) a statement signed by a partner or officer generally or specifically authorized for that purpose attest-

ing that the partnership is not in the situation referred to in paragraph 6 of section 6;"

- (3) by substituting the following for paragraph 5:

"(5) a statement signed by a partner or officer generally or specifically authorized for that purpose attesting that the partnership will be acting as a market intermediary or real estate broker only in the fields mentioned in the certificate to be issued to it;"

- (4) in paragraph 6

(a) by substituting the words "partner or officer" for the word "representative"; and

(b) by substituting the words "Act respecting market intermediaries" for the word "Act";

- (5) in paragraph 7

(a) by substituting the words "partner or officer" for the word "representative"; and

(b) by substituting the words "Act respecting market intermediaries" for the word "Act";

- (6) by inserting the following after paragraph 7:

"(7.1) where applicable, a statement signed by a partner or officer generally or specifically authorized for that purpose attesting that the partnership will, in carrying on activities in the field of real estate brokerage, act only through persons who hold a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate;

(7.2) where applicable, a statement signed by a partner or officer generally or specifically authorized for that purpose attesting that the partnership will, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only through market intermediaries in insurance business who hold a certificate for a real estate agent restricted to loans secured by immovable hypothec;"

- (7) in paragraph 8

(a) in the part that precedes subparagraph a

i. by substituting the words "plans to carry" for the word "carries"; and

ii. by inserting the words "or real estate broker" after the word "intermediary";

(b) by adding the following after subparagraph c:

"(d) in the case of real estate agents or real estate brokers, holders of a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate, issued by the Association des courtiers et agents immobiliers du Québec, where the partnership is applying for a certificate provided for in any of paragraphs 5 to 10 of section 1;

(e) in the case of real estate agents, holders of a certificate for a real estate agent restricted to loans secured by immovable hypothec issued by the Association des courtiers et agents immobiliers du Québec, where the partnership is applying for a certificate provided for in any of paragraphs 11 to 16 of section 1;"

(8) in paragraph 9

(a) by substituting the words "plans to carry" for the word "carries";

(b) by substituting the words "will deal" for the word "deal"; and

(c) by substituting the words "partner or officer" for the word "representative";

(9) by inserting the words "or officer" after the word "partner" in paragraph 13;

(10) by inserting the following after paragraph 13:

"(13.1) in all cases where a partnership plans to carry on activities in the field of real estate brokerage, the surname and given name of the person that it designated under section 7 of the Real Estate Brokerage Act to represent it for the purposes of that Act, and a copy of the document issued by the Association des courtiers et agents immobiliers du Québec attesting that that person is qualified to hold a chartered real estate broker's certificate or a certificate for a real estate broker restricted to loans secured by immovable hypothec, as the case may be;

(13.2) in the case of a partnership applying for a certificate provided for in any of paragraphs 5 to 10 of section 1, the surname and given name of the director and, where applicable, of the assistant director or assistant directors who will manage each of its places of business within the meaning of section 13 of the Real Estate Brokerage Act, and a copy of the document issued by the Association des courtiers et agents immobiliers du Québec attesting that that person is qualified to hold a real estate broker's certificate;"

8. Section 8 is amended

(1) by adding the following to paragraph 2:

"in the case of a multidisciplinary firm planning to carry on activities in the field of real estate brokerage, a real estate agent or an affiliated real estate broker governed by the Real Estate Brokerage Act is, in accordance with section 169 of that Act, deemed to be a market intermediary whose activities are governed by the Government;"

(2) by inserting the words or "real estate broker" after the word "intermediary" in paragraph 3;

(3) by inserting the following after paragraph 3:

"(3.1) in the case of a legal person applying for a certificate provided for in any of paragraphs 5 to 10 of section 1, designate the natural person who is qualified to hold a chartered real estate broker's certificate and who will represent it for the purposes of the Real Estate Brokerage Act, as well as each natural person who is qualified to hold a chartered real estate broker's certificate and who will be the director or assistant director of each place of business;

(3.2) in the case of legal person applying for a certificate provided for in any of paragraphs 11 to 16 of section 1, designate the natural person who is qualified to hold a certificate for a real estate broker restricted to loans secured by immovable hypothec and who will represent the legal person for the purposes of the Real Estate Brokerage Act;"

(4) by adding the following after paragraph 8:

"(9) have reimbursed any amount of principal, interest and costs resulting from any final judgment rendered against it by reason of its liability for any of the causes provided for in section 175 of the Act respecting market intermediaries or in section 55 of the Real Estate Brokerage Act."

9. Section 9 is amended

(1) by substituting the following for paragraph 1:

"(1) its corporate name and, where applicable, the firm name or names under which it will carry on activities, the address of its head office, the address of its main office in Québec and those of all its other offices in Québec, as well as the corresponding telephone numbers;

(1.1) where it is applying for a certificate provided for in any of paragraphs 5 to 10 of section 1, the

address of each of its places of business within the meaning of section 13 of the Real Estate Brokerage Act;"

(2) by substituting the words "director or officer" for the word "representative" in paragraph 6;

(3) by substituting the following for paragraph 7:

"(7) a statement signed by a director or officer generally or specifically authorized for that purpose attesting that the legal person will act as a market intermediary or real estate broker only in the fields mentioned in the certificate to be issued to it;"

(4) in paragraph 8

(a) by substituting the words "director or officer" for the word "representative"; and

(b) by substituting the words "Act respecting market intermediaries" for the word "Act";

(5) in paragraph 9

(a) by substituting the words "director or officer" for the word "representative"; and

(b) by substituting the words "Act respecting market intermediaries" for the word "Act";

(6) by inserting the following after paragraph 9:

"(9.1) where applicable, a statement signed by a director or officer generally or specifically authorized for that purpose attesting that the legal person will, in carrying on activities in the field of real estate brokerage, act only through persons holding a chartered or affiliated real estate agent's certificate, a certificate for a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker's certificate;

(9.2) where applicable, a statement signed by a director or officer generally or specifically authorized for that purpose attesting that the legal person will, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, act only through market intermediaries in insurance business holding a certificate for a real estate agent restricted to loans secured by immovable hypothec;"

(7) in paragraph 10

(a) in the part that precedes subparagraph a;

i. by substituting the words "plans to carry" for the word "carries"; and

ii. by inserting the words "or real estate broker" after the word "intermediary"; and

(b) by adding the following after subparagraph c:

"(d) in the case of real estate agents or real estate brokers, holders of a chartered or affiliated real estate agent's certificate, of a certificate for a real estate agent restricted to loans secured by immovable hypothec or of an affiliated real estate broker's certificate issued by the Association des courtiers et agents immobiliers du Québec, where the legal person is applying for a certificate provided for in any of paragraphs 5 to 10 of section 1;

(e) in the case of real estate agents, holders of a certificate for a real estate agent restricted to loans secured by immovable hypothec issued by the Association des courtiers et agents immobiliers du Québec, where the legal person is applying for a certificate provided for in any of paragraphs 11 to 16 of section 1;"

(8) by substituting the following for paragraph 11:

"(11) where the legal person plans to carry on activities in the field of damage insurance, the surnames and given names of the persons who are in its employ and who will deal directly with the public and a statement signed by a director or officer generally or specifically authorized for that purpose attesting that those persons have the adequate knowledge and qualifications required under the Regulation respecting the Conseil des assurances de dommages and specifying the duties to which they will be assigned;"

(9) by inserting the following after paragraph 13:

"(13.1) a copy of the registration with the Superior Court prothonotary, in each district in which it carries on or plans to carry on activities, of each of its declarations of firm name and all amendments thereto;"

(10) by inserting the words "director or" after the words "name of the" in paragraph 15; and

(11) by adding the following after paragraph 15:

"(15.1) in all cases where a legal person plans to carry on activities in the field of real estate brokerage, the surname and given name of the person that it designated under section 7 of the Real Estate Brokerage Act to represent it for the purposes of that Act, and a copy of the document issued by the Association des

courtiers et agents immobiliers du Québec attesting that that person is qualified to hold a chartered real estate broker's certificate or a certificate for a real estate broker restricted to loans secured by immovable hypothec, as the case may be;

(15.2) in the case of a legal person applying for a certificate provided for in any of paragraphs 5 to 10 of section 1, the surname and given name of the director and, where applicable, of the assistant director or assistant directors who will manage each of its places of business within the meaning of section 13 of the Real Estate Brokerage Act and a copy of the document issued by the Association des courtiers et agents immobiliers du Québec attesting that that person is qualified to hold a chartered real estate broker's certificate;"

10. Section 10 is amended

(1) by substituting the words "Act respecting market intermediaries" for the word "Act" in the part that precedes paragraph 1;

(2) in paragraph 1

(a) by substituting the words "partner, director or officer" for the word "representative"; and

(b) by substituting the words "Act respecting market intermediaries" for the word "Act"; and

(3) in paragraph 2

(a) by substituting the words "partner, director or officer" for the word "representative"; and

(b) by substituting the words "Act respecting market intermediaries" for the word "Act".

11. Section 11 is amended by inserting the words "by the documents or information evidencing that change or modification and" after the word "accompanied".

12. Section 13 is amended

(1) by substituting the following for paragraph 1:

"(1) the firm name of the partnership or the corporate name and the firm name or names of the legal person holding the certificate;"

(2) by substituting the words "Act respecting market intermediaries" for the word "Act" in paragraph 4;

(3) by substituting the words "Act respecting market intermediaries" for the word "Act" in paragraph 5;

(4) by inserting the following after paragraph 5:

"(5.1) in the case of a certificate provided for in any of paragraphs 5 to 10 of section 1, a clause to the effect that, in carrying on activities in the field of real estate brokerage, the holder of the certificate will act only through chartered or affiliated real estate agents, real estate agents restricted to loans secured by immovable hypothec or affiliated real estate brokers holding a certificate issued by the Association des courtiers et agents immobiliers du Québec;

(5.2) in the case of a certificate provided for in any of paragraphs 11 to 16 of section 1, a clause to the effect that, in carrying on activities in the field of real estate brokerage in respect of loans secured by immovable hypothec, the holder of the certificate will act only through market intermediaries in insurance business holding a certificate for a real estate agent restricted to loans secured by immovable hypothec.

(5.3) in the case of a certificate provided for in any of paragraphs 5 to 16 of section 1, the surname and given name or the natural person representing the multidisciplinary firm for the purposes of section 7 of the Real Estate Brokerage Act;"

13. Section 16 is amended

(1) in subparagraph 1 of the first paragraph

(a) by substituting "1 to 6 and 8" for "3 to 6"; and

(b) by substituting "1 to 7 and 9" for "3 to 5".

14. Section 19 is amended by inserting the following after the first paragraph:

"Such notice shall also be sent to the Association des courtiers et agents immobiliers du Québec where the suspended or cancelled certificate is any of the certificates provided for in paragraphs 5 to 16 of section 1."

15. The Regulation is amended by inserting the following after the title of Chapter II:

**"DIVISION 0.1
MULTIDISCIPLINARY FIRMS CARRYING ON THE
ACTIVITY OF REAL ESTATE BROKER**

20.1. A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall carry on the activity of real estate broker in accordance with the special provisions of this division.

20.2 A multidisciplinary firm shall not hold a certificate provided for in any of paragraphs 5 to 10 of

section 1 unless it is represented, for the purposes of the Real Estate Brokerage Act, by a natural person who is qualified to hold a chartered real estate broker's certificate and who devotes himself full time to the activities of that firm.

A multidisciplinary firm shall not hold a certificate provided for in any of paragraphs 11 to 16 of section 1 unless it is represented, for the purposes of the Real Estate Brokerage Act, by a natural person who is qualified to hold a certificate for a real estate broker restricted to loans secured by immovable hypothec and who devotes himself full time to the activities of that firm.

20.3 The bankruptcy of a natural person referred to in section 20.2 renders him unable to represent a multidisciplinary firm unless he is discharged from bankruptcy.

§1. Trust account

20.4. Any sum received by a multidisciplinary firm on behalf of others in carrying on the activity of real estate broker shall be deposited into a trust account in accordance with the terms and conditions provided for in this Subdivision.

Interest accrued on the sums of money held in trust and not claimed by the client shall be paid into the financing fund established under the second paragraph of section 74 of the Real Estate Brokerage Act in the manner provided for in Schedule 1.

20.5 The holder of a certificate for a multidisciplinary firm provided for in any of paragraphs 5 to 16 of section 1 shall open a single general trust account and as many special trust accounts as are necessary to deposit sums received on behalf of others in the course of its activities. It shall open those accounts in Québec with a financial institution whose deposits are guaranteed under the Deposit Insurance Act (R.S.Q., c. A-26) or under the Canada Deposit Insurance Corporation Act (R.S.C., 1985, c. C-3).

