

BROKER

PROFESSION



**CONTINUING
EDUCATION PROGRAM**

**PLAN YOUR
PROFESSIONAL
DEVELOPMENT**



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Organisme d'autoréglementation du courtage immobilier du Québec

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The advertisements published in it are intended for real estate and mortgage professionals. They are not the expression of any opinion, position or action of the **OACIQ**, whose main mission is to protect the public, according to the Act.

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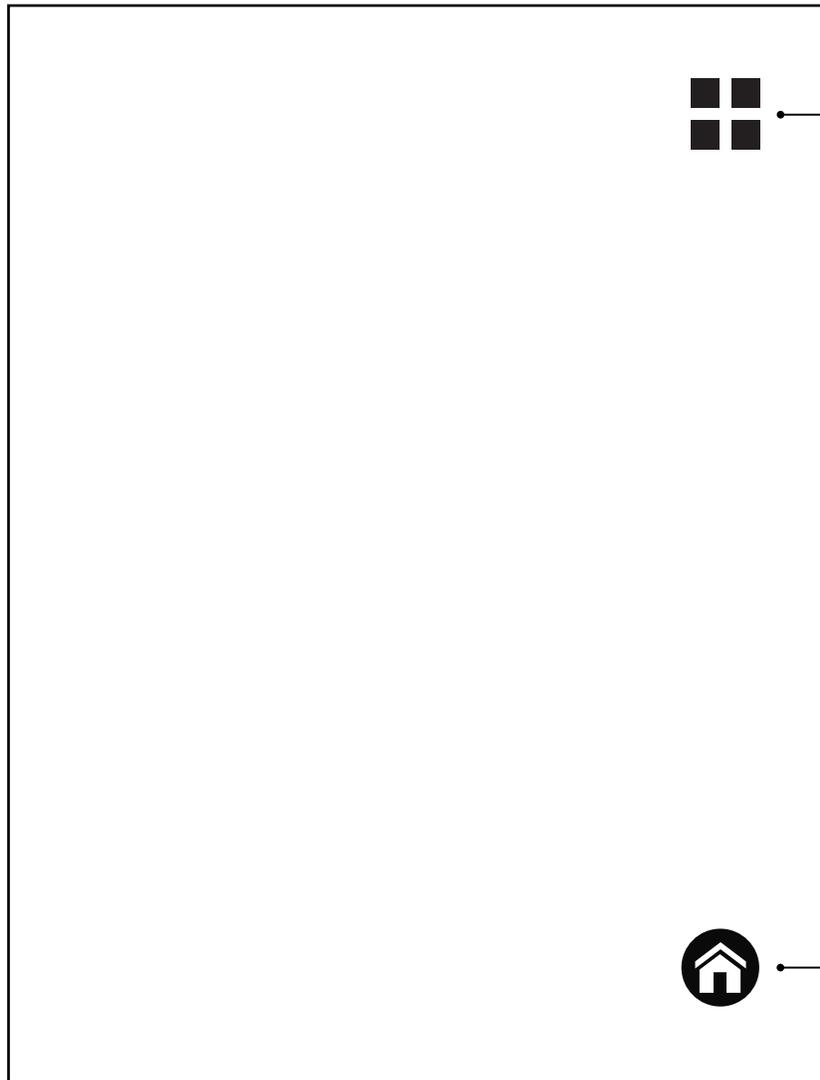
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Cover: Christine Lemieux,
Chartered Mortgage Broker AEO,
Dominion Lending Centres,
Greenfield Park.

