

profession BROKER

The publication for Québec real estate brokerage professionals

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Access the online version of the newsletter directly from your mobile phone



OACIQ
ORGANISME D'AUTORÉGLEMENTATION
DU COURTAGE IMMOBILIER DU QUÉBEC

A NOTE OF CAUTION

Profession Broker is a publication for real estate professionals, licence holders of the Organisme d'autoréglementation du courtage immobilier du Québec (OACIQ). It covers various topics related to the application of the Real Estate Brokerage Act and its regulations, including legal and ethical issues related to the practice of real estate brokerage and the real estate market.

Any advertising appearing in this publication is intended for real estate brokerage professionals and does not in any way reflect the opinions, positions or actions of the Organisme d'autoréglementation du courtage immobilier du Québec, whose primary mission under the law is the protection of the public.

Serge Brousseau elected chairman of the OACIQ board of directors



Friday, June 10th, the directors of the board of the Organisme d'autoréglementation du courtage immobilier du Québec (OACIQ) have elected **Mr. Serge Brousseau** chairman of the board of directors. Mr. Brousseau succeeds Mr. François Léger who has held the position for two years.

A long experience

Serge Brousseau has a solid experience of 25 years in real estate brokerage. In addition to developing his expertise on the field as broker first, then as manager of an establishment, Mr. Brousseau was a member of the board of directors of the Association des courtiers et agents immobiliers du Québec (ACAIQ) from 1996 to 2007. He was the vice-chairman of the board of directors from 1999 to 2001 and the chairman from 2001 to 2007. Serge Brousseau had also acted as the president of the Chambre immobilière du Grand Montréal (CIGM) from 1997 to 1998.

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Continued on page 2



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Organisme d'autoréglementation du courtage immobilier du Québec

MEMBERS OF THE BOARD OF DIRECTORS**Elected Chairman**

Serge Brousseau

Elected Directors

Louis Cayer
Richard Dion
Hélène Lavoie
Daniel Pelchat
Johanne Roy
Bernard Savard
Carole Strasbourg

Directors appointed by the Minister of Finance

Pierre Carrier
Nathalie Ebnoether
Claude Rousseau

President and Chief Executive Officer

Robert Nadeau

Secretary appointed by the Board

Claude Barsalou

Composition of the board of directors

Note that eight elected members occupy a seat on OACIQ board of directors and that three members are appointed by the Minister of Finance.

Members of the Board of Directors**Elected Directors**

Serge Brousseau, Chairman of the Board
Johanne Roy, Vice-Chair of the Board
Daniel Pelchat, Treasurer of the Board
Louis Cayer
Richard Dion
Hélène Lavoie
Bernard Savard
Carole Strasbourg

Regions

Montréal
Montréal
Central
Montréal
Québec
Northeast
Montréal
Western

Directors appointed by the Minister of Finance

Pierre Carrier
Nathalie Ebnoether
Claude Rousseau

Secretary appointed by the Board of Directors

Claude Barsalou, Vice President, General Management

President and Chief executive officer of the Organization

Robert Nadeau

New election in November

A new election for the chairman of the board position will be held next November by the members of the Board of Directors, for a one-year term. At the same time, the vice-chairman and the treasurer will be elected. ●

Election 2011 concerning the OACIQ board of directors

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Library and Archives Canada
ISSN 1925-0061



The elections, which were electronically conducted, have ended on May 27, 2011 at 16:00.

In the Montreal region, **Mrs Johanne Roy** and **Mr Bernard Savard** have been elected as members of the board of directors. Has also been elected as a member of the board of directors **Mrs Carole Strasbourg** for the Western region. With the exception of Mrs Johanne Roy who has already been a member of the board of directors, they will take office on June 26, 2011.

You can consult the details of the OACIQ elections' results on our website. ●



Mrs Johanne Roy



Mr Bernard Savard



Mrs Carole Strasbourg



Synbad :

Simplified functions

In response to the comments that have been addressed to us, we have taken some actions to optimize the access to Synbad and to the OACIQ registration events and training activities..

Here are some of these actions:

- Simplifying the password setting process.
- Changing the data capture box to include in it a "Request new password" button
- Reorganizing the information related to the password resetting data capture box.
- Reorganizing the different graphic elements to simplify access
- Adding explanatory texts
- Simplifying registration process

For your first log in to Synbad

To facilitate your first log in to the new version of *Synbad*, we would like to advise you to refer to the *New Synbad: Things to do when you log in for the first time* article. It is possible to access this article directly from www.oaciq.com by clicking on the "**Help**" button located at the lower right corner of the "Open a *Synbad* session" window.

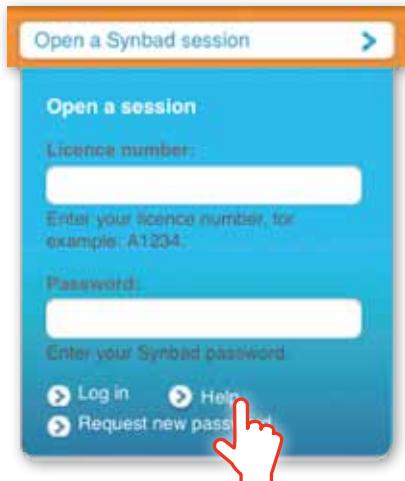
It is not over yet

The establishment of the new website is in itself a major project. Be aware that we will continue to put all necessary efforts to improve the navigation and to facilitate to you the access to *Synbad* as well as to the registration to our events and training activities.

Any suggestions?

If you have any suggestions for us concerning the navigation on our new website, do not hesitate to email the communication department at stfournier@oaciq.com. We will take your suggestions into account in the future changes that we will make to the website.

Your comments are useful for us to improve the services that we are developing for you.●



Info OACIQ
Telephone Information
Centre

The information agents in our Info OACIQ Centre are there to answer your questions and guide you to our various services.

Please contact the Info OACIQ Information Centre by email at info@oaciq.com, making sure to include your complete contact information so an information agent can call you back

You can also reach the Centre at **450 462-9800** or **1 800 440-7170** between 9:00 a.m. and 4:00 p.m. on Monday, Tuesday, Thursday and Friday, and between 10:00 a.m. and 4:00 p.m. on Wednesday. ●



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The **NEW FORMS** have held your attention

It was on May 5th that the consultations on the new forms, conducted as part of the OACIQ forms review process, have ended.