20.6 So that every depositor may benefit from deposit insurance, the multidisciplinary firm shall ensure that every deposit made with a financial institution constitutes a separate deposit within the meaning of the Deposit Insurance Act or the Canada Deposit Insurance Corporation Act.

20.7 Where a multidisciplinary firm opens a general trust account, it shall, without delay, send to the financial institution with which it opens the account and to the Inspector General a copy of a declaration in the form in Schedule 1.

20.8 A multidisciplinary firm shall deposit into its general trust account any sum on which the client has not claimed the interest. It shall make that deposit in accordance with the terms and conditions of the agreement designating the multidisciplinary firm as the trustee of that sum.

The interest accrued on such sums of money shall be paid into the financing fund established under the second paragraph of section 74 of the Real Estate Brokerage Act.

20.9 Where a multidisciplinary firm opens a special trust account, it shall, without delay, send to the financial institution with which it opens the account and to the Inspector General a copy of a declaration in the form in Schedule 2.

20.10 The multidisciplinary firm shall deposit into a special trust account any sum on which the client has claimed the interest and shall have the name of the client for whom it opens the account indicated therein. It shall make that deposit in accordance with the terms and conditions of the agreement designating the multidisciplinary firm as the trustee of that sum.

20.11 Any agreement authorizing a multidisciplinary firm to take the compensation owed to it out of sums that it holds in trust is null and void.

20.12 Where a multidisciplinary firm receives a sum in cash, it shall supply the depositor with an acknowledgment of receipt in the form in Schedule 3.

20.13 As soon as a multidisciplinary firm deposits a sum into a general or special trust account, it shall issue the depositor a receipt, in the form in Schedule 4, bearing one of a series of consecutive numbers attributed by the multidisciplinary firm to its receipts. The multidisciplinary firm shall keep a duplicate of that receipt on file.

20.14 Where a cheque or other bill of exchange received as a deposit is returned by the financial institution on which it was drawn, the multidisciplinary firm shall, without delay, notify in writing the parties to a transaction referred to in section 1 of the Real Estate Brokerage Act.

20.15 Any withdrawal from a general or special trust account shall be made by cheque or other bill of exchange or by transfer slip bearing the number attributed to that specific transaction. The multidisciplinary firm shall keep on file a duplicate of such cheques, bills of exchange and transfer slips, as well as the original cheques or bills of exchange cashed.

20.16 Cheques, bills of exchange and transfer slips drawn by a multidisciplinary firm on its general trust account or special trust accounts shall bear:

(1) one of a series of consecutive numbers attributed by the multidisciplinary firm to its cheques, bills of exchange and transfer slips;

(2) the statement "Trust account governed by the Real Estate Brokerage Act".

20.17 When a multidisciplinary firm closes its general trust account, it shall, without delay, send the Inspector General a notice in the form in Schedule 5.

20.18 Within one month following the end of each month, the multidisciplinary firm shall reconcile its accounting register showing the sums and other property held in trust, with its receipts, cheques, bills of exchange and transfer slips, and with the statements from the financial institution with which the sums and other property are held.

20.19 Within one month following the end of each quarter in the calendar year, the multidisciplinary firm shall send the Inspector General:

(1) a summary of deposits and withdrawals from its general trust account and special trust accounts, in the form in Schedule 6;

(2) a copy of the bank reconciliation statement, in the form in Schedule 7, established at the end of the quarter for its general trust account and special trust accounts;

(3) a detailed list, in the form in Schedule 8, of sums held at the end of the quarter in its general trust account and special trust accounts.

The amounts appearing next to "Total balance of accounting registers at end of quarter" in Schedule 6, "Total account balances after reconciliation" in Schedule 7 and "Total sums held" in Schedule 8 must be identical.

20.20 The multidisciplinary firm shall ensure that, where there is no sale, a written account is drawn up of the procedure whereby a sum received as a deposit on the sale price and deposited in a trust account is returned to the depositor.

20.21 Where 3 years have elapsed since the date scheduled for the conclusion of a transaction and where the multidisciplinary firm has not succeeded in contacting the depositor of a sum held in trust, the firm shall pay that sum to the Association des courtiers et agents immobiliers du Québec, which shall deposit that sum

in a trust account set up for that purpose, and shall keep it in that trust account until the depositor claims it.

20.22 The sums deposited into a multidisciplinary firm's general or special trust account do not belong to the firm and the firm shall not deposit or leave its own funds therein.

20.23 A multidisciplinary firm that does not foresee receiving any sums on behalf of others in the course of its activities shall send to the Inspector General, when its certificate is issued or when closing its general trust account, a statement in the form in Schedule 9.

§2. Place of business

20.24. Any place of business shall be managed by a natural person qualified to hold a chartered real estate broker's certificate where the multidisciplinary firm holds any of the certificates provided for in paragraphs 5 to 10 of section 1.

In the cases provided for in section 20.26, that natural person shall devote himself exclusively to his managerial duties.

For each group of 30 agents and for any remaining group of less than 30 agents working at the same place of business, there shall be one natural person who has the qualifications described above and who acts as the assistant to the person managing the place of business.

Those persons shall not work for another real estate broker or multidisciplinary firm or carry on their activities at another place of business.

For the purposes of the Real Estate Brokerage Act and for the purposes of the carrying on of the activity of real estate broker by a multidisciplinary firm, "place of business" means the place where that firm keeps the records, books and registers prescribed in sections 47.1 to 47.7.

20.25 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 shall assign to a place of business the real estate agents in its employ or authorized to act on its behalf.

20.26 The natural person who manages a place of business shall devote himself exclusively to his managerial duties in any of the following situations:

(1) 15 or more persons who have held an affiliated real estate agent's certificate for less than 2 years are assigned to that place of business;

(2) 25 or more persons who have held an affiliated real estate agent's certificate for any length of time are assigned to that place of business;

(3) 30 or more persons who hold an affiliated real estate broker's certificate or a chartered or affiliated real estate agent's certificate are assigned to that place of business.

§3. Personal information

20.27. The personal information obtained by a multidisciplinary firm in carrying on the activity of real estate broker shall not be disclosed without the express written authorization of the person concerned, except where that information is required by a person or agency having the power to require its disclosure.

That authorization shall indicate to whom and for what purpose that information may be disclosed.

§4. Obligation to disclose

20.28. A multidisciplinary firm that holds a certificate provided for in any of paragraphs 5 to 10 of section 1, and that, directly or indirectly, whether or not in carrying on the activity of real estate broker, owns or plans to acquire an interest in immovable property being bought, sold or exchanged shall notify the prospective contracting party in writing, without delay, that it carries on the activity of real estate broker.

That notice shall be drafted legibly and shall be signed by the person designated by the multidisciplinary firm under section 7 of the Real Estate Brokerage Act to represent it for the purposes of that Act.

If that notice is not given, the party that was to be notified may, as long as the contract evidencing the transaction has not been signed by both parties, withdraw without penalty from any offer or promise, accepted or not, concerning immovable property, by sending or giving written notice to the other party.

20.29 The notice provided for in section 20.28 shall be drawn up in triplicate. One copy shall be given without delay to the prospective contracting party by any means whereby proof of the date of receipt may be obtained, and another copy shall be kept on file by the multidisciplinary firm.

20.30 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 shall, as soon as possible, send the Inspector General one of the 3 copies of the written notice, together with a copy of the contract evidencing the transaction

referred to in section 20.28, and any contract related thereto.

20.31 A multidisciplinary firm holding a certificate referred to in any of paragraphs 5 to 16 of section 1 shall disclose to its client, in writing, any agreement that concerns compensation payable to the multidisciplinary firm and that could place it in conflict of interest with that client.

§5. Advertising, representations and solicitation of clients

20.32. A service or property supplied by a multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall conform to any declaration made by the firm and to any of its advertisements. Such declaration and advertisements are binding on that firm.

20.33 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall not, by any means whatsoever, make false, misleading or incomplete representations to a person using its services, particularly with regard to its level of competence or the scope and effectiveness of its services and of those generally rendered by members of the Association des courtiers et agents immobiliers du Québec.

20.34 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall not, by any means whatsoever, falsely:

- (1) attribute a particular advantage to services or goods;
- (2) claim that financial gain will result from the use or acquisition of services or goods;
- (3) claim that services or goods meet a particular standard;
- (4) attribute to services or goods certain characteristics as to yield.

20.35 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 may advertise, solicit clients or make representations related to a brokerage transaction referred to in section 1 of the Real Estate Brokerage Act only if expressly authorized to do so by the person or partnership that awarded it a brokerage contract.

20.36 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall not, in any advertising, solicitation of clients or

representations related to the activity of real estate broker referred to in section 1 of the Real Estate Brokerage Act:

(1) pass on any information that it knows to be false, misleading or incomplete, particularly with regard to a price, which shall conform to the price provided for in the brokerage contract or in a proposal for a transaction referred to in section 1 of the Real Estate Brokerage Act;

(2) use any formulation that may lead to confusion, particularly with regard to a corporate name, firm name, trade mark, slogan or logo.

20.37 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall not solicit a brokerage contract from a person who has awarded an exclusive brokerage contract for the same purpose to another real estate broker or multidisciplinary firm.

Notwithstanding the first paragraph, the multidisciplinary firm may generally solicit a group of persons by telephone, by mail, in person or otherwise, as long as that solicitation is not directly or specifically aimed at persons who have in common the fact that they have awarded an exclusive brokerage contract to another real estate broker or multidisciplinary firm. Groups that may be solicited include persons who own property in a certain geographical area or who belong to the same profession, club or organization.

§6. Rules concerning certain real estate brokerage contracts

20.38. This subdivision applies to a contract which is entered into between a natural person and a multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 and under which that firm undertakes to act as an intermediary for the sale, lease or exchange of:

(1) part or all of a chiefly residential immovable of fewer than 5 dwellings;

(2) a fraction of a chiefly residential immovable that is the subject of a declaration of co-ownership referred to in articles 441b to 442p of the Civil Code of Lower Canada.

20.39 The contract is formed once the parties have signed it.

20.40 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1

shall give a copy of the contract to the natural person who signed it.

That natural person is required to execute his obligations only once he is in possession of a copy of the contract.

20.41 The contract shall indicate:

(1) the names and addresses of the parties, in legible print;

(2) the date of the contract and the address of the place where it is signed;

(3) the nature of the transaction concerned;

(4) the cadastral designation of the immovable property concerned and, where applicable, the address of any building erected thereon;

(5) where applicable, its irrevocability;

(6) where applicable, its exclusivity;

(7) the date and time of its expiry;

(8) the price of the sale or exchange or, where applicable, the price at which the immovable property is leased;

(9) the type and method of payment of the broker's compensation;

(10) where applicable, the multidisciplinary firm's obligation to send the information in the contract to a multiple listing service or to a similar service of a real estate board or of any other organization, for distribution to the members who subscribe to such a service;

(11) any other information provided for in sections 23 to 82 of the Regulation respecting the application of the Real Estate Brokerage Act, made by Order in Council (number and date of Order in Council).

20.42 The contract shall expire 30 days after it is concluded where it contains no stipulation as to the date and time of its expiry.

20.43 The contract shall not contain a clause that has the effect of renewing the contract automatically.

20.44 Any agreement is null and void where, under that agreement, a natural person agrees, for a specific period of time after the expiry of the contract, to compensate the multidisciplinary firm even if the sale,

lease or exchange of the immovable property is carried out after the expiry of the contract.

Notwithstanding the foregoing, the first paragraph does not apply where the agreement provides that compensation is payable under the following conditions:

- (1) the contract is stipulated to be exclusive;
- (2) the sale, lease or exchange is carried out with a person who, for the duration of the contract, was an interested party in respect of the immovable property;
- (3) the transaction is carried out not more than 180 days after the expiry date of the contract and, during that period, the natural person did not conclude with another broker or multidisciplinary firm a contract stipulated to be exclusive for the sale, lease or exchange of the immovable property.

20.45 The contract shall specify that the multidisciplinary firm is obligated to submit to the natural person any promise to purchase, lease or exchange the immovable property concerned.

20.46 Notwithstanding any stipulation to the contrary, the natural person may cancel the contract at his discretion within 3 days following the date on which he received a copy of the contract signed by both parties, unless he writes out in full and signs a waiver.

The contract is cancelled by operation of law on the date on which written notice is sent or given to the multidisciplinary firm.

20.47 Where a contract entered into in accordance with section 20.49 is cancelled, the multidisciplinary firm shall not receive any compensation except in the case of a sale, lease or exchange fulfilling the conditions of section 20.47.