HOW TO

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Article



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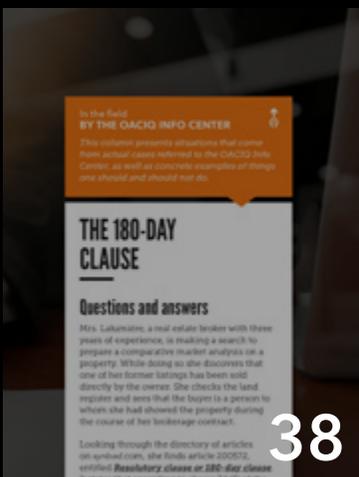
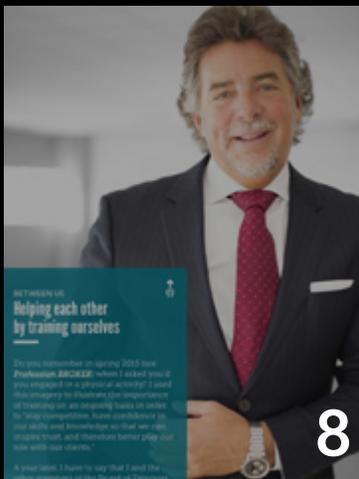
Audio tape



Link



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OACIQ training activities



ONLINE



CLASSROOM



WEBINAR

**Summer
is a great time
to get your
training!**

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BROWSE THE DIRECTORY!

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This session gives **real estate brokers who are members of the OACIQ** the opportunity to acquire **5 UFC (5 hour-course)** in addition to learning the most effective negotiation strategies!

Training accredited by:



BETWEEN US

Helping each other by training ourselves

Do you remember in spring 2015 (see [Profession BROKER](#)) when I asked you if you engaged in a physical activity? I used this imagery to illustrate the importance of training on an ongoing basis in order to “stay competitive, have confidence in our skills and knowledge so that we can inspire trust, and therefore better play our role with our clients.”

A year later, I have to say that I and the other members of the Board of Directors are delighted with your participation in the Mandatory Continuing Education Program (MCEP). It is a sign of our profession’s maturity. Each of us, by accepting to continue to learn, gains more and more confidence in the field. But in addition, we help ensure that our entire profession is recognized for its professionalism and integrity. In other words by training ourselves, we help each other. It’s the best way to retain our added value in the eyes of the public, and to provide consumers with effective support.

This is why at the **OACIQ** we attach a great deal of importance to the quality of the training activities we offer, those we create as well as those we accredit, as you will see by reading the [dossier on the Program](#) in this issue, which I highly recommend.



A portrait of Serge Brousseau, a middle-aged man with grey hair and a goatee, wearing a dark blue pinstriped suit jacket, a white shirt, and a red tie with a small pattern. He is smiling slightly and looking towards the camera. The background is a light, neutral color.

We understand that we still need to adapt, that we have work to do, that not everything is perfect – it is only our first year – , that it's an evolving process. In addition, some activities may be relevant to some and not to others. But in the end, the purpose of the Program is to reach brokers as a whole.

You haven't yet accumulated all 18 CEUs you need? There is still time, but don't wait too long! Take advantage of your quieter periods to further your knowledge. It will be one of the best professional investments you make!

To conclude, I encourage you to read the message from our new President and Chief Executive Officer, Nadine Lindsay.

Good luck with your training, and have a great summer!

A stylized, handwritten signature in white ink, appearing to be 'S. Brousseau', set against a teal background.

Serge Brousseau
Chairman of the Board of Directors
OACIQ





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MESSAGE FROM THE NEW PRESIDENT AND CEO OF THE OACIQ, NADINE LINDSAY

*“ Consumers have to know
when and how they are protected
by the Real Estate Brokerage Act,
and when they are not. ”*



HELLO!

I am happy to have this opportunity today to share my vision of the great experience which I think we can create together.

At the **OACIQ**, our main goal is to ensure public protection through strong leadership in the areas of real estate and mortgage brokerage. To achieve this goal, we plan on acting proactively and on collaborating with the industry and with our peers to establish healthy competition in the field of brokerage, thereby helping to build a strong economic society. The industry and the public need us, but in turn we need you, our brokers and agencies, to carry out our mission. You may be assured, therefore, that I am committed to ensuring the health of real estate and mortgage brokerage.