Consultations in two phases

The consultations on the new forms took place in two times:

- Electronically through a blog, from March 9th to March 25th
The content of the blog is still available for consultation. To access it, you should open a *Synbad* session on www.oaciq.com and then click on the *Blog on the new forms* heading.
- Live consultations from April 19 to May 5, 2011

Participation statistics

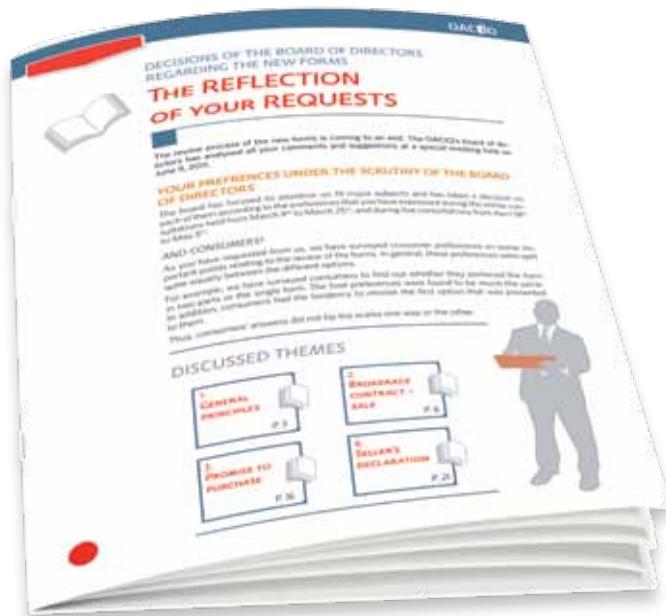
Concerning the online consultations on the new forms, we have registered more than 15,000 consultations on the blog and about 1,400 comments on different suggested amendments.

Live consultations have resulted as well in 29 sessions and have attracted 1,305 brokers.

Your comments and suggestions

We have done a summary of all your comments that have been expressed during the live consultations and on the blog. These comments were submitted to the OACIQ's Board of Directors who examined them at the meeting of June 9, 2011. For all details regarding the decisions rendered on these comments, brokers can consult [the insert on the new forms](#).

Thank you for taking part in these consultations. We are thus more able to understand your expectations about these new work tools. ●



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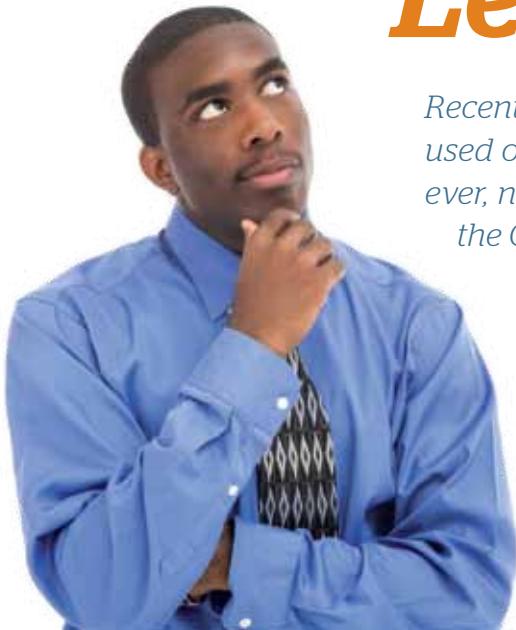
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www.reic.ca

Something bothering you? Let us know about it!



Recently, a broker has contacted us to inform us that a window company has used our logo on its website, associating us with one of its promotions. However, no partnership agreement had been signed between this company and the OACIQ authorizing it to use our logo..

Due to the intervention of this broker, we have been able to quickly request the removal of our logo from the website of this company.

If you notice something weird

We encourage you to write to the Info OACIQ Center at info@oaciq.com when you witness something that concerns you. You can also contact our Center by dialing 450 462-9800 or 1 800 440-7170.

So we can act quickly to avoid situations that could undermine your credibility or suggest that we approve the activities in which we are associated without our consent. ●

What the OACiQ is doing for YOU

Info OACIQ Center

A center of which the usefulness
cannot be denied

The Info OACIQ Center has registered an increase of 35% in information requests for one year. While at the end of May 2010, 24 000 requests have been logged to the Center, over 32 400 requests were made for the same period of the year in 2011.

Synbad is highly demanded

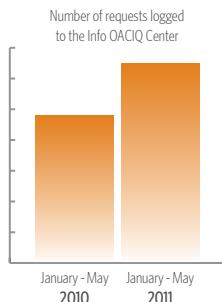
In recent months, many of you have had to call us to have access to *Synbad* (the OACIQ's extranet). The following pages were particularly visited:

- Registration to examinations;
 - Licence issue;
 - Electronic forms;
 - User's accounts.

Do not hesitate to use the OACIQ's extranet because it includes a lot of interesting information for you. With *Synbad*, you have access to information reserved for licence holders and which is not found on the public site. There is no reason to ignore it!

Well qualified agents to assist you

We would like to remind you that information agents of Info OACIQ Center are all real estate brokers who are well equipped to provide you with information concerning residential, commercial or mortgage transactions and various services of the OACIQ. Please feel free to contact them.



Education

Documenting your files properly is important!

The OACIQ's Continuing Education Department has developed for you the new training: ***Why should records be documented properly***, which will be disseminated during autumn. By registering for this training:

- You will deepen your skills regarding the duties and obligations relating to records' documentation;
 - You will improve your records' documentation during inspections;
 - You will be aware of the importance of good practices in documentation and you will be well prepared to use them.

How to register for an education activity

To register for an education activity:

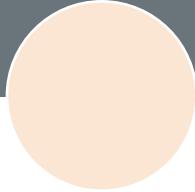
- From the OACIQ's website (www.oaciq.com), click on "**Open a *Synbad* session**".
 - At the bottom of the homepage, click on "**Training calendar**".
 - Once the calendar is on the screen, select a month and a day of your choice and then scroll the page; you can then read about the activities offered,
 - Click on the "**Register**" tab located at the bottom of the activity you are interested in.

OACIQ Ontario Association of Chartered Insurance Officers an industry association of brokers			
InfoExpress	Resources	The OACIQ	Symbol
Buying or selling a home Parts and accessories Building and development Broker code of ethics and regulations	Register of license holders Calendar of events Discipline committee Emergency housing information Fees of insurance Percent of insurance premiums Members of the Discipline Committee Continuing education	About the OACIQ Mission and history Administration Board of directors Committees Careers at the OACIQ Statistics By-laws and Regulations Professional Broker Newsletter	News My record GADD e-Store Electronic Forms Standard clauses Permits program Submit e-mail Inspections Using the legal blog Blog on the new forms
Setting a premium Request of disclosure Information requests Including one's assessment Broker code of ethics and regulations	Broker's comment		



Make your advertising in accordance with the new Act:

Next November 1st



Be vigilant!

