

1979 BILL 67

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First Session, 19th Legislature, 28 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 67**

**THE REAL ESTATE AGENTS' LICENSING  
AMENDMENT ACT, 1979**

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THE MINISTER OF CONSUMER AND CORPORATE  
AFFAIRS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

## BILL 67

1979

### THE REAL ESTATE AGENTS' LICENSING AMENDMENT ACT, 1979

(Assented to                      , 1979)

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*2 Section 2(1)(i) is repealed and the following is substituted:*

(i) "salesman" means an individual who is a real estate  
salesman, and includes an individual employed, appointed  
or authorized by a real estate agent to trade in real estate;

*3 Section 5(4) is amended by striking out "is extinguished" and  
substituting "expires".*

*4 Section 7 is amended*

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

(a) may apply for and obtain a licence as an agent in  
the name of the partnership or corporation, and

*(b) by repealing subsection (2) and substituting the following:*

(2) An individual designated by a partnership or cor-  
poration as its representative pursuant to subsection  
(1)(b) shall be

(a) in the case of a partnership, a partner, an  
officer appointed by the partnership or a manager  
designated by the partnership, or

## **Explanatory Notes**

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

**2** Section 2(1) presently reads in part:

(i) “salesman”

(i) means a real estate salesman, and

(ii) includes a person employed, appointed or authorized by a real estate agent to trade in real estate;

**3** Section 5(4) presently reads:

(4) Upon a salesman ceasing to be employed with a licensed agent the licence of the salesman is extinguished.

**4** Section 7 presently reads in part:

7(1) A partnership or corporation

(a) may apply for and obtain a licence in the name of the firm, partnership or corporation, and

(b) shall designate one individual who shall act as its or their representative.

(2) An individual shall not be designated as the representative of an agent that is a partnership or corporation unless he meets the qualifications required for an agent under this Act.

(b) in the case of a corporation, a member of the board of directors of the corporation, an officer of the corporation or a manager designated by the corporation,  
and shall meet the qualifications of an agent required under this Act.

5 *Section 8 is amended*

*(a) in subsection (2) by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):*

(c) upon being satisfied that the applicant meets the requirements of this Act and the regulations.

*(b) by adding the following after subsection (2):*

(2.1) If a person who holds an agent’s licence dies, the Superintendent may grant a temporary licence, for the period of time prescribed by the Superintendent, to the agent’s spouse, executor or administrator.

*(c) in subsection (5) by striking out “terminated or has been previously cancelled” and substituting “expired, has been previously cancelled or is a temporary licence”.*

6 *The following is added after section 8:*

**8.1** The Minister may make regulations prescribing

- (a) forms and their contents;
- (b) the amount and form of bonds to be furnished under this Act;
- (c) the form and content of an affidavit required under section 10(1).

7 *Section 9(4) is amended by striking out “or” at the end of clause (c) and by adding the following after clause (c):*

(c.1) substitute a suspension for a cancellation of a licence,  
or

**5** Section 8 presently reads in part:

*(2) The Superintendent may issue a licence to an applicant*

*(a) upon an application being made under subsection (1), and*

*(b) upon being satisfied that the applicant is suitable to be licensed, having regard to that applicant's training, competency and personal integrity.*

*(5) A licence expires on the 30th day of September following the date on which it is issued unless the licence has previously terminated or has been previously cancelled.*

**6** Authority for the Minister to make regulations.

**7** Section 9 presently reads in part:

*(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 be issued,*

*(c) reinstate the cancelled licence, or*

*(d) remove or vary the suspension.*

*8 Section 10(1) is amended by adding the following after clause (a):*

(a.1) proof, satisfactory to the Superintendent, of having complied with this Act and the regulations,

(a.2) an affidavit in the form required by the regulations,

*9 Section 13(1)(d) is amended by striking out “or treasury branch” and substituting “, credit union or treasury branch”.*