20.48 A contract shall not be cancelled on the grounds that any of its provisions contravenes this subdivision.

20.49 A natural person shall not, by special agreement, waive the rights conferred on him under this subdivision.

§7. Other rules applicable to various real estate brokerage contracts

20.50. A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 and to which a brokerage contract has been awarded shall, in writing, notify its contracting party of any change with respect to the real estate agent responsible

for representing it in its dealings with that party, and of any change in the address of the place of business to which that agent is assigned.

20.51 Where a brokerage contract other than a contract referred to in Chapter III of the Real Estate Brokerage Act is awarded exclusively and in writing to a multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1, that contract shall contain the date and time of its expiry.

20.52 Where a brokerage contract other than a brokerage contract referred to in Chapter III of the Real Estate Brokerage Act is awarded exclusively and in writing to a multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1, that firm shall give a duplicate of that contract to the contracting party.

20.53 A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 shall give its contracting party a copy of any document containing a description of the immovable property or stock-in-trade offered for sale, lease or exchange.

That copy shall be sent as soon as the document has been drawn up and shall contain only information known to the multidisciplinary firm.

In addition, where the contract contains a provision to the effect that the multidisciplinary firm is obligated to send the information in the contract to a multiple listing service, to a similar service of a real estate board or to any other organization for distribution to subscribing members, a copy of the particular page of the published document shall be sent to the contracting party as soon as the information has been distributed by one of those services.

The multidisciplinary firm shall also give the contracting party a copy of any change made to that information.

The multidisciplinary firm, its real estate agent or its affiliated real estate broker, as the case may be, shall check the information and documents that it provides to the parties to a real estate transaction.

20.54 The multidisciplinary firm shall, as soon as possible following receipt of a proposal, submit the proposal to the contracting party. It shall do so through the multidisciplinary firm retained by that party to act as an intermediary, unless that multidisciplinary firm gives written authorization to the contrary.

Where the multidisciplinary firm receives more than one proposal, it shall submit each proposal without

regard, in particular, to the order of receipt, the identity of the holder of the real estate broker's or agent's certificate that took the proposal, or the circumstances in which the proposal was taken.

20.55 The multidisciplinary firm shall give to each of the parties to a step in real estate transaction referred to in section 1 of the Real Estate Brokerage Act a copy of any contract or document concerning that transaction and shall keep a copy of each such contract or document on file.

20.56 A multidisciplinary firm shall, when acting as an intermediary with regard to a transaction referred to in section 1 of the Real Estate Brokerage Act, recommend that a reasonable deposit be paid to it in trust.

§8. Prescribed forms

20.57. A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 shall, in carrying on the activity of real estate broker, use the forms prescribed in section 22 of the Regulation respecting the application of the Real Estate Brokerage Act.

§9. Sharing of commission or compensation

20.58. A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 may share the commission or compensation that it receives only with another market intermediary, with the holder of a chartered real estate broker's certificate issued under the Real Estate Brokerage Act or with a real estate broker who carries on activities outside Québec and who comes under another jurisdiction, in accordance with the terms and conditions provided for in section 40.

The commission or compensation received by the firm for having referred or directed a person to another market intermediary or real estate broker shall constitute a sharing of commission or compensation.

The commission or compensation received by the multidisciplinary firm for services rendered to a person may under no circumstances be shared with that person.

20.59 Any sharing of the commission or compensation received by a multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall be recorded in a register kept for that purpose in accordance with section 47."

16. The Regulation is amended by substituting the following for section 21:

"**21.** During the period of validity of its certificate, a partnership shall not be an undischarged bankrupt."

17. The Regulation is amended by inserting the following after section 27:

"**27.1** A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall collaborate in a professional inspection or inquiry conducted by a person under Chapter VI of the Real Estate Brokerage Act in respect of a chartered or affiliated real estate agent, a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker employed by it or authorized to act on its behalf. For that purpose, the multidisciplinary firm shall allow the person conducting the inspection or inquiry:

(1) to have access, at any reasonable hour, to the establishment of the multidisciplinary firm at which the real estate agent carries on activities;

(2) to examine and make copies of the books, registers, accounts, records and other documents related to the real estate agent's activities;

(3) to obtain any information or document related to the application of the Real Estate Brokerage Act or of the regulations made thereunder."

18. The Regulation is amended by substituting the following for section 28:

"**28.** A multidisciplinary firm shall not knowingly, through a director, officer, or representative, authorize, encourage, order or advise a market intermediary, a chartered or affiliated real estate agent, a real estate agent restricted to loans secured by immovable hypothec or an affiliated real estate broker through whom it acts, to commit an offence against the Act respecting market intermediaries, the Real Estate Brokerage Act or any regulation applicable to that firm."

19. Section 29 is amended by inserting the words "or real estate broker" after the word "intermediary".

20. Section 36 is amended by substituting the following for the third paragraph:

"For the purposes of this section, "net liquid capital" means the amount by which liquid assets exceed total short-term liabilities."

21. The heading of Division III of Chapter II is amended by substituting the words "sharing of commission or compensation" for the words "commission sharing".

22. The Regulation is amended by substituting the following for section 38:

"38. A multidisciplinary firm shall disclose, to the person with whom it is dealing, its mode of calculating the remuneration or compensation and, where applicable, any sharing with a market intermediary of the commission or compensation to which it is entitled for the services that it renders, as well as the identity of the person with whom the remuneration or compensation is shared. That disclosure shall be written legibly and shall be made at the time of the transaction.

A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 shall prepare that disclosure in duplicate. It shall, at the time of the transaction, give one copy to the person with whom it is dealing, and shall keep the other copy on file."

23. Section 40 is amended by inserting the words "or compensation" after the word "commission".

24. The Regulation is amended by inserting the heading "General" after the heading of Division IV of Chapter II.

25. Section 41 is amended by substituting the following for the first paragraph:

"41. In addition to the records, books and registers that it shall keep updated when carrying on the activity of real estate broker, a multidisciplinary firm shall also keep the following books and registers updated at its head office or main establishment or, where that office or establishment is located outside Québec, at its main establishment in Québec:

(1) a register of clients other than its real estate brokerage clients;

(2) the accounting books and registers necessary for recording the transactions that it carries out in the course of its activities as a market intermediary or real estate broker; it shall keep those books and registers in such a manner that information for each field of activity is recorded separately;

(3) a register of commission and compensation sharing."

26. Section 45 is amended by adding the following after the second paragraph:

The second paragraph does not apply in respect of sums held in trust in the course of the multidisciplinary firm's real estate brokerage activities."

27. The heading of Subdivision 4 of Division IV of Chapter II is amended by inserting the words "and compensation" after the word "commission".

28. Section 47 is amended

(1) by substituting the following for the part preceding paragraph 1:

"47. The register of commission and compensation sharing shall contain the following information concerning any sharing of commissions or compensation:";

(2) by substituting the following for paragraph 3:

"(3) the percentage of the commission or compensation or the fixed amount resulting therefrom and the manner in which that commission or compensation is divided between the persons sharing it."

29. The Regulation is amended by inserting the following after section 47:

"§4.1. Special provisions related to the records, books and registers to be kept by a multidisciplinary firm carrying on real estate brokerage activities

47.1. A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 shall, in carrying on the activity of real estate broker, keep the following records and registers in addition to those provided for in section 41:

(1) a record for each brokerage contract;

(2) a register of its brokerage contracts;

(3) a record for each transaction proposal not accepted, where the multidisciplinary firm is not the real estate broker to which the brokerage contract was awarded;

(4) a separate register for each transaction referred to in section 1 of the Real Estate Brokerage Act;

(5) a record for each transaction referred to in section 1 of the Real Estate Brokerage Act;

(6) a register of its transactions referred to in section 1 of the Real Estate Brokerage Act;

(7) an accounting register showing the sums held in trust.

A multidisciplinary firm holding a certificate provided for in any of paragraphs 11 to 16 of section 1 shall, in carrying on the activity of real estate broker

and insofar as it does not receive sums on behalf of others in the course of its activities, keep the records and registers provided for in paragraphs 1 and 4 to 6 of the first paragraph.

The multidisciplinary firm may keep the registers provided for in paragraphs 2, 6, and 7 on computer or electronic media as long as it takes reasonable care to prevent loss or destruction of the registers and any falsification of the entries therein.

A multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1 shall keep the registers and records provided for in subparagraphs 1 to 6 of the first paragraph in each of its places of business, but may keep the register provided for in subparagraph 7 of that paragraph at its main establishment in Québec.

47.2 The record for each brokerage contract shall contain the following documents:

- (1) the original brokerage contract;
- (2) a copy of any document containing information used to describe the immovable property, stock-in-trade or loan secured by immovable hypothec to which the brokerage contract pertains;
- (3) a copy of any document that the multidisciplinary firm has in its possession to attest to the accuracy of the information that it provides concerning the object of the brokerage contract;
- (4) a copy of any agreement concerning an eventual sharing of compensation;
- (5) the original copy of any proposal not accepted;
- (6) any other document related to the transaction to which the contract pertains, including any correspondence.

47.3 The register of brokerage contracts shall contain the following information on each brokerage contract. That information shall be recorded in ascending order of the numbers attributed by the multidisciplinary firm to each brokerage contract, or in alphanumerical order of addresses or cadastral descriptions:

- (1) the address, including the postal code, of the immovable property or stock-in-trade to which the brokerage contract pertains, or its cadastral description if there is no address;
- (2) the date on which the brokerage contract was awarded to the multidisciplinary firm;

- (3) the date of expiry of the brokerage contract;
- (4) a clause stating that the contract is the object of an agreement on an eventual sharing of compensation;
- (5) the number, from a series of consecutive numbers used only by the place of business, attributed to the brokerage contract;
- (6) the identity of the person or partnership that awarded the brokerage contract to the multidisciplinary firm, as well as its address, postal code and telephone number.

47.4 Where the multidisciplinary firm is the not the real estate broker to which the brokerage contract was awarded, the record for each transaction proposal not accepted shall contain the following documents:

- (1) the original of the transaction proposal not accepted or, where the multidisciplinary firm does not have it in its possession, a copy thereof;
- (2) a copy of any document containing information used to describe the immovable property, stock-in-trade or loan secured by immovable hypothec to which the transaction proposal pertains.

47.5 The separate register for each transaction referred to in section 1 of the Real Estate Brokerage Act shall contain the following information:

- (1) the number, from a series of consecutive numbers used only by the place of business, attributed to the transaction by the multidisciplinary firm;
- (2) the date of acceptance of the transaction proposal;
- (3) the date scheduled for completion of the transaction;
- (4) the address, including the postal code, of the immovable property or stock-in-trade to which the transaction pertains, or its cadastral description if there is no address;
- (5) the nature of the transaction;
- (6) the type of immovable property or stock-in-trade;
- (7) the number, from a series of consecutive numbers used only by the place of business, attributed to the brokerage contract by the multidisciplinary firm;

(8) the identity, address, postal code and telephone number of the person or partnership that is alienating a right through the transaction;

(9) the identity, address, postal code and telephone number of the person or partnership that is acquiring a right through the transaction;

(10) the total value of the consideration agreed to by the parties;

(11) the identification of the multidisciplinary firm's place of business, including the address;

(12) the amount or market value, excluding applicable taxes, of the compensation that the multidisciplinary firm is to receive;

(13) the identity of the person or partnership that is to pay the multidisciplinary firm's compensation and, where that person or partnership is different from those referred to paragraphs 8 and 9, his or its address, postal code and telephone number;

(14) the amount that the multidisciplinary firm shares with a holder of a chartered real estate broker's certificate, with a person or partnership entitled to carry on the activity of real estate broker in a jurisdiction outside Québec, or with a market intermediary;

(15) the identity of the holder of a chartered real estate broker's certificate, of the person or partnership entitled to carry on the activity of real estate broker in a jurisdiction outside Québec or of the market intermediary with which the multidisciplinary firm is sharing its compensation, as well as the numbers of their respective certificates;

(16) the amount received in trust;

(17) the date of receipt of any sum received in trust, where that date is different from the date of any promise;

(18) a clause stating that the sum is a sum received in trust;

(19) the number of the receipt issued to the depositor for any sum received in trust;

(20) a clause stating that any sum received in trust must be deposited into a special trust account bearing interest for the benefit of the depositor or into the general trust account;

(21) the identity of the jurist designated to conclude the transaction, including the name of the legal firm, the address, the postal code and the telephone number;

(22) the date of the entry in the register;

(23) the signature of the natural person designated by the multidisciplinary firm under section 7 of the Real Estate Brokerage Act to represent it for the purposes of that Act or to manage that place of business under section 13 of that Act.