*As of November 1st, your advertising must be in compliance with the new rules enacted in the new Real Estate Brokerage Act and its regulations. The transitional measures gave brokers and agencies an 18-month deadline to comply with these new rules, to get rid of their business cards, signs, letterhead paper, etc. But at the end of this deadline, **your advertising tools should reflect the new rules. It is time to think about it!***

What are the main changes introduced by the new Act?

The new advertising rules have been simplified. They have been standardized for any type of advertising (business cards, letterhead paper, signs, brochures, television, emails, Internet etc.) except periodicals (newspapers, magazines).

Thus, **as of November 1, 2011 (or before)**, the following statements must appear:

1. The **LAST NAME** and the **FIRST NAME** as they appear on your licence (that can be the common name by which you are known)
2. The complete name of the **LICENCE TYPE** that you hold. In the case of an advertisement made in a periodical, this statement may be replaced by a recognized abbreviation.
 - Real estate broker (R.E. Bkr)
 - Mortgage broker (Mtng. Bkr)
 - Agency (Agcy)
 - Residential (Res.)
 - Commercial (Comm.)

Make sure to properly indicate the licence that you hold. The mention «Chartered» is reserved for brokers who have the required qualifications to be agency executive officers.

3. The full name of the **AGENCY** for which you are acting, if applicable.
4. The licence type that the agency holds. This statement is optional in the case of an advertisement made in a periodical.
 - The agency's address and phone number are no longer required, subject to the agency's requirements.

The pictures of you must be taken within less than 5 years!

Complying with the new advertising rules is a must, and the OACIQ offers you many ways to familiarize you with them. You can:

- Consult our **Advertising Guide** which includes all rules that you need to know, either at the level of their application or their ethical implication. You can access it by clicking on *Brochures, folders and various documents*, at www.oaciq.com/en/publications.
- Take this opportunity to register for our training on advertising and cumulate at the same time continuing education units (CEU).
- Contact the Info OACIQ Center at info@oaciq.com.

Last advice: As broker, submit your advertisement to your agency's executive officer before investing time and money to ensure that is totally in conformity with the rules. ●



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business insurance covering the professional activities of real estate and mortgage agencies and brokers as well as the commercial use of their properties

* Some conditions apply

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FINANCIAL SERVICES FIRM

CONTEST



The OACIQ licence holders can register at **dpmm.ca/oaciq** from May 15 to November 30, 2011 to get a chance to win one of 3 **iPad 2 64G**

Value of \$900 each. Details and contest rules are available on Website.



Electronic document management: Digitization, give it more importance

In the context of using an electronic document management system, we should not underestimate the process of digitizing documents preceding its input in your EDM system.

When an EDM system offers an integrated digitizing tool, we must ensure that the tool guarantees the integrity of the document. For this purpose, the system records the necessary data in order to meet the requirement of the Act to establish a legal framework for information technology and the Real Estate Brokerage Act. Agencies using such a system can destroy paper documents because the system records the transfer process data from paper copy into electronic copy and even the digitization's tool. Therefore, these digitized documents are originals.

When an EDM system does not contain an integrated digitization system, you should document by writing the digitization process that you are using according to the criteria listed below. In the absence of such a written process, **you cannot destroy paper documents**. These digitized documents are not originals, but just copies.

How should a digitization process be documented?

Documentation should include:

- The original document format (in our case, paper);
- The transfer process used, i.e. a complete description of the equipment used and of the transfer process (by whom, when and how documents were digitized);
- The guarantees the transfer process offers regarding the preservation of the integrity of the documents, which implies a description of the quality control methods used as well as retaining the technical specifications of the digitizer(s) used. Choosing a standardized file format (PDF/A for example) helps in ensuring the preservation of information.
- Digitization procedure must particularly describe the resolution settings and the image mode that will ensure the best image quality. The OACIQ recognizes the image settings suggested by the Bibliothèque et Archives Nationale du Québec (BANQ), which is 300dpi and accepts an image mode in black and white.

If digitization is done by brokers acting on behalf of an agency, the latter should obtain the description of the equipment used and maintain this list updated. The agency should also provide them with a detailed digitization procedure.

This documentation must be kept throughout the life cycle of the document resulting from the digitization.

For more information on how the digitization process should be documented, please refer to [article no. 18583](#) entitled "Document before you destroy", available on our website www.oaciq.com.

Responsibility of agency executive officer

The executive officer is responsible within his agency to establish applicable rules relating to the retention and the destruction of documents. Therefore, it is possible that an agency executive officer requires receiving the original documents and then performing a quality control before destroying documents.

He is also responsible to specify the time when he can destroy paper documents, depending on his comfort zone. An agency executive officer may decide to retain original documents for a specific period (retention period) or at least until he ensures that records were completely saved. For example, he may decide to destroy paper documents every month or every quarter or maybe he can retain them for a year before destroying them.

Change management

There are certain advantages in adopting an EDM system, but we must be aware that the transfer of a paper document into an electronic one cannot be done haphazardly and it takes time. Therefore, we must adjust our methods and procedures. If there is any sector where we cannot ignore the rules, it is absolutely the electronic documents management. It preserves the legal value thereof...

To retain

- The digitization process of documents must be documented in order to be able to destroy paper documents and thus give a legal value for the digitized documents.
- The executive officer of an agency is responsible for issuing clear instructions for his brokers concerning document management (electronic and paper).
- The EDM includes many advantages and some challenges, such as change management related to work habits.

Reminder

Notices of disclosure (purchase, sale, exchange or mortgage loan)

The Inspection Department reminds you that you no longer have to send disclosure notices (purchase, sale, exchange or mortgage loan) to the OACIQ. These notices must be submitted to your agency that will register them in a register and keep them in a file specific to disclosure notices. Moreover, please note that there are new forms of disclosure notices for the purchase, sale and exchange as well as a specific notice of disclosure used when a broker acts as mortgage lender.

Obligation for real estate and mortgage agencies and real estate and mortgage brokers acting on their account

1) Establish a register of disclosure notices

You must establish a register of disclosure notices in which the information contained in each notice completed by brokers will be reproduced. Before March 31st of each year, a copy of this register must be sent to the OACIQ.

2) Establish a file of disclosure notices

You must establish a single file in which all notices of disclosure completed by your brokers (in the case of an agency) or by the broker acting on his account and which are recorded in the disclosure notices' register, will be kept. It could be entitled "Notices of disclosure 20XX".