I also believe that the **OACIQ's** public protection mission must be even more widely disseminated. **Consumers have to know when and how they are protected by the *Real Estate Brokerage Act*, and when they are not.**

These are major challenges, and there is no doubt that we will all need to roll up our sleeves. Indeed all players have an important role to play: whether it's the Organization, the regulator, the government, you or the public, it is the sum of all our actions that will create positive momentum. Public trust depends on all of us, our methods and our professionalism; we need to keep this in mind.

To achieve this, I have laid some foundations that will support the **OACIQ's** actions in the coming years. These foundations include the development of broker skills, of course, because the key to a healthy industry is the competence of its people.

Would you like to hear Nadine Lindsay's thoughts on the Continuing Education Program?



Have an excellent summer!

A handwritten signature in cursive script, reading "Nadine Lindsay".

Ms. Nadine Lindsay
President and
Chief Executive Officer
OACIQ



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- **Bien construire pour mieux habiter** (7 UFC - contenu spécialisé)
- **Bâtir une communauté sur le web en 7 étapes** (3 UFC - contenu spécialisé)

Cette formation de 7 heures offrira des moyens techniques pour identifier les caractéristiques écologiques et durables d'un produit ou d'un bâtiment tout en démystifiant le monde de la certification des produits.

Formateur : Alexandre Bouchard, ing. PA LEED BD&C

- **Les représentants légaux** (3 UFC - contenu spécialisé)

Cette formation de 3 heures permettra aux participants de déterminer qui est le représentant légal d'une personne ou d'une entreprise ainsi que les étapes menant à ce statut.

Formatrice : Nancy Bouchard, notaire

En ligne

Cette formation de 3 heures guidera le participant dans le choix des bonnes plateformes sur les médias sociaux afin de bâtir une communauté Web dynamique et ciblée, en fonction de ses besoins et de ses objectifs de croissance.

Formateur : Pierre-Luc Desbiens

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CONTINUING EDUCATION PROGRAM

Plan your professional development

Many of you – more than 10,000! – have started on their Continuing Education Program, which came into force on May 1, 2015. Your interest shows that you understand the importance of always being on the cutting edge in order to have successful transactions and satisfied clients.

For the sake of transparency, here is how we create and accredit training activities that are adapted to your reality while ensuring public protection. You have CEUs still to accumulate? We have great suggestions for you!





A SOLID OFFERING OF ACCREDITED TRAINING ACTIVITIES

OACIQ TRAINING ACTIVITIES: IN TUNE WITH **YOUR REALITY**

USEFULNESS OF THE PROGRAM: **TWO TESTIMONIALS**

BROKERS' QUESTIONS
AND **ANSWERS FROM INFO OACIQ**



HOW TO COMPLETE
YOUR PROGRAM



AEO: SUPPORT
YOUR BROKERS



WHAT IS THE
MCEP AGAIN?



All activities listed in the directory of training activities have been carefully analyzed, in a spirit of collaboration with the providers.



A SOLID OFFERING OF ACCREDITED TRAINING ACTIVITIES

In order to get proper training and accumulate the continuing education units (CEUs) you need under the Continuing Education Program, it is important to verify that the training activities you choose are accredited. This will ensure that the content is accurate and relevant to your practice.

To support you in your efforts and help you complete your Continuing Education Program, more than 200 accredited training activities are available through a number of providers. The repertoire is growing all the time.

“This array of training activities and providers is an asset for all brokers,” according to Patricia Piuze, Vice President of Professional Development, “as it allows us to meet the wide range of needs in our profession.”





To be accredited and yield CEUs, all training activities, whether they are offered by the **OACIQ** or by another provider, must go through a meticulous **accreditation process**. The purpose of this process is to ensure that these activities contribute to the enhancement and updating of the skills and knowledge you need to carry out your profession.

This process is managed by a dedicated team of training consultants and technicians.

Click on the boxes below for an overview of the steps for developing a training.



You would like to offer a training activity and have it accredited? The OACIQ has developed a guide explaining how to go about it. See the General accreditation procedure for additional training activities.