47.6 The record for each transaction referred to in section 1 of the Real Estate Brokerage Act shall contain the following documents:

(1) the content of the record, provided for in section 47.4, for the brokerage contract pertaining to the transaction or, where the multidisciplinary firm does not have that record in its possession, a copy of any document in its possession and provided for in that section;

(2) the original separate register for the transaction;

(3) the original copy of the accepted proposal or, where the multidisciplinary firm does not have that original in its possession, a copy thereof;

(4) a copy of the receipt issued to the depositor for any sum received in trust;

(5) a copy of the cheque or other bill of exchange or of the transfer slip used to make a withdrawal from the trust account;

(6) the original of any document attesting that the holder has returned property, other than a sum of money, that it held in trust;

(7) a copy of any disclosure provided for in section 38 and related to the sharing of the multidisciplinary firm's compensation with a market intermediary;

(8) any other document related to the transaction.

47.7 The register of the transactions referred to in section 1 of the Real Estate Brokerage Act shall contain the following information on each transaction. The information shall be recorded in ascending order of the numbers attributed to each transaction:

(1) the number, from a series of consecutive numbers used only by the place of business, attributed to the transaction by the multidisciplinary firm;

(2) the date of acceptance of the transaction proposal;

- (3) the date scheduled for completion of the transaction;
- (4) the address, including the postal code, of the immovable property or stock-in-trade to which the transaction pertains, or its cadastral description if there is no address;
- (5) the nature of the transaction;
- (6) the type of immovable property or stock-in-trade;
- (7) the number, from a series of consecutive numbers used only by the place of business, attributed to the brokerage contract by the multidisciplinary firm;
- (8) the identity, address, postal code and telephone number of the person or partnership that is alienating a right through the transaction;
- (9) the identity, address, postal code and telephone number of the person or partnership that is acquiring a right through the transaction;
- (10) the total value of the consideration agreed to by the parties;
- (11) the identification of the multidisciplinary firm's place of business, including the address;
- (12) the amount or market value, excluding applicable taxes, of the compensation that the multidisciplinary firm is to receive;
- (13) the identity of the person or partnership that is to pay the multidisciplinary firm's compensation and, if that person or partnership is different from the person or partnership referred to in subparagraphs 8 and 9, the address, postal code and telephone number of that person or partnership;
- (14) a clause stating whether or not the compensation is to be shared with a holder of a chartered real estate broker's certificate, with a person or partnership entitled to carry on the activity of real estate broker in a jurisdiction outside Québec, or with a market intermediary;
- (15) the amount of any sum received in trust;
- (16) a clause stating that the sum is a sum received in trust;
- (17) the number of the receipt issued to the depositor for any sum received in trust;
- (18) the date of the entry in the register.

The register of transactions may also consist of a compilation of copies of each of the separate registers provided for in section 47.5 and classified in ascending order of the numbers attributed by the multidisciplinary firm to each transaction.

47.8 The accounting registers showing the sums held in trust by the multidisciplinary firm shall be integrated into an accounting system kept according to generally accepted accounting principles and shall contain the following information recorded in chronological order:

(1) in the case of a sum received in trust and deposited into the general trust account:

(a) the number attributed to the transaction by the multidisciplinary firm;

(b) the amount of the sum received;

(c) the date of receipt of the sum, where different from the date of acceptance of the proposal;

(d) the number of the receipt issued to the depositor for the sum received;

(e) the date of the entry in the register;

(f) the date of deposit with the financial institution;

(2) in the case of a sum received in trust and withdrawn from the general trust account:

(a) the number attributed to the transaction by the multidisciplinary firm;

(b) the amount of the sum withdrawn;

(c) the number attributed to the cheque, bill of exchange or transfer slip used for the withdrawal;

(d) the identity of the beneficiary of the cheque, bill of exchange or transfer slip used for the withdrawal;

(e) the date appearing on the cheque, bill of exchange or transfer slip used for the withdrawal;

(f) the date of the entry in the register;

(3) in the case of a sum received in trust and deposited into a special trust account:

(a) the information provided for in paragraph 1;

(b) the identification of the special account;

(c) the identification of the financial institution with which the account was opened;

(4) in the case of a sum received in trust and withdrawn from a special trust account:

(a) the information provided for in paragraph 2;

(b) the identification of the special account;

(c) the identification of the financial institution with which the account was opened.

30. The Regulation is amended by inserting the following after section 48:

"48.1 The records referred to in subparagraph 1 of the first paragraph of section 47.1 and related to the carrying on of the activity of real estate broker by a multidisciplinary firm that ceases to carry on such activities shall be turned over to any of the following persons or partnerships:

(1) a multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1, if the firm itself holds such a certificate;

(2) a multidisciplinary firm holding a certificate provided for in any of paragraphs 11 to 16 of section 1, if the firm itself holds such a certificate;

(3) a holder of a chartered real estate broker's certificate or a multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 10 of section 1, if the firm that ceases to carry on activities holds a certificate provided for in any of paragraphs 5 to 16 of section 1."

31. Section 51 is amended by adding the following after the first paragraph:

"A multidisciplinary firm shall, within 30 days following the date on which it takes possession of the records referred to in subparagraph 1 of the first paragraph of section 47.1, notify the Inspector General and the contracting parties concerned."

32. The Regulation is amended by inserting the following after the heading of Chapter II:

"55.1 The advertising or representations of a multidisciplinary firm shall pertain only to the fields for which it holds a certificate."

33. Section 56 of the Regulation is amended by inserting the word "property" after the word "products".

34. The Regulation is amended by substituting the following for section 57:

"57. In any advertising or representations, a multidisciplinary firm shall use the firm name and, where that firm is a legal person, the corporate name and the firm name or firm names in which its certificate was issued, and shall not use any formulations that may cause confusion, particularly as regards trade names, slogans or logos."

35. Section 59 is amended by inserting the words "property or service" after the word "product" in the first and second lines.

36. Section 63 is amended by inserting the word "property," after the word "products,".

37. The Regulation is amended by substituting the following for section 64:

"64. A multidisciplinary firm shall not, by any means whatsoever, make false, misleading or incomplete representations, particularly with regard to its level of competence, its capabilities or the scope or effectiveness of its services."

38. Section 65 is amended by substituting the words "Act respecting market intermediaries" for the word "Act".

39. The Regulation is amended by inserting the following after section 67:

"CHAPTER V PENAL PROVISION

67.1. The contravention of section 20.33, 20.34 or 27.1 constitutes an offence."

40. The Regulation is amended by adding Schedules 1 to 9 attached hereto after section 68.

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

SCHEDULE 1

(ss. 20.4 and 20.7)

DECLARATION RELATED TO THE OPENING OF A GENERAL TRUST ACCOUNT

To: _____ (name and address of financial institution) _____

I, the undersigned, _____, representing, for the purposes of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), _____, a multidisciplinary firm authorized to carry on the activity of real estate broker, holding certificate number _____ and having its main establishment at _____, declare the following:

(1) general trust account bearing number _____ is open at your institution in the name of _____ in trust;

(2) the account contains sums that we have received on behalf of others in the course of our real estate brokerage activities;

(3) the account is governed by the Real Estate Brokerage Act;

(4) under section 11 of that Act, the interest accrued on the sums on deposit in the account must be paid to the financing fund established by the Association des courtiers et agents immobiliers du Québec;

(5) your institution is authorized to transfer directly to the financing fund of the Association des courtiers et agents immobiliers du Québec, for public information, the interest accrued on the account and to deduct at source any administration fees provided for under the agreement entered into with the multidisciplinary firm;

(6) in accordance with your registers, the persons whose names and signatures appear below are authorized to sign, on behalf of the multidisciplinary firm, any document related to current transactions in the account:

(name) _____	(signature) _____
(name) _____	(signature) _____

(7) the Inspector General of Financial Institutions is irrevocably authorized to request and obtain at all times from your institution any information, explanation or copy of a document necessary or useful for auditing purposes related to the account.

IN WITNESS WHEREOF, I have signed in _____ on this _____ day of _____, 19 _____.

Signature of representative of multidisciplinary firm

Solemnly declared before me in _____ on this _____ day of _____, 19 _____.

Commissioner for oaths for the judicial district of _____

Commissioner's signature

SCHEDULE 2

(s. 20.9)

DECLARATION RELATED TO THE OPENING OF A SPECIAL TRUST ACCOUNT

To: _____ (name and address of financial institution)

I, the undersigned, _____, representing, for the purposes of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), _____, a multidisciplinary firm authorized to carry on the activity of real estate broker, holding certificate number _____ and having its main establishment at _____, declare the following:

(1) we have received from _____ (name and address of depositor), in the course of real estate brokerage activities, the sum of _____ \$ in trust;

(2) that sum has been deposited into special trust account number _____, opened with your institution in the name of _____ in trust.

(3) the account is governed by the Real Estate Brokerage Act;

(4) interest on the sum on deposit in the account is the property of the depositor;

(5) in accordance with your registers, the persons whose names and signatures appear below are authorized to sign, on behalf of the multidisciplinary firm, any document related to current transactions in the account:

(name) _____	(signature) _____
(name) _____	(signature) _____

(6) the Inspector General of Financial Institutions is irrevocably authorized to request and obtain at all times from your institution any information, explanation or copy of a document necessary or useful for auditing purposes related to the account.

IN WITNESS WHEREOF, I have signed in _____
on this _____ day of _____,
19 _____.

Signature of representative of multidisciplinary firm

SCHEDULE 3

(s. 20.12)

ACKNOWLEDGMENT OF RECEIPT OF A SUM IN CASH

(date) _____

I, the undersigned, acknowledge receipt of the sum
of _____ dollars (\$ _____), paid by (name
of depositor) _____ (address of depositor) .

Where applicable, a receipt conforming to the Real
Estate Brokerage Act (R.S.Q., c. C-73.1) and the regu-
lations made thereunder will be issued to the depositor
as soon as that sum is deposited into a trust account.

(certificate number of multidisciplinary firm)

(name and address of multidisciplinary firm)

Signature of authorized representative of multidisciplinary
firm

SCHEDULE 4

(s. 20.13)

RECEIPT FOR A SUM DEPOSITED INTO A TRUST ACCOUNT

(the number from a series of consecutive numbers
attributed to its receipts by the multidisciplinary firm
authorized to carry on the activity of real estate broker)

(date) _____

Received from _____ (name of depositor)

_____ (address of depositor)

the sum of dollars _____ (\$ _____),
for deposit into the trust account of the multidisciplinary
firm.

That sum has been received by the undersigned for
the following purposes: _____

The undersigned will use that sum for those purposes,
in accordance with the Real Estate Brokerage Act
(R.S.Q., c. C-73.1) and the regulations made thereun-
der.

(certificate number of multidisciplinary firm)

(name and address of multidisciplinary firm)

Signature of authorized representative of multidisciplinary
firm

SCHEDULE 5

(s. 20.17)

NOTICE OF THE CLOSING OF A GENERAL TRUST ACCOUNT

Inspector General of Financial Institutions

(address of Inspector General)

I, the undersigned, hereby notify you, in accordance
with section 20.17 of the Regulation respecting multi-
disciplinary firms, that general trust account number
_____, opened with (name and address of finan-
cial institution) _____
was closed on the _____ day of _____,
19 _____.

IN WITNESS WHEREOF, I have signed in _____
on this _____ day of _____,
19 _____.

(certificate number of multidisciplinary firm)

(name and address of multidisciplinary firm)

Signature of authorized representative of multidisciplinary
firm

Solemnly declared before me in _____
on this _____ day of _____,
19 _____.

Commissioner for oaths for the judicial district of _____

Commissioner's signature

SCHEDULE 6
(s. 20.19)

**SUMMARY OF DEPOSITS AND WITHDRAWALS
FROM THE GENERAL TRUST ACCOUNT AND
FROM THE SPECIAL TRUST ACCOUNTS**

For the quarter covering the period from _____,
19 _____ to _____, 19 _____.

Information concerning my general trust account:

Account balance, as shown in
accounting register at beginning of
quarter: _____ \$;

PLUS: Total sums deposited during the
quarter: _____ \$;

MINUS: Total sums withdrawn during
the quarter: _____ \$;

Account balance as shown in
accounting register at end of quarter: _____ \$.

**Information concerning all my special trust
accounts:**

Account balances, as shown in
accounting registers at beginning of
quarter: _____ \$;

PLUS: Total sums deposited during the
quarter: _____ \$;

PLUS: Total interest deposited during
the quarter: _____ \$;

MINUS: Total sums withdrawn during
the quarter: _____ \$;

MINUS: Total interest withdrawn
during the quarter: _____ \$;

Account balances, as shown in
accounting registers at end of quarter: _____ \$.

Information concerning all my trust accounts:

Total balances of accounting registers at
end of quarter: _____ \$.