MOST FREQUENTLY ASKED QUESTIONS

When must the notice of disclosure be recorded in the register of disclosure notices?

The disclosure notices must be entered in the register only when the transaction promise is accepted regardless of whether the conditions are fulfilled or not. Accordingly, when a broker acts as listing broker (indirect interest) or selling broker (direct interest) and he receives no promise to purchase, no entry should be recorded in the register.

What should we register in the "transaction proposal" column?

In the "Drafted on _____ at _____ (am/pm)" section, you must indicate the date and time the "Promise to purchase" is drafted.

In the "Accepted on _____ at _____ (am/pm)" section, you must specify the date and time the "Promise to purchase" has been accepted.

In the "Received by prospective contracting party (parties) of the notice" section, you must specify the date and time at which the prospective contracting parties have received and signed the disclosure notice.

What should we register in the "Nature of interest of Licence holder" column?

Simply specify the nature of the interest by one of the following terms: "direct" or "indirect."

We speak of direct interest when the broker owns or proposes to acquire for himself an interest in an immovable or an enterprise or when acting or proposing to act as lender in respect of a loan secured by immovable hypothec.

We speak of indirect interest when the broker represents one of his relatives, for example, his father, mother, spouse, child, brother or sister. When in doubt, disclose!

To obtain the various disclosure forms and register, visit the OACIQ website at www.oaciq.com under "Resources", then under "Inspection" heading, section "Related Contents - Inspection Forms".

For all questions, do not hesitate to contact the Inspection Department at 450 462-9800, extension 8455.

Please read  article no. 16707 on our website: New notices of disclosure. ●

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The OACIQ presents its first annual report's highlights

Last March, the OACIQ published its first annual report. This report establishes a complete review of activities of each sector of the Organization for 2010, a year that witnessed the coming into force of the new Real Estate Brokerage Act, as you already know. Note that this year, the report of the Fonds d'assurance responsabilité du courtage immobilier du Québec (FARCIQ) was included in the OACIQ's report.

Here are the highlights of the OACIQ's annual report.

Licence Maintenance 2010

Many of the Organization's resources had to be mobilized to set up oversight parameters for this licence maintenance operation. Overall, this operation was a success.

Mandatory continuing education

In 2010, much of our time was devoted to the delivery of the mandatory continuing education activity on the new Act. Despite the high number of brokers to train, everything went very smoothly, from planning the logistics to presenting the training itself.

Consultations on forms

In 2010, the OACIQ invested much time in another major project: the revision of the Organization's forms to reflect the changes contained in the new Real Estate Brokerage Act and meet brokers' needs. To carry out this revision, the OACIQ launched a vast consultation that required the mobilization of many resources.

Certification

As of January 1, 2011, the number of real estate and mortgage brokers holding a valid licence to practice was substantially higher than it was on January 1, 2010, from 17,621 up to 19,638.

Info OACIQ telephone information centre

The coming into force of the new Real Estate Brokerage Act and a continuing booming market resulted in an important increase in the number of calls received by the Info OACIQ Centre. Whereas about 43,000 requests for information had been logged as of December 31, 2009, this number was over 60,000 requests in 2010, including nearly half of the calls from licence holders.

Illegal brokerage practice

As of December 31, 2010, there were 260 active files regarding illegal brokerage practice, compared to 220 in 2009. This 18% increase shows clearly the Organization's determination to crack down on illegal real estate or mortgage brokerage activity.

MICHAEL R. CONCISTER

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E-mail: mrconcister@bellnet.ca

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Financial statements

In 2010, the OACIQ netted a surplus of \$1,333,508, compared to \$879,755 in 2009, due in part to newcomers to the profession. This has increased the Organization's general operating fund from \$5,209,695 in 2009 to \$6,543,203 in 2010. However, it is important to remember that \$3,104,889 of this surplus has already been allocated to capital investments that we had to make, particularly because of our move to our new head office.

Assistance Service

Following an internal restructuring, responsibility for Assistance OACIQ was transferred from the Office of the Syndic to the office of the Vice President, professional practices. The 1,805 requests logged to the Assistance Service in 2010 have remained relatively stable compared to what they were in 2009.

Discipline Committee

The Committee held 10 hearings on provisional suspension, 66 hearings on guilt (including motion hearings), 30 hearings on penalties and 26 hearings on guilt/penalty following a guilty plea. Postponements were granted 40 times.

Syndic

In total, 322 files were opened in 2010 compared to 346 in 2009. The number of cases under investigation or awaiting review increased in 2010, rising to 362 from 277 in 2009. Among the cases investigated, 92 were referred to our lawyers for a possible filing before the Discipline Committee. As for the number of complaints submitted to the Discipline Committee, it decreased to 83 from its 2009 level of 101.

ANNUAL REPORTS

2010

OACIQ Ouvert à tous les agents immobiliers et aux personnes exerçant une profession réglementée dans le secteur immobilier

Fédération d'assurance responsabilité professionnelle
des conseillers en immobilier et en gestion



Inspection

In 2010, 295 agencies and brokers acting on their own account in residential brokerage, 57 in commercial brokerage and 7 in mortgage brokerage were visited by an inspector. The total number of inspections was lower than in 2009 due to the higher number of competency-based inspections.

Complete annual report

The OACIQ complete 2010 annual report is available on the homepage of the OACIQ's website at www.oaciq.com. To access it, select The OACIQ tab located at the top bar and then click on the About the OACIQ tab. ●



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The 2011-2012 issues regarding illegal practice

One of the OACIQ's mandates is to conduct investigations and bring criminal charges, if any, against the non-licence holders who engage in acts that are reserved for brokers.

In recent years, the assistance requests addressed to the OACIQ concerning illegal practice of real estate or mortgage brokerage have increased substantially.

Since 2005, we have opened more than 1,000 cases concerning this type of requests. Most of them had led to legal proceedings which resulted in the condemnation of offenders.

Three trends

The requests received for 2010 and 2011 suggest three worrying trends.

1. Loan secured by immovable hypothec

First, note the significant increase of investigation requests concerning the loan secured by immovable hypothec.

Denounced Practice

Non-licence holders offer to consumers the opportunity to find for them a loan secured by immovable hypothec in return of a sum of money. In many cases, this amount of money rises to a few thousand dollars, payable in advance or at the signing of the hypothec deed at the notary. A combination of the two methods of payment may also be offered.

