

1984 BILL 52

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 52

**REAL ESTATE AGENTS' LICENSING
AMENDMENT ACT, 1984**

THE MINISTER OF CONSUMER AND CORPORATE AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 52

1984

REAL ESTATE AGENTS' LICENSING AMENDMENT ACT, 1984

(Assented to _____, 1984)

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 1 is amended*
 - (a) *by adding the following after clause (a):*
 - (a.1) "Association" means the Alberta Real Estate Association;
 - (b) *in clause (d) by striking out "7" and substituting "3";*
 - (c) *by adding the following after clause (d):*
 - (d.1) "Fund" means the Real Estate Assurance Fund;
 - (d) *by repealing clause (m) and substituting the following:*
 - (m) "salesman" means an individual who is employed by a real estate agent to trade in real estate;
- 3 *Section 2(1) is amended by striking out "or" at the end of clause (c) and by adding the following after clause (c):*
 - (c.1) a person trading in real estate that consists only of mineral rights to the extent that the person is engaged in that activity, or

Explanatory Notes

1 This Bill will amend chapter R-5 of the Revised Statutes of Alberta 1980.

2 Section 1(a), (d) and (m) presently read:

1(1) In this Act,

(a) "agent" means a real estate agent and includes

(i) a person who, for another or others, for compensation, gain or reward, or hope or promise thereof, either alone or through one or more officials or salesmen, trades in real estate, and

(ii) each person who holds himself out as a real estate agent;

(d) "continuous use" means the right to possession for a period of time which is greater than 7 consecutive days but less than 12 consecutive months;

(m) "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 2(1) presently reads:

2(1) This Act, except sections 38 to 49, does not apply to

(a) an assignee, custodian, liquidator, receiver, trustee or other person acting as directed by a statute or under the order of a court, or to an administrator of an estate or an executor or trustee selling under the terms of a will, marriage settlement or deed of trust,

(b) a bank or a trust or insurance company trading in real estate owned or administered by the company,

(c) a person

(i) who acquires real estate or any interest in real estate,

(ii) who disposes of real estate owned by him or in which he has a substantial interest, or

(iii) who is an official or employee of a person engaged in so acquiring or disposing of real estate,

4 Section 3 is amended

(a) in subsection (1)

(i) in clause (a) by striking out “or as” and substituting “or is”, and

(ii) in clause (b) by striking out “licensed” and substituting “employed”;

(b) in subsection (3) by striking out “or salesman”;

(c) by adding the following after subsection (3):

(4) No person shall act or directly or indirectly hold himself out as a salesman in Alberta unless he is employed as a salesman by a licensed agent.

5 Section 4 is repealed and the following is substituted:

4 No agent shall employ any person to trade in real estate unless

(a) that person meets the requirements of this Act and the regulations, and

(b) the agent has paid the levies payable with respect to that person under section 14.

6 Section 6(3) is repealed and the following is substituted:

(3) No individual designated under subsection (1) shall act as the representative of more than one partnership or corporation.

or

(d) a member in good standing of the Law Society of Alberta when the trade is made in the course of and as part of a solicitor's practice.

4 Section 3 presently reads in part:

3(1) No person shall

(a) trade in real estate unless he is licensed as an agent or as a salesman of a licensed agent, or

(b) act as an official or on behalf of an agent that is a partnership or corporation in connection with a trade in real estate by that agent, unless he is licensed as a salesman of that agent or that agent has designated him as its representative under section 6.

(3) No person who is not the holder of a subsisting licence under this Act shall act or directly or indirectly hold himself out as an agent or salesman in Alberta.

5 Section 4 presently reads:

4(1) A salesman may only be licensed if he is the salesman of a licensed agent.

(2) Each application for a licence of a salesman shall have attached to it in a form approved by the Superintendent

(a) a recommendation of the applicant, made by or on behalf of a licensed agent, and

(b) a declaration that the applicant, if granted a licence, is to act as a salesman employed by and representing the agent making the declaration or on whose behalf the declaration is made.