ANALYSIS



Marie-Josée Damico is the technician in charge of receiving all applications for accreditation: "Each application must include a detailed plan of the training activity, which must be dedicated to learning, be at least one hour in duration, and contribute to the development of skills that are required in the fields of real estate or mortgage brokerage", she explains.

Whether you are a broker wishing to train your colleagues or a professional association, CEGEP, school board or professional office, "each application is evaluated based on its content, not on the provider," comments Luce Gosselin, Senior Training Consultant.

The analysis process is conducted in a spirit of collaboration. "We support those who wish to have their activities accredited," reassures Training Consultant Pierre-Yves Legault. "Certain sections may be eligible for accreditation, whereas others are not. In such a case we determine what portion of the provider's activity can be accredited." One CEU is allocated per hour of eligible content.

Following the analysis, applications for accreditation are submitted to the OACIQ Board of Directors, which is made up of brokers and representatives from the public. The Board has the final word on the approval of applications and will confirm the relevance of the training in terms of public protection and broker practice.

“If you are interested in a training activity that is not accredited, ask the provider or trainer to apply for accreditation before enrolling. This way you will get your continuing education units (CEUs) and at the same time contribute to the development and enrichment of the Continuing Education Program.”



Élise Marsolais

Director of the OACIQ Continuing Education Department

APPROVAL

Once a training activity is approved, any broker who attends it in its entirety will be credited with the corresponding CEUs. The provider can therefore promote his training product as such in order to boost sales. “We also offer an opportunity to include it in our schedule and to list it in our directory of training activities on synbad.com, as well as in the *Pro@ctive* calendar,” adds Luce Gosselin.

Accreditation is valid for a period of two years.



QUALITY CONTROL

Once the activity is available to brokers, the Continuing Education Department continues to monitor it in order to ensure its ongoing quality! Observers are sent to attend and assess the various accredited training activities.



"Essentially we make sure that the content presented and the duration of the activity are consistent with what has been approved, and that the information delivered is in accordance with the best practices promoted by the Organization," explains Luce Gosselin.

When adjustments are needed, the provider is notified and the Continuing Education Department follows up to ensure that any changes required are made promptly. If you have comments about the content of an accredited training activity, we would greatly appreciate if you could share them with us by email at [***formations@oaciq.com***](mailto:formations@oaciq.com).

In fact, we are in the process of implementing an improved quality control system, whereby clients who order or attend accredited activities will receive directly from the **OACIQ** a survey asking them about their level of satisfaction with the product. This will enable us to get input from the most important people: the participants.

The world of real estate and mortgage brokerage is constantly evolving. When a provider wishes to modify a training activity, he must notify the Continuing Education Department by completing the form provided for this purpose, received when his accreditation application was accepted.

“Ultimately, the purpose of our interventions is to ensure that the content of accredited training activities is accurate and relevant to the practice of brokers and that they help meet the needs of the public,” explains Patricia Piuze, Vice-President of Professional Development.”



Patricia Piuze

Vice-President of Professional Development

PROVEN RESULTS

Providers have been quick to answer the call since the implementation of the Continuing Education Program, with more than 200 training activities now available after only one year.

Although 95% of licence holders are authorized to work in the residential sector, “the **OACIQ** is working hard with partners in commercial real estate and mortgage brokerage to improve the training offer in these areas,” adds Vice-President Patricia Piuze.



OACIQ TRAINING ACTIVITIES: IN TUNE WITH YOUR REALITY

“We are in a good position to identify points requiring improvement in the field, and therefore to create training activities that provide brokers with the tools they need on a daily basis. Our goal is prevention, which allows us to fully discharge our public protection role,” explains Patricia Piuze, Vice-President of Professional Development at the **OACIQ**.

The Continuing Education Department plays this role by creating content that is adapted to the current realities of brokers. Needs are identified through daily collaboration with a number of departments, for example based on questions received from consumers and brokers by the agents of Info **OACIQ**, on field observations by the Inspection Department, or on requests received by the Assistance Department.

