

No. 53

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 53

A Bill to amend The Real Estate Agents' Licensing Act

HON. MR. PATRICK

Explanatory Note

2. (a) This corrects a reference error in the Revision. Clause (b) of section 2 reads therein:

“(b) “business”

(i) means an undertaking carried on for the purpose of gain or profit,

(ii) includes an interest in such an undertaking, and

(iii) without limiting the generality of clauses (a) and (b), includes a boarding house, hotel, store, tourist camp and tourist home;”

(b) and (c) At the present time the chief administrative officer under this Act is the Superintendent of Insurance. There is now to be a Commissioner of Real Estate office established and the definitions are altered accordingly. Clause (k) presently reads:

“(k) “Superintendent” means

(i) the Superintendent of Insurance, or

(ii) the Deputy Superintendent of Insurance,

appointed under the provisions of The Alberta Insurance Act;”.

3. Offices of Commissioner and Deputy Commissioner of Real Estate authorized.

4. Corrects a misspelling.

BILL

No. 53 of 1960

An Act to amend The Real Estate Agents' Licensing Act

(Assented to _____, 1960)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Real Estate Agents' Licensing Act*, being chapter 279 of the Revised Statutes, is hereby amended.

2. Section 2 is amended

- (a) as to clause (b), subclause (iii) by striking out the words "clauses (a) and (b)" and by substituting the words "subclauses (i) and (ii)",
- (b) by adding immediately after clause (b) the following new clause:
 - (b1) "Commissioner" means the Commissioner of Real Estate appointed pursuant to this Act;
- (c) by striking out clause (k).

3. The following new section is added immediately after section 2:

2a. (1) Subject to *The Public Service Act*, the Lieutenant Governor in Council shall appoint a Commissioner of Real Estate.

(2) Subject to *The Public Service Act*, the Lieutenant Governor in Council shall appoint a Deputy Commissioner of Real Estate who shall act as Commissioner during the illness, absence or other disability of the Commissioner or when the office of Commissioner is vacant.

(3) The Deputy Commissioner when acting in the stead of the Commissioner has all the powers and shall exercise all the duties of the Commissioner under this Act and the regulations.

4. Section 4, subsection (2) is amended by striking out the word "saleman" and by substituting the word "salesman".

5. The sections referred to in the clause make reference to the Superintendent of Insurance (clause (k) so defined "Superintendent"). The reference is changed to refer to the new office of Commissioner of Real Estate. See note to clause 2.

6. (a) See note to clause 5.

(b) The advisory board authorized by this subsection may now consist of five persons instead of three. Subsection (5) of section 6 presently reads:

"(5) In deciding whether to grant or refuse an application for a licence of an agent or salesman, or to suspend or cancel an existing licence, or to reinstate a suspended or cancelled licence, the Superintendent may, in a case where he deems it proper, nominate an advisory board consisting of three persons, one of whom shall be the Superintendent or other person appointed by him, and two of whom shall be agents licensed under the provisions of this Act, before which board a hearing may be had and a report made to the Superintendent, and in such case the Superintendent shall take such report into consideration when making his decision."

7. Self-explanatory.

8. Because this section refers also to the Deputy the section is not included in clause 5 of the Bill, but its purpose is the same as the purpose of that clause.

5. Section 5, subsection (5), section 6*a*, section 7, section 9, section 10, sections 14 to 19, sections 24 and 25, section 30 and section 38 are amended by striking out the word "Superintendent" wherever it occurs therein and by substituting the word "Commissioner".

6. Section 6 is amended

- (a) by striking out the word "Superintendent" where it occurs in subsections (1), (2), (4), (6) and (8) and by substituting the word "Commissioner".
- (b) by striking out subsection (5) and by substituting the following:

(5) In deciding whether to grant or refuse an application for a licence of an agent or salesman, or to suspend or cancel an existing licence, or to reinstate a suspended or cancelled licence, the Commissioner may, where he deems it proper to do so, nominate an advisory board consisting of five persons, one of whom shall be the Commissioner or other person appointed by him, and four of whom shall be agents licensed under this Act, and a hearing may be had before the advisory board and a report made thereon to the Commissioner, in which case the Commissioner shall take the report into consideration when making his decision on the application.

7. The following new section is added immediately after section 10:

10*a*. A person holding a subsisting licence under this Act as agent or salesman is exempt from any licence, and from the payment of any licence fee, imposed by a municipal corporation within the Province for the transaction of the business of real estate.

8. Section 37 is amended by striking out the words "Superintendent" and "Deputy Superintendent" wherever they occur and by substituting therefor, respectively, the words "Commissioner" and "Deputy Commissioner".

9. This Act comes into force on the day upon which it is assented to.

No. 53

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Real Estate
Agents' Licensing Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. PATRICK