(3) The licence shall be inscribed with the name of the agent as principal of the licensee.

(4) On a salesman ceasing to be employed with a licensed agent the licence of the salesman expires.

6 Section 6 presently reads:

6(1) A partnership or corporation

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

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

(2) An individual designated by a partnership or corporation 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

(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.

(3) Any associate, partner or employee of an agent, and any officer, member or employee of a partnership or corporation licensed as an agent may apply for and obtain a licence authorizing the holder to act as a salesman.

7 *Section 7 is amended*

(a) *in subsections (1) and (4) by adding “as an agent” after “licensed”;*

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

(b.1) on being satisfied that the applicant has paid all levies under section 14 with respect to himself and every salesman employed by him, and

8 *Section 8 is amended*

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

8(1) The Superintendent may cancel or suspend a licence of an agent

(a) when that agent or a salesman of that agent contravenes this Act or the regulations,

(b) when the funds in the trust account of that agent are less than the amount that he is accountable for,

(c) when that agent has misappropriated funds that he holds in trust,

(d) when a payment has been made out of the Fund with respect to that agent or a salesman of that agent,

(e) when it is in the public interest to do so,

(f) when that agent induces or attempts to induce a party to a contract concerning a trade in real estate to breach that contract,

(g) when that agent fails to maintain proper records at his business office,

(h) when that agent fails to make his records available for inspection, or

(i) when that agent fails to pay all levies under section 14 with respect to himself and every salesman employed by him.

(b) *in subsection (3) by striking out “person” wherever it occurs and substituting “agent”.*

9 *Section 11(1) is amended*

(a) *by striking out “applies for a” and substituting “applies for an agent’s”;*

7 Section 7(1), (2) and (4) presently read:

7(1) When a person wishes to be licensed under this Act he shall apply to the Superintendent for a licence.

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

(a) on an application being made under subsection (1),

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

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

(4) A person is not eligible to be licensed unless

(a) in the case of an individual, that person is a resident of Alberta and has been a resident of Canada for not less than 3 months immediately prior to the date of his application for a licence, or

(b) in the case of a partnership or corporation, that partnership or corporation, at the time of its application for a licence, maintains a business office in Alberta.

8 Section 8(1) and (3) presently read:

8(1) The Superintendent may cancel or suspend a licence of a licensed person

(a) when that licensed person contravenes this Act or the regulations,

(b) when, in the case of a licensed agent, the funds in the trust account of that agent are less than the amount that he is accountable for,

(c) when, in the case of a licensed agent, that agent has misappropriated funds that he holds in trust,

(d) when it is in the public interest to do so,

(e) when that licensed person induces or attempts to induce a party to a contract concerning a trade in real estate to breach that contract,

(f) when, in the case of a licensed agent, that agent fails to maintain at his business office proper records, or

(g) when, in the case of a licensed agent, that agent fails to make his records available for inspection.

(3) When a licensed person

(a) applies for a licence for the succeeding year before his existing licence expires, and

(b) the application is accompanied by the prescribed documents and fees,

the existing licence remains in force, notwithstanding subsection (2), until the new licence is issued or until the Superintendent notifies the licensed person that he will not be issued a new licence.

9 Section 11(1) presently reads:

11(1) When a person applies for a licence he shall provide the Superintendent with

(b) by repealing clause (d) and substituting the following:

(d) proof, satisfactory to the Superintendent, of having paid all levies under section 14 with respect to himself and every salesman employed by him,

10 Section 12 is repealed and the following is substituted:

12 Service of a document or other notice under this Act may be effected

(a) on a salesman by leaving the document or notice at or sending it by registered or certified mail to the address of the licensed agent by whom the salesman is employed, and

(b) on a licensed agent by leaving the document or notice at or sending it by registered or certified mail to the address provided by the licensed agent under section 11 or 13.