Each training activity is custom-designed to fit the current needs of brokers. “Our goal is that by the end of his program, the broker will be able to protect his client adequately and to collaborate effectively with the other professionals involved in order to meet the needs of his client,” comments Department Director Élise Marsolais.

During this process, training consultants take particular care to ensure that the content always relates to current broker practices.

HERE IS THEIR RECIPE!





Identify needs in the field and ask for suggestions

1



2

Plan the design

Draft – but especially validate – contents

3



4

Adapt content and presentation to the selected medium

Have the training activity accredited

5



The power to do more: updates!

Once in circulation, all **OACIQ** training activities are reviewed and updated on an ongoing basis.





1

At this step, “the comments and needs identified by brokers are very useful,” comments Training Consultant Pierre-Yves Legault. “The more specific they are, the more effective our intervention can be.” The Continuing Education Department also looks at what aspects of transactions have been the source of problems reported by other departments, such as Inspection or Info **OACIQ**. “This gives us an overall view that helps us identify opportunities for intervention,” concludes Senior Consultant Luce Gosselin.

The Department identifies priority topics by taking various factors into account such as: what are the impacts on the public, on brokers and on transactions? How many people are impacted? After this, a project is set in motion to develop a training activity that will meet the need identified.

When current topics come to the surface, for instance pyrrhotite in the Mauricie region, the Continuing Education Department steps in, in collaboration with the local environment, to answer the need.

2

At this step a choice is made between three types of training:



CLASSROOM

The Organization’s classroom-based trainings are often presented in the **OACIQ**’s Brossard or Laval offices, but they can also be given in your region or even at your own office.



WEBINAR

These sessions are presented in webcast format at a specific time, allowing you to interact with the trainer; you can choose a time slot that fits your schedule and a location that is convenient for you.



ONLINE

On the web, at the time and place of your choosing.

The choice depends on the topic. “If the training requires the trainer to interact with the participant, provide explanations or answer questions, the classroom or webinar formats work best,” explains Pierre-Yves Legault.

This is also the step at which the designer is selected, along with who will serve as expert and validator. All experts are recognized resources in their field. Once this information is available, we have a better idea of the project and its timeline.



3

The team always remains focused on the needs of brokers in the field. For example, according to Luce Gosselin, when creating a training activity on landslides, it can be interesting to know what causes a landslide, "but even more relevant to know what role the broker plays in this context."

As we all know, the devil is in the details! Nothing is left to chance: the Continuing Education Department validates the content at each step of the design of this training tool.

"Due to our regulatory role, we have a duty to present content that is accurate and impeccable. Our credibility is at stake, and that is why our training activities are updated regularly," comments Department Director Élise Marsolais.

4

Based on the format chosen (classroom, webinar or online), the Creation team goes to work to make the content easy to understand and offer a training experience that is as user-friendly as possible. At this step materials are also closely proofread.

5

Like any other training offering, activities developed by the **OACIQ** must go through the accreditation process.

Once the activity is approved and translated internally, training consultants spend a lot of time with trainers to ensure that they will use all the tools and techniques at their disposal to deliver a training activity that is both useful and enjoyable.

"Delivering the content is very important," confirms Luce Gosselin; we make sure the trainer takes ownership of the content and adapts it to his style."

Once all these steps are completed, the Continuing Education Department is ready to share the activity with the profession!

You still need to accumulate CEUs?

Here is how to complete your Continuing Education Program



1. IDENTIFY THE TOPICS ABOUT WHICH YOU WOULD LIKE TO KNOW MORE:

- > THINK OF SOME OF THE MORE DIFFICULT QUESTIONS YOU HAVE BEEN ASKED BY YOUR CLIENTS;
- > THINK OF A SKILL YOU WOULD LIKE TO DEVELOP;
- > GET INSPIRATION FROM THE THEMES ASSOCIATED WITH CORE AND SPECIALIZED CONTENTS.