Thus, these non-licence holders collect very confidential information on consumers' financial profile through documents that consumers provide for submitting a loan request such as pay slips or investment certificates, employment confirmation letter, notice of assessment from tax authorities, etc.

Sometimes, these acts are even committed with the collaboration of licence holders who introduce the "illegal practitioners" to their clients.

Intervention of the OACIQ

To this date, several offence reports were issued regarding this type of practice and the individuals involved were condemned.

2. Registration to inter-agency services

The requests received by the OACIQ also reveal a problem that has appeared a few months ago concerning the illegal practice.

Denounced Practice

It concerns holders of accreditations issued by real estate brokerage organizations of other provinces making registration on inter-agency services of immovables located in Quebec. This practice violates the Real Estate Brokerage Act because these individuals have no special authorization allowing them to engage in real estate brokerage acts in Quebec.

Intervention of the OACIQ

Recently, the OACIQ has submitted several reports for offences of this kind. However, up to now no sentence has yet been made. The cases are awaiting trial.

3. A risky marketing for consumers

New technologies phenomenon has helped in increasing significantly the number of investigation re-



quests concerning companies or individuals who, under the pretext of making available to owners wishing to sell their immovable an advertising platform, offer a range of ancillary services which are sometimes very close to the limits of illegal practice, and sometimes even go beyond them.

Denounced Practice

The marketing methods used are strangely reminiscent of brokers' methods. In fact, some methods are practically similar to the formats used by licence holders, creating thus confusion among the public. The huge similarities with brokers' own methods may lead the consumer to believe that he is well protected when buying or selling a property. However, the companies or individuals involved are under no obligation of information, verification and advice, compared to brokers who are submitted to these obligations.

Intervention of the OACIQ

Many legal actions were taken against individuals or companies using this type of process, and some sentences were given. A certain number of cases were also under deliberation and judgments are expected.

New tools for preventing illegal practice

With the entry into force of new Real Estate Brokerage Act, new tools were given to us to enable us to better fight against illegal practice. Among these tools, there is the power of search which was devolved to the OACIQ as well as the possibility of applying for an injunction.

Power of search

The OACIQ is now authorized to request from a judge to issue a search warrant.

This warrant can be granted when we have reasonable motives to believe that an offence was committed under Real Estate Brokerage Act and when the evidence is located in a specific place. This warrant authorizes the representative of the OACIQ to enter into a specific location to get documentary or material evidence needed for the demonstration of the offence. This power is much appreciated as it was previously difficult, in some cases, to collect elements of proof.

A first search warrant for the OACIQ

Last February, the OACIQ obtained a search warrant and carried out its first search. This search has enabled us to collect elements of evidence that would have been practically impossible to obtain otherwise.

Injunction

The second instrument granted to the OACIQ with the entry into force of the new Real Estate Brokerage Act is the possibility of using an injunction to stop an illegal practice.

The injunction is used to stop a violation to the Act that continues even though the behaviour has been subject to a statement of offence. Under the old Act, the OACIQ had to leave this matter in the hands of the Attorney General of Quebec for the instruction of such recourse. Now, it is only the OACIQ that can

exercise it with the authorization of the Attorney General.

Using an injunction requires the issuance of a statement of offence against the non-liscense holder who engaged in an illegal act under the Real Estate Brokerage Act in force since May 1, 2010. For the injunction to be authorized, this non-liscense holder should continue to make the same acts despite the issuance of a statement of offence.

In addition, the committed act should be clearly related to illegal brokerage. In this sense, a judgment obtained in advance, whether against the same individual or another offender and associating specifically the acts made or similar acts with illegal brokerage may be required.

Keeping you informed is our priority

We will keep you informed, in a timely fashion, of the scope of the decisions regarding the illegal practice of mortgage or real estate brokerage. In this regard, we invite you to follow us on the *pro@ctive*, on the OACIQ's website and on *Profession broker* Newsletter.

You will also find in them all significant developments concerning the illegal practice of mortgage or real estate brokerage activities reserved for licence holders and the initiatives that we are taking to stop it. ●

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OACIQ General Meeting 2011

Constructive exchanges



The OACIQ General Meeting 2011, held on May 9th at the Étoile room in Brossard under the theme “**Let your voice be heard**”, has attracted more than 300 brokers. Facilitated by **Stephan Bureau**, the event generated many exchanges that will lead us all towards the same goal.

A new thing: the “Web conference”

This year, it was possible to attend the general meeting through the “Web conference”.

The speech of the Minister for Finance, Mr. Alain Paquet

The Quebec Minister for Finance, Mr Alain Paquet, has addressed brokers in the early afternoon. He said that in order to ensure the vitality of real estate sector, we must inspire the confidence of public in the market and in the broker's profession practice. The Minister for Finance has also stressed the need to have the right tools to ensure brokers' credibility, and the efforts put forward by the OACIQ to develop them.

● ● ...you have actively participated at this OACIQ first general meeting and we are very satisfied. ● ●

François Léger and the OACIQ strategic reflection

On the occasion of the presentation of his report, the chairman of the OACIQ board of directors, Mr François Léger, has presented the primary goal set by the OACIQ during the reflection process initiated autumn 2010: ensure that the OACIQ becomes the ultimate reference in the real estate brokerage field.

This goal is defined according to the following **TWO MAJOR POINTS**:

- Continue to improve brokers' competencies
- Establish best communication strategies

SIX AREAS on which the OACIQ intends to concentrate have also been identified during this strategic reflection. These are:

- Emerging phenomena
- Communications
- Education
- New forms
- Regulations
- Services offered



The Minister for Finance, Mr Alain Paquet



Mr François Léger and Mr Robert Nadeau

Robert Nadeau presents the highlights

The president and chief executive officer, Mr Robert Nadeau, has presented the main highlights of the year contained in the OACIQ annual report 2010. He spoke about the followings:

- The mechanisms put in place to respond to requests addressed to the OACIQ
- The mandatory continuing education on the new Real Estate Brokerage Act
- The new examinations
- The review of communication tools
- The electronic document management

Vote on the Internal By-Law

When voting by the show of hands for the ratification of the Internal By-Law, most brokers have voted against the ratification. Comments and suggestions formulated will be examined by the OACIQ board of directors and a follow-up will be made on this subject.

Plenary: What if you were at the head of the OACIQ?

After voting, Stephan Bureau has invited the participants to respond to the question: *"if you were at the head of the OACIQ, what would you do based on the two main points presented earlier by Mr Léger?"* This question has generated many interesting proposals that were progressively noted on the screen.