IN WITNESS WHEREOF, I have signed in _____
on this _____ day of _____,
19 _____.

(certificate number of multidisciplinary firm)

(name and address of multidisciplinary firm)

Signature of authorized representative of multidisciplinary firm

SCHEDULE 7
(a. 20.19)

**BANK RECONCILIATION STATEMENT
OF GENERAL TRUST ACCOUNT AND OF EACH
SPECIAL TRUST ACCOUNT**

For quarter ended _____, 19 _____.

**Information concerning my general trust account,
number**

_____ opened with (name and address

Account balance, as shown on
statement from financial institution: _____ \$;

PLUS: sums not yet deposited: _____ \$;

SUB-TOTAL: _____ \$;

MINUS: outstanding cheques, bills of
exchange and transfer slips: _____ \$;

TOTAL: account balance after
reconciliation: _____ \$;

Balance, as shown in accounting
register: _____ \$;

DIFFERENCE: _____ \$.

**Information concerning my special trust account,
number _____ opened with (name and address
of financial institution) _____.**Account balance, as shown on
statement from financial institution: _____ \$;

PLUS: sums not yet deposited: _____ \$;

SUB-TOTAL: _____ \$;

MINUS: outstanding cheques, bills of
exchange and transfer slips: _____ \$;TOTAL: account balance after
reconciliation: _____ \$;Balance, as shown in accounting
register: _____ \$;

DIFFERENCE: _____ \$.

Information concerning all my trust accounts:Total account balances after
reconciliation: _____ \$.IN WITNESS WHEREOF, I have signed in _____
on this _____ day of _____,
19 _____.(certificate number of multidisciplinary firm)
_____(name and address of multidisciplinary firm)
_____Signature of authorized representative of multidisciplinary
firm _____**SCHEDULE 8
(a. 20.19)****DETAILED LIST OF SUMS HELD IN TRUST BY A
MULTIDISCIPLINARY FIRM AUTHORIZED TO
CARRY ON REAL ESTATE BROKERAGE
ACTIVITIES**

For quarter ended _____, 19 _____.

Information concerning my general trust account:Number attributed by certificate holder
to each transaction: _____ ;

Sum held in regard to each transaction: _____ \$;

Total sums held in general account: _____ \$.

**Information concerning all my special trust
accounts:**Number attributed by certificate holder
to each transaction: _____ ;

Sum held in each special account: _____ \$;

Total sums held in special accounts: _____ \$.

Information concerning all by trust accounts:

Total sums held: _____ \$.

IN WITNESS WHEREOF, I have signed in _____
on this _____ day of _____,
19 _____.(certificate number of multidisciplinary firm)
_____(name and address of multidisciplinary firm)
_____Signature of authorized representative of multidisciplinary
firm _____**SCHEDULE 9
(s. 20.23)****DECLARATION CONCERNING THE ABSENCE OF
TRUST ACCOUNT TRANSACTIONS**

Inspector General of Financial Institutions

(address of Inspector General)
_____I, the undersigned, _____, representing,
for the purposes of the Real Estate Brokerage Act
(R.S.Q., c. C-73.1), _____,
a multidisciplinary firm authorized to carry on the
activity of real estate broker, holding certificate number
_____ and having its main establishment at
_____, declare the following:

(1) the multidisciplinary firm does not intend to receive sums on behalf of others in the course of its real estate brokerage activities;

(2) if, after this declaration, we receive sums on behalf of others in the course of our real estate brokerage activities, we undertake to comply with the provisions of the Real Estate Brokerage Act and the regulations made thereunder, concerning the opening and maintaining of a trust account.

IN WITNESS WHEREOF, I have signed in _____
on this _____ day of _____,
19 _____.

Signature of authorized representative of
multidisciplinary firm

Solemnly declared before me in _____
on this _____ day of _____, 19 _____.

Commissioner for oaths for the judicial district of

Commissioner's signature

Draft Regulation

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Regulation

The Minister for Finance hereby gives notice, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the application of the Real Estate Brokerage Act, the text of which appears below, may be made by the Government upon the expiry of 45 days following the publication of this notice in the *Gazette officielle du Québec*.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mrs. Louise Robic, Minister for Finance, 12, rue St-Louis, 1er étage, Québec (Québec), G1R 5L3, with a copy to the Inspector General of Financial Institutions, 800, place d'Youville, 9^e étage, Québec (Québec), G1R 4Y5.

LOUISE ROBIC,
Minister for Finance

Regulation respecting the application of the Real Estate Brokerage Act

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 155, pars. 1, 3 to 5 and 8 to 15, and s. 184)

CHAPTER I QUALIFICATIONS REQUIRED OF A NATURAL PERSON APPLYING FOR A REAL ESTATE BROKER'S OR AGENT'S CERTIFICATE

DIVISION I TRAINING

Applications filed prior to 1 August 1994

§1. Affiliated real estate agent

1. A natural person applying for an affiliated real estate agent's certificate prior to 1 August 1994 shall

(1) hold a Secondary School Diploma or an attestation of equivalence recognized by the Minister of Education; and

(2) furnish

(a) an attestation, a diploma or a transcript from a college-level educational institution indicating the completion of the following 5 courses:

	Code	Course title	Duration
i.	415-771-87	Évaluation immobilière I	45 hours;
ii.	415-772-87	Droit immobilier I	45 hours;
iii.	415-773-87	Principes de vente en immobilier I	45 hours;
iv.	415-774-87	Mathématiques immobilières I	45 hours;
v.	415-775-85	Principe de communication en immobilier	130 hours;

(b) an attestation, a diploma or a transcript from a college-level or university-level educational institution indicating the completion of 360 hours of courses, comprising

i. 270 hours in the field of real estate, including at least 45 hours pertaining to Québec law; and

ii. 90 hours in a field related to administration, accounting, economics or corporate law;

(c) proof that he has been issued the title of "Fellow" by the Real Estate Institute of Canada, and proof that he has completed the real estate law courses prescribed for Québec by that institute; or

(d) an attestation that he has completed all the courses prescribed for Québec by the Real Estate Institute of Canada for the issue of the title of "Fellow".

§2. Chartered real estate agent

2. A natural person applying for a chartered real estate agent's certificate prior to 1 August 1994 shall fulfil the requirements of section 3 concerning a chartered real estate broker's certificate.

§3. Chartered real estate broker

3. A natural person applying for a chartered real estate broker's certificate prior to 1 August 1994 shall

(1) have acted as a real estate agent or have carried on an occupation related to real estate transactions for at least 3 of the 5 years preceding the date of his application; and

(2) furnish

(a) an attestation, a diploma or a transcript from a college-level or university-level educational institution indicating the completion of 360 hours of courses, comprising

i. 270 hours in the field of real estate, including at least 45 hours pertaining to Québec law; and

ii. 90 hours in a field related to administration, accounting, economics or corporate law;

(b) proof that he has been issued the title of "Fellow" by the Real Estate Institute of Canada, and proof that he has completed the real estate law courses prescribed for Québec by that institute; or

(b) an attestation that he has completed all the courses prescribed for Québec by the Real Estate Institute of Canada for the issue of the title of "Fellow".

§4. Exemptions

4. Prior to 1 August 1994, a person applying for an affiliated real estate agent's certificate is exempted from the obligations provided for in section 1 where he applies for such certificate within 2 years following

(1) the expiry or relinquishment of his permit or registration certificate or that of the partnership or legal person for which he acted as the representative; or

(2) the suspension by operation of law, pursuant to section 7.2 of the Real Estate Brokerage Act (R.S.Q., c. C-73), of his real estate agent's certificate.

5. Prior to 1 August 1994, a person applying for a chartered real estate broker's or agent's certificate on his own behalf or as the representative, manager or assistant manager of a partnership or legal person holding a chartered real estate broker's certificate is exempted from the obligations provided for in section 2 or 3, as the case may be, where he applies for such certificate within 2 years following

(1) the expiry or relinquishment of his broker's permit or registration certificate;

(2) the expiry or relinquishment of the permit or registration certificate of a partnership or legal person for which he acted as the representative, manager or assistant manager; or

(3) the time when he ceased to act as the representative, manager or assistant manager of a partnership or legal person.

6. A person applying for a certificate or a person acting as the representative, manager or assistant manager of a partnership or legal person applying for a certificate does not benefit from the exemptions provided for in sections 4 and 5 where the permit or registration certificate of that person or of the partnership or legal person for which he acts as the representative was revoked or was not renewed because he no longer had the competence or sufficient knowledge required under subparagraphs c and d of the first paragraph of section 2 of the Regulation respecting the application of the Real Estate Brokerage Act (R.R.Q., 1981, c. C-73, r. 1), as amended, or where he ceased to act as the representative of a partnership or legal person for the same reasons.

§5. Transitional provision

7. From 1 August 1994, a natural person who is a real estate broker or agent referred to in section 182 or 184 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) or who was issued a certificate by the Association des courtiers et agents immobiliers du Québec after applying therefor prior to 1 August 1994 shall, prior to the second renewal of his certificate, take, at a college-level educational institution, a minimum number of hours of courses dealing with the following subjects, as indicated below:

- | | |
|---|-----------|
| (1) the Real Estate Brokerage Act and the regulations thereunder, | 45 hours; |
| (2) the drafting of contracts and other documents related to real estate, | 45 hours. |

Applications filed from 1 August 1994**§6. Affiliated real estate agent**

8. From 1 August 1994, a natural person applying for an affiliated real estate agent's certificate shall

(1) hold a Secondary School Diploma or an attestation of equivalence recognized by the Minister of Education; and

(2) hold an Attestation of College Studies awarded by a college-level educational institution for a program authorized by the Minister of Higher Education and Science under the College Education Regulations, made by Order in Council 1006-93 dated 14 July 1993, and consisting of a minimum number of hours of courses dealing with the following subjects, as indicated below:

- | | |
|---|-----------|
| (a) real estate evaluation, | 45 hours; |
| (b) real estate law, | 60 hours; |
| (c) real estate mathematics, | 45 hours; |
| (d) the Real Estate Brokerage Act and the regulations thereunder, | 45 hours; |
| (e) the drafting of contracts and other documents related to real estate, | 45 hours. |

A person may be exempted from courses dealing with a subject referred to in subparagraph 2 of the first paragraph where a general and vocational college offering those courses grants him an equivalence.

§7. Real estate agent restricted to loans secured by immovable hypothec

9. From 1 August 1994, a natural person applying for a certificate for a real estate agent restricted to loans secured by immovable hypothec shall

(1) hold a Secondary School Certificate or an attestation of equivalence recognized by the Minister of Education; and

(2) have completed, at a college-level educational institution, a minimum number of hours of courses dealing with the following subjects, as indicated below:

- | | |
|---|-----------|
| (a) hypothecary credit, | 45 hours; |
| (b) the Real Estate Brokerage Act and the regulations thereunder, | 45 hours. |

§8. Chartered real estate agent

10. From 1 August 1994, a natural person applying for a chartered real estate agent's certificate shall have the training of a chartered real estate broker, as provided for in section 11.

§9. Chartered real estate broker

11. From 1 August 1994, a natural person applying for a chartered real estate broker's certificate shall

(1) hold a Secondary School Diploma or an attestation of equivalence recognized by the Minister of Education;

(2) for at least 3 of the 5 years preceding the date of his application for a certificate

(a) have held a real estate agent's certificate issued by the Superintendent of Real Estate Brokerage under the Real Estate Brokerage Act (R.S.Q., c. C-73) or an affiliated real estate agent's certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act (R.S.Q., c. C-73.1); or

(b) have carried on an occupation related to any of the transactions referred to in section 1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1);

(3) hold an Attestation of College Studies referred to in subparagraph 2 of the first paragraph of section 8; and

(4) hold an Attestation of College Studies awarded by a college-level educational institution for a program

authorized by the Minister of Higher Education and Science under the College Education Regulations, made by Order in Council 1006-93 dated 14 July 1993, and consisting of a minimum number of hours of courses dealing with the following subjects, as indicated below:

- (a) real estate law, dealing with a subject other than that provided for in clause b of subparagraph 2 of the first paragraph of section 8, 45 hours;
- (b) commercial law, 60 hours;
- (c) accounting, 45 hours;
- (d) plus one of the following subjects:
 - i. property management, 60 hours;
 - ii. real estate taxation, 60 hours;
- (e) plus one of the following subjects:
 - i. securities, 45 hours;
 - ii. introduction to income properties, 45 hours;
 - iii. evaluation and commercial brokerage, 45 hours.

A person may be exempted from courses dealing with a subject referred to in subparagraph 4 of the first paragraph where a general and vocational college offering those courses grants him an equivalence.