11 Section 13 is amended

(a) by repealing subsection (1)(b) and (c);

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

(2) A licensed agent who ceases to carry on the business of real estate agent shall immediately notify the Superintendent and

(a) return his licence with the notification, and

(b) within 30 days of ceasing to carry on business provide an auditors' report, satisfactory to the Superintendent, on the status of the real estate trust account.

(3) A licensed agent shall immediately notify the Association in writing of the commencement or termination of the employment of any salesman employed by him.

12 Sections 14 and 15 and the heading preceding those sections are repealed and the following is substituted:

Real Estate Assurance Fund

14(1) The Association shall create a fund to be known as the "Real Estate Assurance Fund" for the purpose of paying, in whole or in part, any judgment obtained against a licensed agent or a designated representative or salesman of a licensed agent based on a finding of fraud or breach of trust in respect of a trade in real estate.

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

10 Section 12 presently reads:

12 A document or other notice under this Act may be served on a licensed person by leaving it at or by sending it by registered mail to the address provided by the licensed person pursuant to section 11 or 13.

11 Section 13(1) and (2) presently read in part:

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

(b) the commencement of employment of each salesman employed by him;

(c) the termination of employment of any salesman employed by him;

(2) A licensee who ceases to carry on the business of a real estate agent shall immediately notify the Superintendent in writing and shall return his licence with the notice.

12 Real Estate Assurance Fund established. Sections 14, 15 and preceding heading presently read:

Bonding

14(1) When an agent who is a principal under a bond mentioned in section 11 has a judgment obtained against him, his designated representative or a salesman employed by him which

(a) is based on a finding of fraud or breach of trust in respect of a trade in real estate,

(2) Subject to the regulations, the Association may from time to time collect money by the levy of assessments

- (a) on every applicant for a licence as an agent,
- (b) on every agent licensed under this Act, and
- (c) on every salesman employed by an agent licensed under this Act,

whether or not those applicants, agents or salesmen are members of the Association.

(3) The money collected under subsection (2) and any income from the investment of that money shall be credited to the Fund.

(4) The Association is deemed to hold in trust all money credited to the Fund and shall immediately deposit that money, or cause it to be deposited, in a trust account in a bank, treasury branch, trust company or credit union in Alberta, separate and apart from any other money of the Association.

(5) Notwithstanding subsections (3) and (4), the Association may, from the income from the investment of the money in the Fund, pay the administrative costs associated with the Fund.

(6) If the income from the investment of the money in the Fund is insufficient to pay the administrative costs associated with the Fund, the Association may from time to time collect money to pay those administrative costs by the levy of assessments on all or any of the persons referred to in subsection (2).

15(1) The Association may invest any part of the Fund not presently required for disposition in any security or class of securities in which trustees are permitted to invest trust funds under the *Trustee Act*.

(2) The Association may, in a manner and on terms and conditions it considers advisable, enter into contracts with insurers by which the Fund may be protected in whole or in part against any claim or loss to the Fund and the costs incurred by the Association under any such contracts may be defrayed from the Fund.

(3) The Association has an insurable interest in the Fund and in the protection of the Fund against loss notwithstanding that any loss is the result of the exercise of the discretion of the Association under section 15.1.

15.1(1) When a person obtains a judgment against a licensed agent or a designated representative or salesman of a licensed agent that

- (a) is based on a finding of fraud or breach of trust in respect of a trade in real estate when he was a licensed agent or a designated representative or salesman of a licensed agent,
- (b) has become final by reason of lapse of time or of being confirmed by the highest court to which that judgment may be appealed, and
- (c) is not satisfied within 30 days of the date that it became final,