Prioritization of proposals

Mr. Bureau has then asked brokers to indicate to us the priority order

that they give to these proposals. Here is the list:

- Do more communications comparing between the fact of working with a broker and the fact of working alone
- Do more education on broker's profession meaning
- A Presentation standards regulation
- Accentuated presence in social networks
- More communications between the media and the OACIQ
- Validation of French skills
- Minimum training required to become a broker
- Ethics course by the OACIQ
- Communications with stakeholders
- Mandatory apprenticeship system
- Continuing education units (other institutions)
- Possibility of retaking only one competence at the examination
- Too long delay between taking the examination and obtaining the results

Your proposals will guide our actions in order for the OACIQ to accomplish its mission of protecting the public. This will contribute to the advancement of the profession and the achievement of our common goals.

Your participation: an essential contribution

In short, you have actively participated at this OACIQ first general meeting and we are very satisfied. Together, we will find the correct modus operandi to ensure that our strategies will be determined in a way that they benefit you, real estate and mortgage brokers, and all consumers. ●

NATIONAL BUILDING INSPECTORS AND EXPERTS ASSOCIATION



Before admittance, all of our inspectors have to prove their inspection abilities or expertise.

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Agreement concluded with the AIBQ

Your access to a valuable reference tool for building inspection

After several months of negotiations, the OACIQ has just concluded a first recognition agreement of great interest to your professional practice with the Association des inspecteurs en bâtiments du Québec (AIBQ).

A list of recognized inspectors

With this agreement, you will have access to a list of recognized building inspectors who are accredited by the AIBQ according to specific criteria. In this way, the AIBQ assures us that the inspectors whose name is on the AIBQ's list meet the following requirements:

- They hold a professional liability insurance (errors or omissions);
- They use a recognized inspection service agreement;
- They carry out inspections in accordance with recognized building inspection practice standards (for more information on these standards, read  article no. 13622 on our website (www.oaciq.com);
- They submit a written report to the party using their services.

Find an inspector by consulting the members' list on the AIBQ's website (www.aibq.qc.ca).

The OACIQ invests a lot of energy to improve brokers'

work tools to assist them in delivering their services to their clients. Your clients will benefit a lot by referring them to building inspectors listed on the AIBQ's list.

An added value

This reference tool will help in making your work easier and in saving you time and money since it was your duty to ensure that the inspectors to whom you refer your clients meet the requirements listed above, before this agreement is concluded.

Furthermore, it is still possible to refer a client to an inspector whose name is not listed on the AIBQ's list. In this case, you must ensure that the inspector meets these requirements.

Note that this agreement does not confer any exclusivity to the AIBQ and its members and does not oblige brokers to refer their clients to an inspector member of the AIBQ. In addition, the OACIQ reserves the right to conclude similar agreements if other professional organizations or associations want to follow the same step. ●



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Licence maintenance 2011

As many renewals as 2010

Judging from the renewal rate registered at the last OACIQ licence maintenance period, we can say that the real estate brokerage practice is stable. So, from the 20,550 maintenance notices that have been sent, 17,935 brokers have renewed their licence.

More diversified payment options

This year, new payment options have been added to those already in place. For this purpose, we have given you the option of paying through your financial institution or by credit card through *Synbad*.



No less than half of brokers have paid their chargeable fees using *Synbad*. In addition, though not many of you have paid through their financial institution, still 4% of you have used this option.

Efforts to improve things

Some brokers have witnessed some difficulties in accessing the payment page on *Synbad*. Please be aware that we have implemented some solutions to solve these problems and that we are actively working to make the method of payment easier for next year's licence maintenance.

Finally, in response to the comments that we have received during the licence maintenance period and as you expressed it at the General Meeting held on May 9th, the OACIQ is going to evaluate different options to allow other payment methods. We will be back to you in the coming months with more details on this subject. ●

Appointment of Giovanni Castiglia to the OACIQ syndic position

We are pleased to announce the appointment of **Giovanni Castiglia**, on April 29th, as the OACIQ Syndic.



Mr. Castiglia joined the Organization in 2001 as Assistant Syndic. Since last November, he assumed the role of the syndic.

Giovanni Castiglia has a solid experience with the 31 years he spent working in real estate sales and in administrative and personnel management. In 2007, he became Assistant Syndic and Advisor; he has notably been led to give various lectures and trainings to agencies and real estate brokers.

We welcome Mr. Castiglia to his new role. ●

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Offer can end without notice. Available with prior or valid OACIQ license with new activation on a 3-year term. Valid in Ontario and Quebec. Available with compatible device, within network coverage areas available from Bell Mobility (BMO) or reMobile (RM) and its partner network coverage areas where technology permits. Extended coverage in certain parts of Manitoba and Saskatchewan is provided by a roaming partner and may be either HSPA or GSM where available, and is compatible with a Bell HSPA device with post-paid service but certain services may not be operable. Extended coverage not available to residents of Manitoba and Saskatchewan. Long distance and roaming charges (including foreign taxes) may apply outside your local area. Airtime charges (and long distance charges, if applicable) apply (a) for calls you make, from the time you press "Send" until you press "End" or otherwise disconnect your call; and (b) for calls you receive, from the moment the calling party initiates the call, including ring time, until you press "End" or otherwise disconnect the call. Paper bill service charge (\$2/mo.) applies unless you register for e-bill and cancel your paper bill. Data charges apply if you do not subscribe to a data plan or unlimited Mobile Broadband; fees may apply for features, content and roaming outside your local area. Upon early termination, price adjustment charges apply. Subject to change without notice; not combinable with other offers. Taxes extra. Other conditions apply. \$0.40/month fee for 911 apply. *Offer starts March 10th 2011. Applicable on leather cases, car chargers, or Bluetooth ear pieces. Applicable with the purchase of a cellular phone. Restrictions apply, details in store.

Reminder

... regarding the three-month period in which to take the old chartered real estate broker's examination after obtaining an AEC



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We remind you that to be allowed to take the old examination (902.57 program) in order to obtain a chartered real estate broker's licence, certain conditions will apply.

We remind you that to be allowed to take the old examination (902.57 program) in order to obtain a chartered real estate broker's licence, a candidate must:

- have begun the 902.57 course (the old chartered real estate broker's course) before May 1, 2010;
- obtain their Attestation of Collegial Studies (AEC) before October 31st, 2011;
- apply for the chartered real estate broker's examination within three months after obtaining their AEC.

For example

- AEC obtained on September 15, 2011: The candidate must submit his application for an examination by December 15, 2011 at the latest
- AEC obtained on October 31st, 2011: The candidate must submit his application for an examination by January 31st, 2012 at the latest

Remember!