§10. Real estate broker restricted to loans secured by immovable hypothec

12. From 1 August 1994, a natural person applying for a certificate for a real estate broker restricted to loans secured by immovable hypothec shall

(1) hold a Secondary School Diploma or an attestation of equivalence recognized by the Minister of Education; and

(2) have completed, at a college-level educational institution, a minimum number of hours of courses dealing with the following subjects, as indicated below

- (a) hypothecary credit, 45 hours;
- (b) the Real Estate Brokerage Act and the regulations thereunder, 45 hours.

§11. Exemptions

13. From 1 August 1994, a person applying for an affiliated real estate agent's certificate or a certificate for a real estate agent restricted to loans secured by immovable hypothec is exempted from the obligations provided for in section 8 or 9, as the case may be, where he applies for such certificate within 2 years following

(1) the expiry or relinquishment of his affiliated real estate agent's certificate or certificate for a real estate agent restricted to loans secured by immovable hypothec; or

(2) the suspension by operation of law, pursuant to section 17 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), of his affiliated real estate agent's certificate or certificate for a real estate agent restricted to loans secured by immovable hypothec.

14. From 1 August 1994, a person applying for a chartered real estate agent's certificate is exempted from the obligations provided for in section 10 where he applies for such certificate within 2 years following

(1) the expiry or relinquishment of his chartered real estate agent's certificate or affiliated real estate broker's certificate;

(2) the suspension by operation of law, pursuant to section 17 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) of his chartered real estate agent's certificate or affiliated real estate broker's certificate; or

(3) the time when he ceased to act as the representative, manager or assistant manager of a partnership or legal person holding a chartered real estate broker's certificate.

15. From 1 August 1994, a person applying for a chartered real estate broker's certificate or a certificate for a real estate broker restricted to loans secured by immovable hypothec is exempted from the obligations provided for in section 11 or 12, as the case may be, where he applies for such certificate within 2 years following the expiry or relinquishment of his chartered or affiliated real estate broker's certificate or certificate for a real estate broker restricted to loans secured by immovable hypothec.

**DIVISION II
EXAMINATION**

16. A natural person applying for a real estate broker's or agent's certificate shall take and pass, with a mark of at least 70%, the examination prepared by the

Association pursuant to section 79 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) for the category of certificate concerned.

DIVISION III OTHER QUALIFICATIONS

17. To qualify for a real estate broker's or agent's certificate, a natural person shall also

(1) prior to 1 January 1994, not have been found guilty, by final judgment, of a criminal offence related to the activity of real estate broker, real estate agent or registered builder that gave rise to the revocation of his permit or registration certificate by the Superintendent of Real Estate Brokerage, or not have pleaded guilty to such an offence, in the 5 years preceding the date of his application for a certificate, his appointment as the representative referred to in section 7 of the Act or his appointment as the manager or assistant manager referred to in section 13 of the Act, unless he has been granted a pardon;

(2) not have been found guilty, by final judgment, of a criminal offence related to the activity of real estate broker, or not have pleaded guilty to such an offence, in the 5 years preceding the date of his application for a certificate, his appointment as the representative referred to in section 7 of the Act or his appointment as the manager or assistant manager referred to in section 13 of the Act, unless he has been granted a pardon;

(3) not be under protective supervision for persons of full age;

(4) not have had the permit or registration certificate issued to him by the Superintendent of Real Estate Brokerage under the Real Estate Brokerage Act (R.S.Q., c. C-73) revoked in the 5 years preceding the date of his application because of his having been found guilty of or pleaded guilty to an offence provided for in the Act in connection with failure to deposit or to keep in a trust account any sums received on behalf of others in the course of his activities;

(5) not have, in the 5 years preceding the date of his application for a certificate, his appointment as the representative referred to in section 7 of the Act or his appointment as the manager or assistant manager referred to in section 13 of the Act, been found guilty of or pleaded guilty to an offence against the Real Estate Brokerage Act (R.S.Q., c. C-73), the Real Estate Brokerage Act (R.S.Q., c. C-73.1) or an act governing real estate brokerage outside Québec in connection with failure to deposit or to keep in a trust account any sums

received on behalf of others in the course of his activities; and

(6) have refunded the amount of principal, interest and costs resulting from any final judgment rendered against him because of his liability for any of the causes referred to in section 55 of the Act.

CHAPTER II MARKET INTERMEDIARIES IN INSURANCE HOLDING A CERTIFICATE FOR A REAL ESTATE AGENT OR BROKER RESTRICTED TO LOANS SECURED BY IMMOVABLE HYPOTHEC

DIVISION I CONDITIONS TO BE FULFILLED TO QUALIFY FOR A CERTIFICATE FOR A REAL ESTATE AGENT RESTRICTED TO LOANS SECURED BY IMMOVABLE HYPOTHEC

18. To qualify for a certificate for a real estate agent restricted to loans secured by immovable hypothec, a natural person shall

(1) hold a certificate for a market intermediary in insurance issued under the Act respecting market intermediaries (R.S.Q., c. I-15.1);

(2) have the qualifications, provided for in sections 9, 16 and 17, required of an applicant for a certificate for a real estate agent restricted to loans secured by immovable hypothec;

(3) file an application for a certificate with the Association des courtiers et agents immobiliers du Québec in accordance with sections (to be determined) of the By-law of the Association des courtiers et agents immobiliers du Québec, made by Order in Council (number and date of Order in Council);

(4) pay the fees for such a certificate, provided for in section (to be determined) of the By-law on fees payable and specialists titles of the Association des courtiers et agents immobiliers du Québec, made by Order in Council (number and date of Order in Council);

(5) pay to the Fonds d'indemnisation du courtage immobilier the contribution or contributions provided for in sections 83 and 85;

(6) have paid, with interest accrued at the rate set under section 28 of the Act respecting the ministère du Revenu, any outstanding fines or costs imposed on him by a disciplinary body provided for in the Act;

(7) indicate the identity and certificate number of the real estate broker holding a certificate for a real estate broker restricted to loans secured by immovable hypothec, or the identity and certificate number of the multidisciplinary firm holding a certificate provided for in any of paragraphs 5 to 16 of section 1 of the Regulation respecting multidisciplinary firms, amended by the Regulation to amend the Regulation respecting multidisciplinary firms, made by Order in Council (number and date of Order in Council) that will be employing him and for which he will be authorized to act; and

(8) undertake to work at an establishment in Québec.

DIVISION II

CONDITIONS TO BE FULFILLED TO QUALIFY FOR A CERTIFICATE FOR A REAL ESTATE BROKER RESTRICTED TO LOANS SECURED BY IMMOVABLE HYPOTHEC

19. To qualify for a certificate for a real estate broker restricted to loans secured by immovable hypothec, a natural person shall

(1) hold a certificate for a market intermediary in insurance issued under the Act respecting market intermediaries;

(2) have the qualifications, provided for in sections 12, 16 and 17, required of an applicant for a certificate for a real estate broker restricted to loans secured by immovable hypothec;

(3) file an application for a certificate with the Association des courtiers et agents immobiliers du Québec in accordance with sections (to be determined) of the By-law of the Association des courtiers et agents immobiliers du Québec;

(4) pay the fees for such a certificate, provided for in section (to be determined) of the By-law on fees payable and specialists titles of the Association des courtiers et agents immobiliers du Québec;

(5) pay to the Fonds d'indemnisation du courtage immobilier the contribution or contributions provided for in sections 83 and 85;

(6) have paid, with interest accrued at the rate set under section 28 of the Act respecting the ministère du Revenu, any outstanding fines or costs imposed on him by a disciplinary body provided for in the Act; and

(7) have at least one establishment in Québec.

DIVISION III

PROVISIONS OF THE ACT NOT APPLICABLE TO A MARKET INTERMEDIARY IN INSURANCE HOLDING A CERTIFICATE FOR A REAL ESTATE AGENT OR BROKER RESTRICTED TO LOANS SECURED BY IMMOVABLE HYPOTHEC

§1. *Real estate agent restricted to loans secured by immovable hypothec*

20. A market intermediary in insurance holding a certificate for a real estate agent restricted to loans secured by immovable hypothec is not subject to sections 18, 22 and 23 of the Act.

A person referred to in the first paragraph is not subject to the regulations made under the sections referred to therein.

§2. *Real estate broker restricted to loans secured by immovable hypothec*

21. A market intermediary in insurance holding a certificate for a real estate broker restricted to loans secured by immovable hypothec is not subject to sections 13, 14, 22, 23 and 32 to 43 of the Act.

A person referred to in the first paragraph is not subject to the regulations made under the sections referred to therein.

CHAPTER III

MANDATORY FORMS

22. The forms whose form is mandatory are

(1) the form entitled "Promise to Purchase and Schedules" in respect of an immovable referred to in section 32 of the Act;

(2) the form entitled "Exclusive Brokerage Contract — Sale of an Immovable" in respect of an immovable referred to in section 32 of the Act; and

(3) the form entitled "Non-Exclusive Brokerage Contract — Sale of an Immovable" in respect of an immovable referred to in section 32 of the Act.

The content, form and use of the form provided for in subparagraph 1 of the first paragraph are prescribed in the By-law of the Association des courtiers et agents immobiliers du Québec.

The content of the forms provided for in subparagraphs 2 and 3 of the first paragraph is prescribed in sections 23 to 82, which establish the other particulars that a brokerage contract must contain. The form and

use of those forms are prescribed in the By-law of the Association des courtiers et agents immobiliers du Québec.

CHAPTER IV PARTICULARS IN THE BROKERAGE CONTRACT REFERRED TO IN CHAPTER III OF THE ACT

DIVISION I EXCLUSIVE BROKERAGE CONTRACT FOR THE SALE OF AN IMMOVABLE

23. In addition to the particulars provided for in Chapter III of the Act, an exclusive brokerage contract between a natural person and a real estate broker under which the broker undertakes to act as an intermediary for the sale of

(1) part or all of a chiefly residential immovable containing less than 5 dwellings; or

(2) a fraction of a chiefly residential immovable that is the subject of a declaration of co-ownership provided for in articles 441b to 442p of the Civil Code of Lower Canada

shall contain the particulars provided for in this Division.

§1. Object and term of contract

24. An exclusive brokerage contract referred to in section 23 for the sale of an immovable shall contain the particulars provided for in the following sections as regards its object and term.

25. The seller retains the services of the broker to act as his exclusive intermediary for the sale of the immovable covered by this brokerage contract.

26. This contract terminates at 11:59 p.m. on unless it is validly cancelled before that time.

§2. Summary description of immovable

27. An exclusive contract referred to in section 23 for the sale of an immovable shall, in addition to the provisions of paragraph 4 of section 35 of the Act, contain the following particulars in the summary description of the immovable:

(1) the approximate area;

(2) if applicable, a statement as to whether the immovable is held in divided or undivided co-ownership and, in the latter case, indicating the percentage owned by the seller, and a statement as to how many parking

and storage spaces there are and, where applicable, their numbers.

§3. Price

28. An exclusive brokerage contract referred to in section 23 for the sale of an immovable shall contain the following particulars concerning the selling price thereof.

29. The asking price is (\$), which shall be paid in full, in cash, at the time of the signing of the act of sale, unless another method of payment is provided for, as follows:

30. Any goods and services tax, Québec sales tax or other tax that may be imposed as a result of the sale of the immovable and to be collected by the seller under the applicable taxation laws shall be remitted to the seller at the time of the signing of the act of sale.

31. The costs related to the repayment of any debt secured by a lien or hypothec affecting the immovable, including any penalty for early repayment, shall be borne by the seller, as shall the costs related to the striking off of any lien or hypothec other than a lien or hypothec securing a debt assumed by the buyer.

32. Inclusions: included in the sale are:

(1) heating, electricity and lighting installations of a permanent nature;

(2) other inclusions:

33. Exclusions: excluded from the sale are:

(1) curtain rods and blinds;

(2) other exclusions:

(3) the following appliances are covered by a leasing contract:

(indicate below the appliances, the lessors and other useful information)

34. In the case of an immovable held in co-ownership, there shall be no adjustment in respect of any fund whatsoever of the co-ownership.

35. Date or deadline for taking possession:

Date or deadline for signing act of sale:

§4. Multiple listing service

36. An exclusive brokerage contract referred to in section 23 for the sale of an immovable shall contain the following particulars concerning any sending of the information in the contract to a multiple-listing service or to a similar service of a real estate board or of any other organization, for distribution to the members subscribing to such a service.

37. The seller shall indicate below his choice concerning the possible use of a multiple listing service or a similar service, for the purpose of distributing information to the members subscribing to such a service, by initialing the box corresponding to his choice.

☐ yes, I want the broker to use the multiple listing service of the real estate board of (identification of organization), or a similar service of that organization or of (identification of organization), for the purpose of distributing information to the members subscribing to such a service;

☐ no, I do not want the broker to use a multiple listing service or a similar service for distribution to the members subscribing to such a service.