- (b) has become final by reason of lapse of time or of being confirmed by the highest court to which that judgment may be appealed, and*
- (c) is not satisfied within 30 days of the date that it becomes final,*
the bond is forfeited on the Superintendent notifying the surety in writing that the judgment remains unsatisfied 30 days after the date that it becomes final.
- (2) When a bond is forfeited under subsection (1), the surety shall pay to the Minister*
 - (a) the amount of the judgment in respect of which the bond was forfeited within 60 days of the date that the bond was forfeited, and*
 - (b) the amount of any other judgment obtained against that agent who was the principal under that bond, his designated representative or a salesman employed by him which*
 - (i) is based on a finding of fraud or breach of trust in respect of a trade in real estate,*
 - (ii) has, within 2 years of the date that the bond was forfeited, become final by reason of lapse of time or of being confirmed by the highest court to which the judgment may be appealed, and*
 - (iii) remains unsatisfied 30 days after the judgment became final,*
within 60 days of being notified in writing by the Superintendent that the judgment has become final.
- (3) When the Minister receives money under subsection (2), he shall pay that money into the Court in trust for those persons who obtained judgments referred to in subsection (2) and on receiving all the money payable under subsection (2) the Court shall, after 2 years have expired from the date the bond was forfeited, pay out that money to those persons who obtained those judgments.*
- (4) When*
 - (a) the total amount paid to the Minister by the surety under subsection (2) is less than the face value of the bond forfeited under subsection (1),*
 - (b) within 2 years of the date that the bond was forfeited, an action is commenced against that agent who was the principal under that bond, his designated representative or a salesman employed by him alleging fraud or breach of trust in respect of a trade in real estate, and*
 - (c) judgment is obtained in that action against that agent, his designated representative or a salesman employed by him which*
 - (i) is based on a finding of fraud or breach of trust in respect of a trade in real estate,*
 - (ii) has become final by reason of lapse of time or of being confirmed by the highest court to which the judgment may be appealed, and*
 - (iii) remains unsatisfied 30 days after the judgment became final,*
the surety shall pay to the Minister the amount of the judgment within 60 days of being notified in writing by the Superintendent that the judgment has become final.
- (5) When the Minister receives money under subsection (4), he shall pay that money into the Court in trust for those persons who obtained judgments referred to in subsection (4) and on receiving all the money payable under subsection (4) the Court shall, after determining to its satisfaction*

he may apply to the Association for compensation from the Fund.

(2) Subject to the regulations, where an application has been made under subsection (1), the Association shall pay to the applicant the amount of the unsatisfied portion of the judgment.

(3) When any payment has been made from the Fund, the Association is subrogated to the rights, remedies and securities to which the person receiving the payment was entitled as against the defaulting agent, designated representative or salesman or against the defaulting agent's, designated representative's or salesman's trustee, assign, estate or personal representative and those rights, remedies and securities may be enforced or realized, as the case may be, in the name of the Association.

15.2(1) Not later than March 31 in each year, the Association

(a) shall cause a report to be prepared as to the Fund and all dispositions made from it during the previous calendar year, and

(b) shall cause a copy of the report to be delivered to the Superintendent.

(2) In addition to the report under subsection (1), the Association shall provide the Superintendent with financial statements or other information concerning the Fund when required to do so by the Superintendent.

(3) The Superintendent may investigate and inquire into any matter relating to the Fund, and sections 16, 17 and 22 apply to the investigation or inquiry.

15.3(1) If the amount of the Fund at any time falls below the amount prescribed in the regulations, the Association shall immediately advise the Superintendent.

(2) If the amount of the Fund is less than the amount prescribed in the regulations or the Superintendent considers it in the public interest to do so, he may order that the Fund be wound up in accordance with the regulations.

(3) When the Superintendent makes an order under subsection (2), every licensed agent and every applicant for an agent's licence shall provide the Superintendent with a bond in accordance with the regulations before he or any salesman employed by him trades in real estate.

13 Section 19 is repealed and the following is substituted:

19 The Superintendent,

(a) where he is about to investigate or during or after the investigation of a person under section 16,

(b) where he is about to cancel or suspend or has cancelled or suspended the licence of an agent,

(c) where

(i) criminal proceedings, or

that those actions referred to in subsection (4) that were commenced have been concluded, pay out that money to those persons who obtained judgments.

