

BILL

No. 71 of 1929.

An Act to Provide for the Licensing of Real Estate Agents and Real Estate Salesmen.

(Assented to . . . 1929.)

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

SHORT TITLE.

1. This Act may be cited as "*The Real Estate Agents' Licensing Act*."

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

- (a) "Minister" shall mean the Provincial Treasurer, or any member of the Executive Council to whom from time to time may be transferred, either for a limited period or otherwise, the powers and duties which are by this Act assigned to the Minister;
- (b) "Person" shall include any partnership, association, or corporation;
- (c) "Prescribed" shall mean prescribed by this Act or the regulations made under this Act;
- (d) "Real estate agent" shall mean any person who, for others, and for compensation or profit, or promise thereof, sells, exchanges, or buys, or offers or attempts to negotiate a sale, exchange, or purchase of real estate;
- (e) "Real estate salesman" shall mean any person who is employed by a real estate agent to negotiate the sale, exchange, or purchase of real estate;
- (f) "Superintendent" shall mean the Superintendent of Insurance or the Deputy Superintendent appointed under the provisions of *The Alberta Insurance Act*.

3. This Act shall not apply to—

- (a) any person in respect of real estate owned by him or in which he has a substantial interest;
- (b) any trust company carrying on business in the Province of Alberta, in so far as estates under administration by such trust company or under its management are concerned;
- (c) any member in good standing of the Law Society of Alberta;

- (d) any liquidator, receiver, trustee in bankruptcy or any person acting as directed by the provisions of any statute or under the order of any Court, or any trustee selling under the terms of any will, marriage settlement or deed of trust;
- (e) any regular employee of a marriage or trust corporation engaged in selling the lands of his employer;
- (f) any person acting under a written power of attorney from the owner.

4.—(1) No person who is not the holder of a subsisting license shall act as a real estate agent or real estate salesman in the Province.

(2) A firm, partnership or corporation may apply for and obtain a license, but on application shall nominate an officer or member of such firm, partnership or corporation, whose name shall appear on the license and who shall act as a real estate agent.

(3) Any associate, partner or employee of a real estate agent, and any officer, member or employee of a firm, partnership or corporation licensed as a real estate agent may apply for and obtain a license authorizing the holder thereof to act as a real estate salesman, and every application for a license of a real estate salesman shall have attached thereto in a form approved by the Superintendent a recommendation of the applicant, made by a licensed real estate agent, along with a declaration that the applicant, if granted a license, is to act as a real estate salesman employed by and representing the real estate agent making the declaration, and the license shall have inscribed thereon the name of such real estate agent as principal of the licensee.

5. Every applicant for a license under this Act shall deliver to the Superintendent an application in the form prescribed by him.

6. Upon receipt of an application for a license and upon payment of the prescribed fee, the Superintendent may issue to the applicant a license authorizing the holder during the term thereof to carry on the business of a real estate agent or act as a real estate salesman within Alberta, but if the Superintendent, after due investigation made by him or his representative, is, for any reason, of opinion that the application should not be granted, he may at his uncontrolled discretion refuse a license to such applicant.

7. Every license shall expire on the thirtieth day of June of each year, but may be renewed on due application to the Superintendent and payment of the prescribed fee, unless previously revoked or suspended by the Superintendent.

8. On the date a real estate salesman severs his connection with, or ceases to be the representative of, the real estate agent whose name appears as principal on the license issued to such real estate salesman, such license shall be suspended, and the real estate agent named therein as principal shall forthwith notify the Superintendent, in writing, that the relationship of principal and agent as it existed under the license has been terminated, and shall state the reason why the relationship has been terminated, and the license of such real estate salesman shall remain suspended, but may be reinstated at any time, subject to the discretion of the Superintendent, upon filing with the Superintendent notice of a new appointment as a real estate salesman and upon payment of a fee of one dollar.

9. Any person who claims to have been damaged by the incompetency or dishonest dealing of a real estate agent or real estate salesman, or who claims to have knowledge of such incompetency or dishonest dealing, may file with the Superintendent a complaint in writing, setting forth the cause of complaint, with full particulars verified by statutory declaration.

10. The Superintendent may revoke the license of any real estate agent or real estate salesman if after due investigation by him or his agent he determines that the real estate agent or real estate salesman to whom the license was issued has violated any of the provisions of this Act, or of the regulations made thereunder or of the laws of Canada respecting the misappropriation of money or is incompetent, untrustworthy, or dishonest, and when the license of a real estate agent is revoked the license of a real estate salesman (if any) acting as the representative of such real estate agent shall thereupon be suspended.

11. When the license of a real estate agent or real estate salesman has been revoked, the Superintendent, on application, may in his discretion renew such license.

12. When a license has been revoked or suspended by the Superintendent and the licensee feels himself aggrieved, he may appeal to the Minister to have the license reinstated, whereupon the Minister shall investigate the circumstances under which the license was revoked or suspended, and shall either reinstate the license or confirm the revocation.

13. No person who is not the holder of a license as a real estate agent or a real estate salesman shall collect, or attempt to collect, compensation for any act or expenditure done or incurred by him in respect of the negotiation of any sale, exchange or purchase of real estate.

14. No person shall be entitled to recover any compensation for any act done in contravention of the provisions

of this Act, or to reimbursement for any expenditure incurred by him in or in connection with the doing of any such act.

15. Any person violating any of the provisions of this Act or of any rules or regulations made thereunder, or omitting or refusing or neglecting to fulfil, perform, observe, or carry out any duty or obligation created or imposed by this Act or any rules or regulations made thereunder, shall be liable upon summary conviction to a penalty of not less than twenty dollars and costs, and not more than two hundred dollars and costs, for every such offence.

16. In any prosecution under this Act, where the accused pleads that at the time of the act or omission complained of he was the holder of a license, the burden of proof shall be on the accused.

17. Every prosecution under this Act shall be commenced within two years from the date at which the offence is alleged to have been committed.

18. The fees payable under this Act shall be as follows:

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| (a) for the license of a real estate agent in towns or cities having a population of 5,000 or more | \$7.50 |
| (b) for the license of a real estate agent in towns or cities having a population of less than 5,000 | 5.00 |
| (c) for the license of a real estate agent in any other part of the Province | 2.00 |
| (d) for the license of a real estate salesman | 2.00 |
| (e) for amending or reinstating a license | 1.00 |

19. For the purpose of carrying the provisions of this Act into effect, the Lieutenant Governor in Council may make such regulations as may be deemed necessary or advisable.

THIRD SESSION

SIXTH LEGISLATURE

19 GEORGE V

1929

BILL

An Act to Provide for the Licensing
of Real Estate Agents and Real
Estate Salesmen.

Received and read the

First time.....

Second time.....

Third time.....

Hon. Mr. LAWRENCE

EDMONTON:
W. T. NELSON, ROYAL PRINTER
A.D. 1929