Where the seller wants the broker to use a multiple listing service, the broker shall send the information in this contract to the multiple listing service without delay.

§5. Real estate broker's compensation

38. An exclusive brokerage contract referred to in section 23 for the sale of an immovable shall contain the following particulars concerning the real estate broker's compensation.

39. The seller shall pay to the broker, in the cases provided for in any of paragraphs 1, 2 and 3 of this section, at the time of the signing of the act of sale, compensation equal to percent (%) of the price provided for in section 29 or of any other selling price to which the seller agrees in writing; or

the amount of dollars (\$):

(1) where a promise to purchase conforming to the conditions of sale set out in this brokerage contract and in any amendments thereto is submitted to the seller during the term of this contract and where that promise to purchase actually leads to the sale of the immovable;

(2) where an agreement concerning the sale of the immovable is concluded during the term of this con-

tract, whether through the broker or not, and actually leads to the sale of the immovable; or

(3) where the immovable is sold, within 180 days following the expiry date of this contract, to a person who became interested in the immovable during the term of this contract, unless, during that period, the seller concluded an exclusive contract for the sale of the immovable with another broker.

40. None of the provisions of section 39 shall be interpreted as restricting the broker's right to obtain, where applicable, payment of any sums of money that may be due to him as compensation or as damages under the ordinary rules of law, particularly, but without limiting the generality of the foregoing, where a sale does not take place because the seller voluntarily blocks it or otherwise voluntarily prevents the free execution of this contract.

41. Any goods and services tax, Québec sales tax or other tax that may be imposed as a result of the services rendered by the broker shall be added to the compensation referred to in section 39 and shall be paid to the broker by the seller in accordance with the provisions of the applicable taxation laws.

§6. Declarations by the seller

42. An exclusive brokerage contract referred to in section 23 for the sale of an immovable shall contain particulars that enable the seller to make, to the best of his knowledge, the declarations provided for hereafter, and to provide further information or make the corrections that he considers appropriate.

43. The seller declares that the information contained in this contract is accurate.

44. The seller also declares that, unless otherwise stipulated hereafter:

(In view of the importance of the following declarations, the seller must ensure that each of the following paragraphs reflects as accurately as possible the situation as he knows it, and must, where required, make any changes or additions that may be required to achieve that result)

(1) he is not aware of any factor liable to significantly reduce the value of the immovable, reduce the income generated thereby or increase the expenses related thereto;

(2) he has not received any notice from a competent authority indicating that the immovable does not conform to the laws or regulations in force or any notice

from an insurer following which he has not fully remedied the defect indicated in either notice, except:

(3) he is resident in Canada within the meaning of the provincial and federal taxation laws;

(4) the municipality concerned provides water and sewer services to the immovable;

(5) he is the sole owner of the immovable or is duly authorized to sign this contract and to accept any promise to purchase relating to the immovable;

(6) the immovable is not the subject of a brokerage contract with another broker, of a promise to purchase, exchange or lease or of a lease containing a right of preference or a right of first refusal in favour of a third party;

(7) to the best of his knowledge and subject to that which the usual verifications to be carried out by the broker or by any person acting in his behalf or on behalf of a prospective buyer may reveal, the immovable is free of any liens, hypothecs, servitudes or encumbrances, other than:

(Indicate liens and hypothecs first, followed by servitudes and other encumbrances affecting the immovable, specifying the nature of the right, the holder of the right and any other useful information)

(8) he will provide to the broker, as soon as possible, any information known to him and of such a nature as to inform a prospective buyer of any limitation of rights not already referred to herein and that, to the best of his knowledge, encumbers the immovable, particularly, but without limiting the generality of the foregoing, information concerning conformity with the laws and regulations affecting the immovable and the use made of it, the possibility of the immovable being part of a group of immovables and the possibility of it being affected by the provisions of the Act to preserve agricultural land (R.S.Q., c. P-41.1) or of the Cultural Property Act (R.S.Q., c. B-4);

(9) in the case of an immovable under lease, the seller makes the following declarations:

(a) the rents yield at least dollars (\$) per year and the leases expires on

(b) no notices liable to amend the leases have been sent by any party and no proceedings are before the Régie du logement;

(c) no notice has been received from a lessee or from the spouse of a lessee to the effect that the immovable or part of it is being used as a family residence;

§7. Obligations of the seller

45. An exclusive brokerage contract referred to in section 23 for the sale of a residential immovable shall contain the following particulars concerning the obligations of the seller of the immovable.

46. During the term of this contract, the seller undertakes not to, directly or indirectly:

(1) offer the immovable for sale on his own or through a person other than the broker;

(2) become party to an agreement concerning the sale, exchange or lease of the immovable otherwise than through the broker.

47. Where requested by the broker, the seller shall supply to the broker the following documents in his possession: purchase contract and any other title of ownership, real estate tax receipts, lease, loan and hypothecary security contract, certificate of location or an extract therefrom describing the divided co-ownership fraction, plan, service contract, proxy, co-ownership's latest financial statements, declaration of co-ownership, by-laws of an immovable held in co-ownership and, generally, any documents attesting to the validity of his title and establishing the limitations of public and private law that may encumber the immovable, including real rights and other charges affecting the immovable, and any documents that may be required for any adjustments to be made upon the sale of the immovable.

48. The seller gives the broker the exclusive right:

(1) to show the immovable at any reasonable time, with any appointment being arranged directly with the occupant; the broker may allow other brokers to exercise that right in whole or in part;

(2) subject to the restrictions set out below, to do any advertising that he considers appropriate, such as posting a sign indicating that the immovable is for sale or is sold; the broker may allow other brokers to exercise that right in whole or in part; the right to post a sign is subject to any applicable regulations, such as municipal by-laws or co-ownership by-laws;

(3) to obtain from the hypothecary creditor any information or document concerning the hypothecary loan and, for that purpose, the seller authorizes the hypothecary creditor to provide that information to the broker.

49. The seller shall supply the prospective buyer with a valid title to the property, free of any liens, hypothecs, debts or charges, other than the usual and apparent servitudes of public utility, the servitudes registered against the immovable and any claim secured by real right affecting the immovable that, following an agreement with the prospective buyer, would be assumed by that buyer. The seller shall also supply the prospective buyer with a certificate of location drawn up by a land surveyor and describing the current state of the immovable. Where the immovable is held in divided co-ownership, an extract from the certificate of location describing the divided co-ownership fraction is sufficient. The cost of any new certificate of location shall be borne by the buyer where the previous certificate proves not to have been modified.

§8. Obligations of the real estate broker

50. An exclusive brokerage contract referred to in section 23 for the sale of an immovable shall contain the following particulars concerning the real estate broker's obligations.

51. In accordance with standard practice in this field, the broker undertakes

(1) to offer the immovable for sale honestly, diligently and competently;

(2) to submit to the seller, as soon as possible, any promise to purchase relating to the immovable covered by this contract;

(3) to inform the seller verbally, at regular intervals, of the state of execution of this contract;

(4) to check beforehand all information mentioned in advertising relating to the sale of the immovable covered by this contract;

(5) to send the seller a copy of any document or sheet describing the immovable and that may be sent to any prospective buyer;

(6) to obtain the seller's written consent before advertising a selling price other than the selling price provided for in this contract;

(7) not to use the word "sold" in any advertising, including advertising on a sign, unless a promise to purchase has been accepted and all the conditions of the promise, except the signing of the act of sale before a notary, have been fulfilled;

it is understood that any sign posted on an immovable must be removed upon the expiry of this contract;

(8) to send the seller proof that the information related to this contract has been sent to a multiple listing service or to a similar service agreed to, where the seller has requested such a service;

(9) to inform the seller in writing, without delay, of any interest that he has or plans to acquire, whether directly or indirectly, in the immovable covered by this contract;

(10) to inform the seller in writing, without delay, of any compensation, other than that referred to in this contract, that he received or may hope to receive within the scope of the carrying out of this contract;

(11) to inform the seller in writing, without delay, that he is also representing the buyer, for compensation, where a brokerage contract with the buyer exists;

(12) to fulfil the following specific undertakings:

(For example, any promise, guarantee or other advantage offered by the broker to the seller or to the buyer of the immovable, for consideration or free of charge)

(13) to fulfil his undertaking to purchase the immovable under the terms and conditions set out below and, in such case, not to claim, whether directly or indirectly, any compensation for doing so;

(Where the broker undertakes to purchase the immovable, the terms and conditions of the purchase must be set out below)

(14) to notify the seller without delay, where applicable, that he has authorized another broker to do any advertising agreed to in this contract and relating to the sale of the immovable;

(15) to notify the seller in writing, without delay, that the affiliated real estate broker or agent referred to in this contract as acting for and on behalf of the listing broker is no longer authorized to act on his behalf or is no longer able to act, and to provide the seller with the name of another affiliated real estate broker or agent designated to replace him;

(16) to notify the seller in writing, without delay, whether or not he agrees to cancel this contract, at the seller's request, where the affiliated real estate broker or agent designated in this contract is no longer employed by him or authorized to act on his behalf;

(17) to notify the seller in writing, without delay, if his real estate broker's certificate is suspended, cancelled or not renewed or if he is otherwise unable to continue to act as a real estate broker;

(18) not to request any compensation from the seller where the immovable is sold to any of the persons designated below within (number of days) days of the signing of this contract.

§10. Signatures

52. In an exclusive brokerage contract referred to in section 23 for the sale of an immovable, the text of section 40 of the Real Estate Brokerage Act shall appear above the signatures of the parties.

53. At the end of the brokerage contract shall appear the signature of the broker or of his affiliated real estate broker or agent, the signatures of each of the owners of the immovable to be sold and, where applicable, a declaration by the spouses of those owners that they agree to and concur in the contract.

DIVISION II NON-EXCLUSIVE BROKERAGE CONTRACT FOR THE SALE OF AN IMMOVABLE

54. In addition to the particulars provided for in Chapter III of the Act, a non-exclusive brokerage contract between a natural person and a real estate broker under which the broker undertakes to act as an intermediary for the sale of

(1) part or all of a chiefly residential immovable containing less than 5 dwellings; or

(2) a fraction of a chiefly residential immovable that is the subject of a declaration of co-ownership provided for in articles 441b to 442p of the Civil Code of Lower Canada

shall contain the particulars provided for in this Division.

§1. Object and term of contract

55. A non-exclusive brokerage contract referred to in section 54 for the sale of an immovable shall contain the particulars provided for in the following sections as regards its object and term.

56. The seller retains the services of the broker to act as a non-exclusive intermediary for the sale of the immovable covered by this brokerage contract.

Since this contract provides for no exclusivity in favour of the broker, the broker conserves the right, even during the term of the contract, to offer the said immovable for sale or to sell it on his own or through any other person of his choice.

57. This contract terminates at 11:59 p.m. on unless it is validly cancelled before that time.

§2. Summary description of immovable

58. A non-exclusive contract referred to in section 54 for the sale of an immovable shall, in addition to the provisions of paragraph 4 of section 35 of the Act, contain the following particulars in the summary description of the immovable:

(1) the approximate area;

(2) if applicable, a statement as to whether the immovable is held in divided or undivided co-ownership and, in the latter case, indicating the percentage owned by the seller, and a statement as to how many parking and storage spaces there are and, where applicable, their numbers.

§3. Price

59. A non-exclusive brokerage contract referred to in section 54 for the sale of an immovable shall contain the following particulars concerning the selling price thereof.

60. The asking price is (\$), which shall be paid in full, in cash, at the time of the signing of the act of sale, unless another method of payment is provided for, as follows:

61. Any goods and services tax, Québec sales tax or other tax that may be imposed as a result of the sale of the immovable and to be collected by the seller under the applicable taxation laws shall be remitted to the seller at the time of the signing of the act of sale.

62. The costs related to the repayment of any debt secured by a lien or hypothec affecting the immovable, including any penalty for early repayment, shall be borne by the seller, as shall the costs related to the striking off of any lien or hypothec other than a lien or hypothec securing a debt assumed by the buyer.

63. Inclusions: included in the sale are:

(1) heating, electricity and lighting installations of a permanent nature;

(2) other inclusions:

64. Exclusions: excluded from the sale are:

(1) curtain rods and blinds;

(2) other exclusions:

(3) the following appliances are covered by leasing contract:

(indicate below the appliances, the lessors and other useful information)

65. In the case of an immovable held in co-ownership, there shall be no adjustment in respect of any fund whatsoever of the co-ownership.