(6) When the amount of money paid into Court under subsection (3) is insufficient to satisfy the judgments referred to in subsection (2), the Court shall pay out the money on a pro rata basis.

(7) When the amount of money paid into Court under subsection (5) is insufficient to satisfy the judgments referred to in subsection (4), the Court shall pay out the money on a pro rata basis.

(8) Notwithstanding anything in this Act, the total liability of a surety under a bond shall not exceed the face value of that bond.

15 A licence issued to an agent under this Act terminates on the bond provided by that agent to the Superintendent under this Act being

(a) forfeited, or

(b) terminated, unless prior to that bond being terminated that agent provides the Superintendent with a bond to replace the bond being terminated.

13 Section 19 presently reads:

19 When 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 bank, trust company, credit union or treasury branch

(a) with which the person being investigated maintains a trust account, or

(b) with which are deposited funds or securities considered by the Superintendent or the person making the investigation to have been de-

(ii) proceedings in respect of a violation of this Act or the regulations

that, in the opinion of the Superintendent, are connected with or arise out of a trade in real estate, are about to be or have been instituted against any person, or

(d) where he has reason to believe that the trust funds in a licensed agent's trust account are less than the amount for which the agent is accountable,

may do any or all of the following:

(e) apply to the Court of Queen's Bench by way of originating notice for the appointment of a receiver, receiver manager or trustee to hold or manage, as the case may be, all or part of the property of that person;

(f) in writing

(i) direct any person having on deposit or under his control or for safekeeping any funds or securities of a person referred to in clause (a), (b), (c) or (d) to hold those funds or securities,

(ii) direct a person referred to in clause (a), (b), (c) or (d) to refrain from withdrawing funds or securities referred to in subclause (i) from any person who has them on deposit, under control or for safekeeping, or

(iii) direct a person referred to in clause (a), (b), (c) or (d) to hold any funds or securities of clients or others that he has in his possession or under his control in trust for a receiver appointed under clause (e) or for an interim receiver, custodian, trustee, receiver, receiver and manager or liquidator appointed under the *Bankruptcy Act* (Canada), the *Judicature Act*, the *Companies Act*, the *Business Corporations Act* or the *Winding-up Act* (Canada), as the case may be,

until the Superintendent in writing revokes the direction or consents to release any particular fund or security from the direction.

14 *Section 21 is repealed.*

posited in connection with a trade in real estate in respect of which the investigation is being made,
to hold the funds or securities, as the case may be, until the Superintendent in writing either revokes the order or consents to release any particular fund or security or portion of a fund or security from the order.

14 Section 21 presently reads:

21 When

(a) pursuant to section 16, an investigation is about to commence, is taking place or has been completed,

(b) the Superintendent has made an order under section 18 or 19, or

(c) criminal proceedings or proceedings in respect of a contravention of this Act have been instituted against a licensed person that, in the opinion of the Superintendent, are related to trust funds or the use of trust funds,

the Superintendent may apply to the Court by way of originating notice for the appointment of a receiver or a receiver and manager or a trustee to hold or manage, as the case may be, all or part of the property of the licensed person.

15 Section 26 is amended by adding “or salesman” after “licensed person”.

16 Section 27(8) is amended by striking out “licensed” wherever it occurs.

17 Section 29 is amended in subsection (1)

(a) by adding “or salesman” after “whatsoever a licensed person”, and

(b) in clause (b) by adding “or salesman, as the case may be” after “person”.

18 Section 30 is repealed and the following is substituted:

30(1) No licensed person shall trade in real estate as an agent in any name other than that which appears on his licence.

(2) No salesman shall trade in real estate in any name other than that of the agent who employs him.

