

1978 BILL 28

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 28

**THE REAL ESTATE AGENTS'
LICENSING AMENDMENT ACT, 1978**

**THE MINISTER OF CONSUMER
AND CORPORATE AFFAIRS**

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

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THE REAL ESTATE AGENTS' LICENSING AMENDMENT ACT, 1978

(Assented to , 1978)

HER 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 amended by this Act.*

2 *Section 9 is repealed and the following is substituted:*

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 by serv-
ing the Minister with a notice of appeal within 30 days of
being notified in writing of the refusal, cancellation or suspen-
sion.

(2) The Minister shall, within 30 days of being served with
a notice of appeal under subsection (1), appoint an appeal
board to hear the appeal.

(3) The Minister may set the time within which the appeal
board is to hear an appeal and render a decision and may
extend that time.

(4) An appeal board that hears an appeal under this section
may, by order, either

(a) confirm the refusal, cancellation or suspension,

(b) direct that a licence or renewal of a licence be
issued,

Explanatory Notes

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

2 Section 9 presently reads:

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.

(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 he was refused a licence or that his licence was cancelled or suspended, serve the Minister with a notice of appeal.

(3) Upon being served with a notice of appeal under subsection (2), the Minister shall, within 30 days of being served with the notice of appeal, appoint an appeal board to hear the appeal.

(4) Where an appeal board is appointed under subsection (3), the Minister may, from time to time, prescribe the time within which the appeal board shall hear the appeal and render a decision.

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

(6) Where a person is dissatisfied with the decision of the appeal board, that person may appeal the decision of the appeal board to the Court by way of originating notice within 30 days of the date upon which that person was served with the decision of the appeal board.

(c) reinstate the cancelled licence, or

(d) remove or vary the suspension.

(5) An appeal board appointed under this section shall consist of the following members:

(a) a person (who is not the Superintendent or his representative or a person licensed under this Act) who is designated as chairman of the appeal board by the Minister, and

(b) not less than 2 and not more than 4 other persons who are persons licensed under this Act.

(6) The Minister may pay those fees and reasonable living and travelling expenses that he considers proper to the members of an appeal board.

(7) A person whose appeal is heard by an appeal board, or the Superintendent, may appeal the decision of the appeal board by filing an originating notice with the Court within 30 days of being notified in writing of the decision, and the Court may make any order that an appeal board may make under subsection (4).

9.1(1) A person

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

(b) who has in respect of that cancellation or suspension commenced an appeal under section 9,

may by filing an originating notice with the Court apply for an order reinstating the cancelled licence or removing the suspension, as the case may be, pending the determination of the appeal.

(2) The Court may hear an application made under this section not less than 2 days after the originating notice has been served upon the Superintendent.

(3) Upon hearing an application made under this section, the Court may, subject to such conditions as it considers proper, if any, reinstate the cancelled licence or remove the suspension, as the case may be, pending the determination of the appeal under section 9.

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

(7) An appeal board appointed under this section shall consist of

(a) a chairman who shall not be the Superintendent or his representative or a person licensed under this Act, and

(b) not less than two and not more than four other persons who shall be persons licensed under this Act.

(8) The Minister may pay to members of the appeal board such fees as may be approved by regulation together with such reasonable travelling and other expenses as he considers proper.