66. Date or deadline for taking possession:

Date or deadline for signing act of sale:

§4. Multiple listing service

67. A non-exclusive brokerage contract referred to in section 54 for the sale of an immovable shall contain the following particulars concerning any sending of the information in the contract to a multiple-listing service or to a similar service of a real estate board or of any other organization, for distribution to the members subscribing to such a service.

68. The seller shall indicate below his choice concerning the possible use of a multiple listing service or a similar service, for the purpose of distributing information to the members subscribing to such a service, by initialing the box corresponding to his choice.

☐ yes, I want the broker to use the multiple listing service of the real estate board of (identification of organization), or a similar service of that organization or of (identification of organization), for the purpose of distributing information to the members subscribing to such a service;

☐ no, I do not want the broker to use a multiple listing service or a similar service for distribution to the members subscribing to such a service.

Where the seller wants the broker to use a multiple listing service, the broker shall send the information in this contract to the multiple listing service without delay.

§5. Real estate broker's compensation

69. A non-exclusive brokerage contract referred to in section 54 for the sale of an immovable shall contain the following particulars concerning the real estate broker's compensation.

70. The seller shall pay to the broker, at the time of the signing of the act of sale, compensation equal to percent (%) of the price provided for in section 60 or

of any other selling price to which the seller agrees in writing; or

the amount of dollars (\$) :

if, during the term of the contract, the immovable is sold and the broker is the efficient cause of the sale.

71. Any goods and services tax, Québec sales tax or other tax that may be imposed as a result of the services rendered by the broker shall be added to the compensation referred to in section 70 and shall be paid to the broker by the seller in accordance with the provisions of the applicable taxation laws.

§6. Declarations by the seller

72. A non-exclusive brokerage contract referred to in section 54 for the sale of an immovable shall contain particulars that enable the seller to make, to the best of his knowledge, the declarations provided for hereinafter, and to provide further information or make the corrections that he considers appropriate.

73. The seller declares that the information in this contract is accurate.

74. The seller also declares that, unless otherwise stipulated hereafter:

(In view of the importance of the following declarations, the seller must ensure that each of the following paragraphs reflects as accurately as possible the situation as he knows it, and must, where required, make any changes or additions that may be required to achieve that result)

(1) he is not aware of any factor liable to significantly reduce the value of the immovable, reduce the income generated thereby or increase the expenses related thereto;

(2) he has not received any notice from a competent authority indicating that the immovable does not conform to the laws or regulations in force or any notice from an insurer following which he has not fully remedied the defect indicated in either notice, except:

(3) he is resident in Canada within the meaning of the provincial and federal taxation laws;

(4) the municipality concerned provides water and sewer services to the immovable;

(5) he is the sole owner of the immovable or is duly authorized to sign this contract and to accept any promise to purchase relating to the immovable;

(6) the immovable is not the subject of a promise to purchase, exchange or lease or of a lease containing a right of preference or a right of first refusal in favour of a third party;

(7) to the best of his knowledge and subject to that which the usual verifications to be carried out by the broker or by any person acting his behalf or on behalf of a prospective buyer may reveal, the immovable is free of any liens, hypothecs, servitudes or encumbrances, other than:

(Indicate liens and hypothecs first, followed by servitudes and other encumbrances affecting the immovable, specifying the nature of the right, the holder of the right and any other useful information)

(8) he will provide to the broker, as soon as possible, any information known to him and of such a nature as to inform a prospective buyer of any limitation of rights not already referred to herein and that, to the best of his knowledge, encumbers the immovable, particularly, but without limiting the generality of the foregoing, information concerning conformity with the laws and regulations affecting the immovable and the use made of it, the possibility of the immovable being part of a group of immovables and the possibility of it being affected by the provisions of the Act to preserve agricultural land or of the Cultural Property Act;

(9) in the case of an immovable under lease, the seller makes the following declarations:

(a) the rents yield at least dollars (\$))
per year and the leases expire on

(b) no notices liable to amend the leases have been sent by any party and no proceedings are before the Régie du logement;

(c) no notice has been received from a lessee or from the spouse of a lessee to the effect that the immovable or part of it is being used as a family residence;

§7. Obligations of the seller

75. A non-exclusive brokerage contract referred to in section 54 for the sale of a residential immovable shall contain the following particulars concerning the obligations of the seller of the immovable.

76. Where requested by the broker, the seller shall supply to the broker the following documents in his possession or allow the broker to consult them at a place that the seller shall indicate: purchase contract and any other title of ownership, real estate tax receipts, lease, loan and hypothecary security contract, certifi-

cate of location or an extract therefrom describing the divided co-ownership fraction, plan, service contract, proxy, co-ownership's latest financial statements, declaration of co-ownership, by-laws of an immovable held in co-ownership and, generally, any documents attesting to the validity of his title and establishing the limitations of public and private law that may encumber the immovable, including real rights and other charges affecting the immovable, and any documents that may be required for any adjustments to be made upon the sale of the immovable.

77. The seller gives the broker the exclusive right:

(1) to show the immovable at any reasonable time, with any appointment being arranged directly with the occupant; the broker may allow other brokers to exercise that right in whole or in part;

(2) subject to the restrictions set out below, to do any advertising that he considers appropriate, such as posting a sign indicating that the immovable is for sale or is sold; the broker may allow other brokers to exercise that right in whole or in part;

the right to post a sign is subject to any applicable regulations, such as municipal by-laws or co-ownership by-laws;

(3) to obtain from the hypothecary creditor any information or document concerning the hypothecary loan and, for that purpose, the seller authorizes the hypothecary creditor to provide that information to the broker.

78. The seller shall supply the prospective buyer with a valid title to the property, free of any liens, hypothecs, debts or charges, other than the usual and apparent servitudes of public utility, the servitudes registered against the immovable and any claim secured by real right affecting the immovable that, following an agreement with the prospective buyer, would be assumed by that buyer. The seller shall also supply the prospective buyer with a certificate of location drawn up by a land surveyor and describing the current state of the immovable. Where the immovable is held in divided co-ownership, an extract from the certificate of location describing the divided co-ownership fraction is sufficient. The cost of any new certificate of location shall be borne by the buyer where the previous certificate proves not to have been modified.

§8. Obligations of the real estate broker

79. A non-exclusive brokerage contract referred to in section 54 for the sale of an immovable shall contain the following particulars concerning the real estate broker's obligations.

80. In accordance with standard practice in this field, the broker undertakes:

(1) to offer the immovable for sale honestly, diligently and competently;

(2) to submit to the seller, as soon as possible, any promise to purchase relating to the immovable covered by this contract;

(3) to inform the seller verbally, at regular intervals, of the state of execution of this contract;

(4) to check beforehand all information mentioned in advertising relating to the sale of the immovable covered by this contract;

(5) to send the seller proof that the information related to this contract has been sent to a multiple listing service or to a similar service agreed to, where the seller has requested such a service;

(6) not to use the word "sold" in any advertising, including advertising on a sign, unless a promise to purchase has been accepted and all the conditions of the promise, except the signing of the act of sale before a notary, have been fulfilled; it is understood that any sign posted on an immovable must be removed upon the expiry of this contract;

(7) to inform the seller in writing, without delay, of any interest that he has or plans to acquire, whether directly or indirectly, in the immovable covered by this contract;

(8) to inform the seller in writing, without delay, of any compensation, other than that referred to in this contract, that he received or may hope to receive within the scope of the carrying out of this contract;

(9) to inform the seller in writing, without delay, that he is also representing the buyer, for compensation, where a brokerage contract with the buyer exists;

(10) to do, at his expense, the following advertising concerning the immovable:

§10. Signatures

81. In a non-exclusive brokerage contract referred to in section 54 for the sale of an immovable, the text of section 40 of the Real Estate Brokerage Act shall appear above the signatures of the parties.

82. At the end of the brokerage contract shall appear the signature of the broker or of his affiliated real estate broker or agent, the signatures of each of the owners of

the immovable to be sold and, where applicable, a declaration by the spouses of those owners that they agree to and concur in the contract.

CHAPTER V FONDS D'INDEMNISATION DU COURTAGE IMMOBILIER

DIVISION I CONTRIBUTIONS

83. The annual contribution to the Fonds d'indemnisation du courtage immobilier to be paid by a member of the Association when applying to the Association for the issue or renewal of a certificate is

- | | |
|---|-------|
| (1) for a chartered real estate broker's certificate: | \$50; |
| (2) for a certificate for a real estate broker restricted to loans secured by immovable hypothec: | \$50; |
| (3) for an affiliated real estate broker's certificate: | \$10; |
| (4) for a chartered or affiliated real estate agent's certificate or a certificate for a real estate agent restricted to loans secured by immovable hypothec: | \$10. |

84. The annual contribution shall be sent to the Association together with the fees provided for in the By-law on fees payable and specialists titles of the Association des courtiers and agents immobiliers du Québec, upon the filing of an application for the issue or renewal of a certificate.

85. Where the working capital of the fund cannot be maintained at the minimum provided for in section 95 because of recent or imminent payments of compensation, a special contribution shall become exigible from every holder of a real estate broker's or agent's certificate, in accordance with the following terms and conditions:

(1) the amount of the special contribution shall equal the result obtained by dividing the deficit of the working capital by the number of holders of real estate broker's or agent's certificates; and

(2) as soon as the fund becomes aware of a deficit in its working capital, it shall send to each holder of a real estate broker's or agent's certificate a notice stating that a special contribution is payable within 30 days of after the notice is mailed.

A special contribution shall be paid in cash or by certified cheque or money order payable to the order of the Association for deposit in the account of the fund and cashable within the period provided for in the first paragraph.

DIVISION II CLAIMS

86. Any claim filed with the fund and arising from fraud, a dishonest transaction or the misappropriation of funds or other property which, under the Act, must be deposited into a trust account shall

- (1) be submitted in writing;
- (2) state the facts on which it is based;
- (3) identify the real estate broker or agent concerned;
- (4) indicate the amount claimed;
- (5) be made under oath or by solemn affirmation; and
- (6) be addressed to the secretary of the fund or, if there is no secretary, to its chairman or vice-chairman.

87. Where the secretary of the fund or one of its directors so requests, the claimant, the broker or the real estate agent shall

- (1) provide the fund with all details and documents related to the claim; and
- (2) file any sworn oral evidence or documentary evidence.

88. The claimant shall file his claim within one year of becoming aware of the fraud, dishonest transaction or misappropriation of funds or other property referred to in section 55 of the Act.

89. A decision by the discipline committee that compensation be paid constitutes a claim within the meaning of section 86, as long as the application for an investigation provided for in section 121 of the Act is filed within the period provided for in section 88.

90. A real estate agent, a real estate broker or a multidisciplinary firm authorized to carry on real estate brokerage activities is not, when acting in that capacity, entitled to file a claim with the fund.

DIVISION III COMPENSATION

91. The fund's board of directors shall decide on the admissibility of a claim and shall set the amount of any compensation.

92. The maximum amount of compensation payable by the fund to a claimant is \$15 000 for each real estate brokerage transaction for which a claim is filed.

DIVISION IV ADMINISTRATION AND INVESTMENT OF THE SUMS CONSTITUTING THE FUND

93. The sums constituting the fund, less the sums required for its operation, shall be invested by its board of directors in the following manner:

(1) the portion of the sums that the fund's board of directors foresees using in the short term shall be deposited with a financial institution whose deposits are guaranteed under the Deposit Insurance Act (R.S.Q., c. A-26) or insured under the Canada Deposit Insurance Corporation Act (R.S.C., 1985, c. C-3);

(2) the remainder shall be invested in accordance with paragraphs 2 to 10 of article 1339 of the Civil Code of Québec.

DIVISION V USE OF THE INTEREST GENERATED BY THE SUMS CONSTITUTING THE FUND

94. The Minister may authorize the fund to use the interest generated by the sums constituting the fund for purposes related to the real estate brokerage sector and to further the protection of the public, on the following conditions:

(1) the fund's latest annual financial statements must show that it is in a position to meet its obligations; and

(2) the fund's board of directors must have filed with the Minister an application detailing the projects selected and the estimated cost of each.

DIVISION VI MINIMUM WORKING CAPITAL

95. From the coming into force of this Regulation, the fund shall maintain its working capital at a minimum of \$500 000.

CHAPTER VI FINAL PROVISIONS

96. This Regulation replaces the Regulation respecting the application of the Real Estate Brokerage Act (R.R.Q., 1981, c. C-73, r. 1) and the Regulation respecting the Fonds d'indemnisation du courtage immobilier, made by Order in Council 1965-88 dated 21 December 1988.

97. This Regulation comes into force on 1 January 1994, except sections 22 to 82, which come into force on 1 August 1994.

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Index Statutory Instruments

Abbreviations: A: Abrogated, N: New, M: Modified

Regulations — Statutes	Page	Comments
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