(3) No licensed person or salesman shall trade in real estate

(a) on behalf of himself or another person until he has disclosed in writing to the parties he is dealing with

(i) any interest, direct or indirect, that he or any other licensed person or salesman has in the real estate as vendor or purchaser, and

(ii) that he is licensed under this Act or employed by a licensed agent, as the case may be,

or

(b) on behalf of another licensed person or salesman until he has disclosed in writing to the parties he is dealing with that he and that other person are licensed persons or salesmen, as the case may be.

15 Section 26 presently reads:

26 A licensed person shall not,

(a) subject to section 27, make a representation to a vendor that he or another person on his behalf will pay to the vendor of real estate within a fixed or determinable period of time, a fixed or determinable amount of money, or

(b) subject to section 28, make a representation to a person that he or another person will

(i) obtain a mortgage, lease or loan,

(ii) have the term of a mortgage or lease altered, or

(iii) assume or assign a mortgage or an agreement for sale.

16 Section 27(8) presently reads:

(8) A licensed salesman or a designated representative shall not enter into a guaranteed sale agreement except in the course of his employment on behalf of the agent by whom that licensed salesman or designated representative is employed.

17 Section 29 presently reads:

29(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.

(2) A reference to the name of a salesman in the advertisement of an agent referred to in subsection (1) shall clearly indicate that the real estate agent is the employer of the salesman.

18 Section 30 presently reads:

30 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 until he has disclosed in writing to the parties he is dealing with that he is licensed under this Act;

(c) on behalf of another licensed person until he has disclosed in writing to the parties he is dealing with that he and that other licensed person are licensed under this Act.

19 *Section 31 is amended by striking out “or an unlicensed salesman” wherever it occurs.*

20 *Section 32 is repealed and the following is substituted:*

32 A licensed agent shall not pay a commission or other fee for services rendered in connection with a trade in real estate except to

- (a) a salesman employed by him,
- (b) an agent who is licensed under this Act or similar legislation in a jurisdiction outside Alberta, or
- (c) an auctioneer licensed under the *Public Auctions Act*, where the trade is made in the course of and as part of his duties as auctioneer.

21 *Section 34 is amended*

(a) *in clause (a)*

(i) *by striking out “of the Superintendent” and substituting “of the Association”, and*

(ii) *by striking out “and”;*

(b) *by adding the following after clause (a):*

(a.1) shall not pay a commission or other fee to any person for services rendered in connection with a trade in real estate, and

22 *Section 37 is amended by adding “or salesman” after “licensed person”.*

23 *Section 38(1)(b)(i) is repealed.*

19 Section 31 presently reads:

31 *No agent shall*

- (a) employ, permit or engage the salesman of another agent or an unlicensed salesman to trade in real estate, or*
- (b) pay commission or other remuneration to a salesman of another agent or an unlicensed salesman.*

20 Section 32 presently reads:

32 A licensed agent shall not pay a commission or other fee for services rendered in connection with a trade in real estate except to a licensed salesman employed by him or to an agent who is licensed pursuant to this Act or comparable legislation in another jurisdiction in Canada or elsewhere.

21 Section 34 presently reads:

34 *A salesman*

- (a) shall not trade in real estate on behalf of an agent other than the agent who, according to the records of the Superintendent, is his employer, and*
- (b) is not entitled to and shall not accept a commission or other remuneration for trading in real estate from any person except the agent who is licensed as his employer.*

22 Section 37 presently reads:

37 When a licensed person receives an offer or an acceptance of an offer in writing from a party to a trade in real estate, he shall, as soon as practicable,

- (a) provide that party with a true copy of that offer or acceptance, and*
- (b) deliver a true copy of that offer or acceptance to the other parties to that trade.*

23 Section 38(1) presently reads:

38(1) A person shall not, directly or indirectly, trade in real estate located outside of Alberta unless

- (a) that trade takes place through an agent licensed under this Act, and*
- (b) that person has*
 - (i) received written authorization under section 39 from the Superintendent to trade in that real estate, or*
 - (ii) filed a prospectus with the Superintendent and been issued a certificate of acceptance under section 45 in respect of that prospectus.*

24 *Section 39 is repealed.*

25 *Section 48(2) is repealed and the following is substituted:*

(2) A prospectus expires 12 calendar months from the date on which the Superintendent grants a certificate of acceptance in respect of that prospectus.

