

1976 Bill 14

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 14**

THE REAL ESTATE AGENTS' LICENSING AMENDMENT  
ACT, 1976

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HON. MR. MCCRAE

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 14

1976

## THE REAL ESTATE AGENTS' LICENSING AMENDMENT ACT, 1976

(Assented to \_\_\_\_\_, 1976)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Real Estate Agents' Licensing Act is hereby amended.*

2. *Section 9 is amended*

(a) *by striking out subsection (1) and by substituting the following:*

**9.** (1) A person

(a) who has been refused a licence under section 8, or

(b) whose licence has been cancelled or suspended under section 8,

may appeal the refusal, cancellation or suspension, as the case may be, to an appeal board.

(b) *as to subsection (2), by adding after the words "with the notification that" the words "he was refused a licence or that", and*

(c) *as to subsection (5), by adding after the words "of the Superintendent," the words "order that the licence be issued,".*

3. *Section 23.1 is amended*

(a) *as to subsection (3), by striking out the words "of the amount that may be payable to the vendor" and by substituting therefor the words "of the total amount that may be payable", and*

(b) *as to subsection (4), clause (a) by adding after the words "to the vendor" the words "or to such other person as that vendor directs".*

## Explanatory Notes

**1.** This Bill will amend chapter 311 of the Revised Statutes of Alberta 1970.

**2.** Section 9, subsections (1), (2) and (5) presently read:

9. (1) A person whose licence has been cancelled or suspended under section 8 may appeal the cancellation or suspension to an appeal board.

(2) A person who wishes to appeal the decision of the Superintendent under this section shall, within 30 days of the date that person was served with the notification that his licence was cancelled or suspended, serve the Minister with a notice of appeal.

(5) Upon hearing an appeal under this section, the appeal board may confirm the decision of the Superintendent, remove or vary the suspension or reinstate the cancelled licence.

**3.** Section 23.1, subsections (3) and (4) presently read:

(3) Where a guaranteed sale agreement is entered into by a licensed agent or other person on behalf of or to the benefit of a licensed agent, that agent shall deposit into the trust account maintained under subsection (2) not less than 5 per cent of the amount that may be payable to the vendor under the guaranteed sale agreement.

(4) Where money is deposited under subsection (3), it shall be held in trust for the vendor and shall be

(a) paid to the vendor as part of the total amount payable under the guaranteed sale agreement, or

(b) forfeited to the vendor where he is not paid in accordance with the guaranteed sale agreement, or

(c) returned to the agent where, pursuant to the terms of the guaranteed sale agreement, there is no longer any money payable to the vendor under that guaranteed sale agreement.

*4. Section 26, subsection (1), clause (b) is amended by striking out the words “, as the case may be”.*

*5. The following section is added after section 32:*

**32.1** (1) Where an agreement to list real estate with an agent for the purpose of a trade is in writing, a true copy of that agreement shall be delivered by that agent as soon as practicable to the owner of that real estate or to the person entering into that agreement on behalf of that owner.

- (2) An agreement under subsection (1) is void if it
- (a) provides for more than one date upon which it expires, or
  - (b) does not specify a date on which it expires, or
  - (c) does not provide for the amount of or the rate of commission payable in respect of the trade, or
  - (d) does not provide for the terms or conditions upon which the commission is payable in respect of the trade.

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

**4. Section 26, subsection (1) presently reads:**

26. (1) When advertising to purchase, sell, exchange, or lease any real estate whatsoever a licensed person shall clearly indicate

- (a) that he is the party advertising, and
- (b) that he is a licensed person, as the case may be.

**5. Agreements to list real estate.**