You have three months to apply for an examination after obtaining your Attestation of Collegial Studies (AEC).

Candidates who do not fulfill these requirements will have to take the examinations in accordance with the new regulations. •



Fonds d'assurance responsabilité professionnelle
DU COURTAGE IMMOBILIER DU QUÉBEC

An overview... for a better understanding

The Fonds d'assurance responsabilité professionnelle du courtage immobilier du Québec (FARCIQ) was established by the OACIQ (former ACAIQ) in 2006. Before the establishment of the Fonds d'assurance (FARCIQ), more and more brokers had difficulty in getting professional liability insurance products at a reasonable cost. Therefore, it was on July 2006 that the Fonds d'assurance (FARCIQ) starts operating as an insurer for all real estate and mortgage brokerage licence holders of Quebec. This is in order to address brokers' urgent insurance needs.

Today, the Fonds d'assurance (FARCIQ) is completely independent of the OACIQ with respect to its administration, insurance records' management and its financial patrimony. The subscription to the fund is mandatory for all real estate and mortgage brokers as well as the real estate and mortgage agencies, their representatives and the persons authorized to act on their behalf.

Our role

Our role is divided into three components. We offer a protection in case of fault, error, negligence or omission that could be committed by a licence holder in the performance of his professional duties. It is also the FARCIQ which compensates the public for the negative consequences incurred and addresses the needs and concerns of brokers regarding the professional liability insurance.

Our services

Our claims department is responsible for handling claims and informing licence holders of the management process of the claims. Our claim adjusters' team is also available to answer various brokers' questions about their professional liability insurance.

Our contact information

4905 Lapinière Boulevard, Suite 2800
Brossard (Québec) J4Z 0G2
Tel.: 450 656-5959 or 1 866 956-5959
Fax: 450 656-5746
assurance@farciq.com
www.farciq.com

For additional information on the FARCIQ

For more information on the Fonds d'assurance responsabilité professionnelle du courtage immobilier du Québec (FARCIQ), read our chronicles at www.farciq.com. ●

FARCIQ's board of directors

The board of directors of the Fonds d'assurance responsabilité professionnelle du courtage immobilier du Québec (FARCIQ) is currently consisted of seven members appointed by the OACIQ board of directors. Among these members, two are real estate brokers who are familiar with the reality of the insured. The OACIQ will soon fill in the two vacancies to complete the nine seats of the board of directors.



Mr. JEAN-GUY SAVOIE
Chartered Real Estate Broker:
Royal LePage La Renaissance
*Chairman of the Board of Directors
of FARCIQ*



Mr YVES COUSINEAU
Robinson Sheppard Shapiro,
Associate



Mr. MARTIN DUPRAS,
CLU, F.PL., D.Fisc.
President of ConFor financiers inc.
*Chair of the Investment Committee and
member of the Audit Committee*



Mr. LOUIS G. PELLETIER
Damage Insurance Broker
*Member of the Governance and
Investment Committees*



Mr. ALBERT ARDUINI, P.TECH., CIP
Manager, Building inspection and expertise
*Member of the Ethics, Claims and
Prevention Committees*



Mr. DENIS MAJEAU
Financial Department Chief,
Feldan-Bio inc.



Mr MICHEL LÉONARD
Lawyer and Real Estate Broker
President of Fonds de
Placement Immobilier BTB
*Chair of the Governance Committee
and member of the Ethics and
Investment Committees*



The board of directors is backed-up, in the performance of its functions, by the general manager of the Fund, **Mr. Louis Haeck**. «With his expertise, Mr. Haeck will know how to maintain and develop harmonious relations that will promote the exchanges between all stakeholders working in real estate and mortgage brokerage as well as in insurance brokerage», says with conviction Mr. Jean-Guy

Savoie, chairman of the board of directors. With more than 30 years of experience, Mr. Haeck has held strategic positions in management, administration and legal counsel in private and public sectors. Member of the *Chambre des notaires du Québec*, he holds a Ph.D in law and a Master in Business Administration. ●

ANSWERS to your questions



Interview with Mr. Xavier Bénarosch, actuary and vice-president of Eckler

Q

Mr. Bénarosch, can you summarize your professional activities for us?

A

I have been working at Eckler for more than 20 years as actuary of general insurance companies in collaboration with all Professional Liability Insurance Funds of Quebec. Specifically, I am the designated actuary of four of them and the actuaries' auditor of three other Funds. Therefore, our company is very aware of what is happening in these markets.

Q

What is the work of an actuary?

A

An actuary is a quantitative risk assessment specialist. We try to assess probability and future disbursements' values. Among other things, we estimate the amount of the premium that will cover all future claims. It is a complex task since the number and the amount of claims may vary greatly from one year to another.



Premiums are calculated by taking into account many factors, such as the compensations to claimants... ●●

Q

How do you fix the insurance premiums?

A

Premiums are calculated by taking into account many factors, such as the compensations to claimants, legal fees, damage assessment and claims adjusters fees, etc. we also include management expenses of the Fund and reinsurance costs i.e., the insurance of your professional liability insurer. To all these fees, we add a percentage to compensate for adverse deviation reflecting the variability of claims.

Q

Who determines the insurance premium?

A

The insurance Fund provides me with all required information to determine the insurance premium. Then, my job is to analyze this information, develop different scenarios for future costs and give my expert opinion on the premium amount that will allow the Fund to cover claims, to bear all its expenses and to respond to contingencies. The final decision whether to apply my recommendations or not is the responsibility of the FARCIQ board of directors who must have everything confirmed by the OACIQ board of directors.

Eckler

>>> Continued on page 22



● ● ***The Fund is doing well”, says Mr. Bénarosch, adding that “because of future uncertainties, we are trying to be cautious when analyzing scenarios.*** ● ●

It should also be noted that the net asset of the insureds of \$18,585,960 has increased due to a favourable reinsurance agreement, but it is possible that this advantageous situation does not continue. Accordingly, the recommendation of the premium at \$485 takes into account this cost increase possibility.

Q *What was your recommendation at your last analysis?*

A At the time of analysis, the annual premium was \$550. Three scenarios were proposed, but it is the scenario with a premium reduction of \$65 that was recommended to the board of directors of the insurance Fund.

Q *Why the premium reduction recommendation was not more important while an amount of \$18,585,960 was available in the net asset of the insureds?*

A In general, in the professional liability insurance field, the settlement of a claim may be very long because the legal proceedings may take many years. In average, the time limit is three to four years, but this may take more time for particular cases. In the case of the Fund, there is only a bit over three years of complete history. Therefore, we do not know yet the scope of claims and this makes future estimations of real costs of claims more complex and uncertain. In few years, the Fund will have enough history to allow a more precise estimation, but for now, the scenarios that were given and my recommendation are done cautiously.