*10 Section 18.2 is amended by striking out “or treasury branch” and substituting “, credit union or treasury branch”.*

*11 Section 20 is amended*

*(a) in subsection (2)(b)(i) by striking out “or treasury branch” and substituting “, credit union or treasury branch”, and*

*(b) in subsection 3(c) by striking out “bank, treasury branch or trust company” and substituting “chartered bank, trust company, credit union or treasury branch”.*

**8 Section 10 presently reads in part:**

*10(1) Where a person makes application for a licence under section 8, he shall provide the Superintendent with*

- (a) a completed application in the form prescribed by the regulations,*
- (b) in the case of a person applying to be licensed as an agent, a bond except where that person has previously filed with the Superintendent a bond which remains in full force and effect,*
- (c) the fee prescribed by the regulations, and*
- (d) the address of the office in Alberta out of which he will conduct his business of trading in real estate.*

**9 Section 13 presently reads in part:**

*13(1) A licensed agent shall immediately notify the Superintendent in writing of*

- (d) a change in the chartered bank, trust company or treasury branch in which that agent maintains a trust account;*

**10 Section 18.2 presently reads in part:**

*18.2 Where a licence of an agent expires or has been cancelled or suspended and the Superintendent considers it in the public interest to do so, the Superintendent may order the chartered bank, trust company or treasury branch*

**11 Section 20 presently reads in part:**

*(2) Every agent shall*

- (b) forthwith deposit all money he receives in trust in respect of a trade in real estate into an account*

- (i) maintained in a chartered bank, trust company or treasury branch, and*

*(3) An agent shall submit to the Superintendent before the 30th day of September in each year a report by the agent's auditors in a form prescribed by the regulations*

- (c) stating that the moneys on deposit held in trust for clients has been verified by personal inspection or by certificates obtained from the bank, treasury branch or trust company with which the deposit account is maintained,*

*12 Section 26.1(b) and (c) are amended by adding “in writing” after “disclosing”.*

*13 Section 29 is repealed and the following is substituted:*

**29** An agent or salesman shall not either directly or indirectly acquire any interest in real estate for himself until he has disclosed in writing to the owner of the real estate complete details of any negotiations for its trade to another person.

*14 Section 34(1) is amended*

*(a) by striking out “\$20” and substituting “\$50”, and*

*(b) by striking out “\$500” and substituting “\$5000”.*

*15 Section 40 is amended*

*(a) by repealing clause (a),*

*(b) by repealing clause (c), and*

*(c) by repealing clause (e) and substituting the following:*

**(e)** respecting the experience, training, education and examination of an applicant for a licence, and

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



**12 Section 26.1 presently reads:**

*26.1 A licensed person shall not trade in real estate*

*(a) as an agent or salesman in any other name than that which appears on his licence;*

*(b) on behalf of himself or another person without disclosing to the parties he is dealing with that he is licensed under this Act;*

*(c) on behalf of another licensed person without disclosing to the parties he is dealing with that he and that other licensed person are licensed under this Act.*

**13 Section 29 presently reads:**

*29 No agent or salesman shall purchase for himself either directly or indirectly real estate listed with him for sale, nor shall he acquire any interest therein either directly or indirectly, until he has clearly disclosed to the listing owner complete details of his negotiations for the sale of the said property to another person.*

**14 Section 34(1) presently reads:**

*34(1) A person who*

*(a) contravenes a provision of this Act or of a regulation, or*

*(b) omits, refuses or neglects to fulfil, perform, observe or carry out a duty or obligation created or imposed by this Act or a regulation,*

*is guilty of an offence and liable on summary conviction for each offence to a fine of not less than \$20, and not more than \$500.*

**15 Section 40 presently reads in part:**

*40 For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make regulations*

*(a) prescribing the amount and form of bonds to be furnished under this Act,*

*(c) prescribing forms for use under this Act and the regulations,*

*(e) providing for the examination of applicants for licences, and*