26 *Section 50(2) is repealed and the following is substituted:*

(2) In addition to any other fine or penalty imposed, a person who is convicted

(a) of trading in real estate without being a licensed agent or the designated representative or salesman of a licensed agent, contrary to section 3(1), or

(b) of employing a salesman who is not qualified or with respect to whom all assurance fund levies have not been paid, contrary to section 4,

shall return any commission or other remuneration he or a salesman employed by him received from any person on whose behalf he acted while in contravention of those sections.

27 *Section 56 is amended*

(a) *in clause (c) by striking out “an applicant for a licence” and substituting “agents and salesmen”;*

(b) *by adding the following after clause (c):*

(c.1) respecting the administration of the Fund and the levy of assessments for the Fund;

(c.2) prescribing the conditions to be met before any claim is paid from the Fund;

(c.3) respecting the limits of liability of the Fund;

(c.4) prescribing the time within which claims against the Fund must be made;

(c.5) prescribing the amount referred to in section 15.3;

(c.6) respecting the winding-up of the Fund under section 15.3;

24 Section 39 presently reads:

39(1) When a person wishes to be given written authorization to trade in real estate located outside of Alberta without filing a prospectus, he shall

(a) apply to the Superintendent, and

(b) provide any information the Superintendent requires.

(2) When the Superintendent is satisfied that a trade may take place without the necessity of a prospectus being filed, he may give written authorization for that trade to take place.

(3) The Superintendent may at any time cancel a written authorization and require that a prospectus be filed in respect of a trade.

(4) On the Superintendent giving written authorization under this section, sections 40, 41, 43, 45, 46 and 48 do not apply in respect of the trade during the period that the written authorization is in force.

25 Section 48(2) presently reads:

(2) When the trading referred to in section 38 is still in progress 12 months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Superintendent within 20 days from the expiration of that 12-month period.

26 Section 50(2) presently reads:

(2) When a person is convicted

(a) of trading in real estate without being licensed contrary to section 3(1), or

(b) of employing a salesman who is not licensed contrary to section 31,

he shall, notwithstanding that a fine has been imposed on him, return to any person on whose behalf he acted in respect of a trade while not being licensed or while employing a salesman who was not licensed any commission or other remuneration he or that salesman received from that person in respect of that trade.

27 Section 56(c) presently reads:

56 For the purpose of carrying out this Act according to its true intent and of supplying any deficiency in it, the Lieutenant Governor in Council may make regulations

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

(c.7) respecting the forfeiture of bonds provided under section 15.3 or 41(e);

28(1) Notwithstanding section 8(2) of the Real Estate Agents' Licensing Act, the licences of agents and salesmen shall not expire on September 30, 1984 but shall remain in force until the commencement of the other provisions of this Act, unless those licences are sooner cancelled by the Superintendent or are temporary licences.

(2) On the commencement of the other provisions of this Act, the Superintendent shall review all agents' licences and shall issue new licences to those agents who have

(a) applied for a licence,

(b) provided the Superintendent with the prescribed documents and fees, and

(c) otherwise complied with the Real Estate Agents' Licensing Act and the regulations under that Act.

29 Section 14 of the Real Estate Agents' Licensing Act as it read immediately before the commencement of this section shall be deemed to remain in force and to apply with respect to forfeitures of bonds provided to the Superintendent under section 11 of the Real Estate Agents' Licensing Act as it read immediately before the commencement of this section.

30 This Act, except section 28, comes into force on Proclamation.

In accordance with section 4(1) of the Interpretation Act, sections 28 and 30 of this Bill come into force on the date it receives Royal Assent.

28 Transitional. Expiry of licences.

29 Transitional. Bonds.