Q *During the last OACIQ general meeting, some insureds questioned the “reserves” deemed “clearly exaggerated.” What do you think?*

A This amount of \$18,585,960 corresponds to the amount of the net asset of the insureds. It may seem high, but for a young insurance Fund, it is adequate and will enable the Fund to meet its future commitments.

Q *Finally, what is important to remember?*

A What should be remembered is that the Fund is doing well, but the uncertainties related to the history of claims and to the cost of reinsurance influence the premium. The asset of the insureds is adequate, but due to future uncertainties, we are trying to act cautiously when analyzing the premium reduction scenarios or coverage increase by doing it slowly but surely.

We would like to thank **Mr. Xavier Bénarosch**, actuary and vice-president of Eckler, for taking time to answer our questions.

Suzanne Gagné,
MBA trainee and CRIA, RH advisor

Read our next interview with our broker and vice-president of MARSH,
Ms Suzanne Pépin, in the next edition of *Profession Broker Newsletter*. •

**The OACIQ
was there!**

The ACCHA's Symposium.
Conference dealing with major issues of interest for mortgage brokers following the entry into force of the Real Estate Brokerage Act was given by the President and Chief Executive Officer of the OACIQ.
Mr. Robert Nadeau.

Sheraton Laval
May 26, 2011

The Soirée d'excellence du Collège de l'immobilier 2010-2011

Mont-Royal Center
June 20, 2011

**The OACIQ
will be
there!**

Kick-off Royal LePage

Château Royal, Laval
On September 8, 2011

CCH's Symposium. Real Estate Brokerage 2011: Discover the impacts of the new legal framework.

Conference of the OACIQ's syndic, Mr. Giovanni Castiglia, entitled: *The process of the Disciplinary Complaint.*

On September 9, 2011, in Quebec
On September 30, 2011, in Montreal

Symposium of the Chambre immobilière de l'Estrie

Centre de foire de Sherbrooke
On October 20, 2011

Convention of the Chambre immobilière de l'Outaouais

Château Cartier, Gatineau
On October 28, 2011

Convention of the Chambre immobilière de Québec

Hôtel Clarion, Québec
On November 1st, 2011

Agenda Notes

September	October
THE OACIQ'S OFFICES WILL BE CLOSED	On September 5, 2011 Labour Day bank holiday

OACIQ CAREER OPPORTUNITIES



*Are you looking for new challenges?
Would you like to contribute with your expertise to help advance the profession and benefit your peers?*

JOIN A DYNAMIC TEAM!

Available position:

- Agent / Agente d'information

The OACIQ offers a stimulating and innovative work environment, competitive salaries and a comprehensive benefits package.

Consult the **Careers at the OACIQ** section on **OACIQ.COM** for more details.

Would you like to get involved with an OACIQ statutory committee?

If you have the knowledge and experience that may benefit the OACIQ statutory committees, get involved and contribute to the advancement of the profession.

As mentioned in the *pro@ctive* of June 29 and July 6, 2011, the OACIQ is looking for candidates wishing to serve on one of the following committees:

- **The Licence Issue and Maintenance Committee** of which the mandate is to decide on the issuance or the maintenance of a licence when the applicant or the licence holder has previously had his licence revoked, suspended or made subject to restrictions or conditions by the OACIQ Discipline Committee or by an organization supervising real estate brokerage, or has been subject to a receiving order or an assignment of property, a penal or criminal disciplinary condemnation related to the performance of activities of a broker or agency or to a protective supervision of a person of full age.
For your information, the required availability for this committee is about 5 to 6 days per year, in addition to preparatory readings.
- **The Syndic Decision Review Committee** of which the mandate is to make a ruling when the person who requested an investigation by the syndic submits a request to this effect concerning the syndic's decision not to file a complaint with the OACIQ discipline committee.
For your information, the required availability for this committee is 1 to 2 days per year, in addition to preparatory readings.
- **The Indemnity Committee** of which the mandate is to rule on the eligibility of claims submitted to it and decides, if applicable, on the amount of the indemnities to be paid to victims of fraud, fraudulent tactics or misappropriation of funds for which a broker or agency is responsible.
For information only, the required availability for this committee is about 4 to 5 days per year, in addition to preparatory readings.

IMPORTANT!

To serve on one of these OACIQ statutory committees, you must notably:

- Have a relevant experience in real estate or mortgage brokerage practice in Québec;
- Demonstrate knowledge of the mission, objectives and functioning of the Organization and be able to expose his vision regarding its orientation;
- Be submitted to the nomination process which includes various steps, including an interview with the Nominations Committee and a pre-nomination inspection;
- Be available.

The members of the statutory committees receive compensation in the form of director's fees for their participation.

Finally, note that the aim of this communiqué is to develop a pool of candidates that are likely to be appointed to one of these committees, as needed. Therefore, only the persons whose applications are retained will be contacted.

If you have any questions or if you are interested in submitting your application, please contact Mrs. Brigitte Guilbault before August 26, 2011 at 450 462-9800, extension 8404, or at bguilbault@oaciq.com. ●

Did you move?

In Quebec, July 1st means moving. If you were caught in this whirl this year, do not forget to send us your new address so we can send you all the information that could be useful to you.

How?

To update the information in your record, please contact the Certification Department at certification@oaciq.com or by phone at 450 462-9800, option 2.

The information that you should provide us with is:

- Your name and your licence number
- Your full address
- Your phone number, if it was changed (to reach you if necessary)
- Your email address, if it was changed

Thank you for your collaboration. ●



CLARIFICATION RELATING TO THE NOTICE OF SUSPENSION OF THE REAL ESTATE BROKER'S LICENCE OF MR. SYLVAIN LESSARD (LICENCE NO. B1091) FOLLOWING THE DECISION OF THE DISCIPLINE COMMITTEE CONCERNING THE CASE 33-07-1051

The *Organisme d'autoréglementation du courtage immobilier du Québec* would like to clarify that the notice of suspension concerning Mr. Sylvain Lessard, real estate broker (licence no. B1091) following the decision of the discipline committee concerning the case 33-07-1051 rendue le 27 avril 2010, is not connected in any way with licence holders No. G0686, C2993, B9102 et C0069.

It is imperative, whenever making a search, to always make sure that the name of the licence holder and his or her licence number are those of the real estate broker concerned. ●