2. DISCUSS YOUR PROFESSIONAL DEVELOPMENT WITH YOUR AGENCY EXECUTIVE OFFICER.



3. DETERMINE WHEN YOU HAVE QUIETER PERIODS IN YOUR SCHEDULE AND SCHEDULE TRAINING ACTIVITIES DURING THOSE TIMES.



4. CHOOSE FROM MORE THAN 200 ACCREDITED TRAINING ACTIVITIES IN THE DIRECTORY:

- > CONSIDER WEBINARS AND ONLINE TRAININGS.



5. ONCE YOU HAVE COMPLETED YOUR TRAINING ACTIVITIES, PUT YOUR NEW KNOWLEDGE AND SKILLS INTO PRACTICE.

THEMES – CORE CONTENT

- > Real Estate Brokerage Act
- > Contracts and forms
- > Ethics

THEMES – SPECIALIZED CONTENT

- > Environmental phenomena
- > Financing
- > Quality and value of an immovable
- > Management
- > Ethics
- > Other legislation



USEFULNESS OF THE PROGRAM: **TWO TESTIMONIALS**



> **JULIE MONTEMBEAULT**
Real estate broker, Mauricie



> **CHRISTINE LEMIEUX**
Mortgage agency executive officer,
South Shore (Montreal)





Essential for supporting our clients!

As an experienced broker managing an agency with more than 20 brokers (Centres hypothécaires Dominion-Phénix in Greenfield Park), Christine Lemieux knows the value of continuing education. That is why she had agreed to be an ambassador for the Continuing Education Program.

A year later, her opinion has not changed: "The Program is very useful to disseminate the continuing education culture that must exist in our profession. This is especially true in our field, where things change very quickly, sometimes from one hour to the next!"

While some people embrace training and have even already completed their Program for the current cycle, others see it as a huge mountain, "and yet, it's easier than they think: you simply have to do it on an ongoing basis," she adds. And it is the method she strives to implement within her team.

So, is the Training program useful? "It is essential for providing added value to our clients," adds this executive officer, who plans to sit down with each of the brokers on her team to plan how they will meet their MCEP requirements by the deadline of April 30, 2017.

Getting training is easy!

The passion with which this Continuing Education Program ambassador has been convincing her colleagues of the Program's importance for the past year is all to her credit. In fact she does it with conviction. With the agreement of her real estate board, she will go talk to aspiring brokers at their place of study to promote the importance of continuing education. "I take my role as MCEP ambassador very seriously," she laughs.

But when asked to explain why all real estate and mortgage brokers should see continuing education in a positive light, she becomes serious again and says: "Our work is constantly evolving. To continue learning about our clients and be able to guide and advise them, we have to remain on the cutting edge." She believes that this is the only way to get the upper hand over the competition.

"We have everything to gain from training. With the array of activities currently available, often when and where you want it, it's easy!" she concludes.



AGENCY EXECUTIVE OFFICERS SUPPORT YOUR BROKERS

You want to make sure that all brokers representing your agency complete their Continuing Education Program? **HERE ARE A FEW TIPS!**

- > First, check out the section “Monitoring of my brokers” in ***My record*** on synbad.com. You can see at a glance where each broker stands in the Program.
- > Think of some of the challenges and issues your brokers have had to face recently, then look for training activities to address them in the directory. Suggest these activities in an email to your brokers and explain how they would be useful.
- > Several intermediaries – notaries, lending institutions, real estate boards – offer training activities and would be prepared to present these at your request, based on the needs of your brokers. Why not make these available to your brokers once they are accredited by the **OACIQ?**
- > Identify the brokers who would benefit from closer follow-up and together prepare a game plan based on their needs between now and the end of the cycle on April 30, 2017.
- > **Direct them to read this dossier, especially the article entitled *How to complete your Continuing Education Program!***





REMINDER

WHAT IS THE MCEP AGAIN?

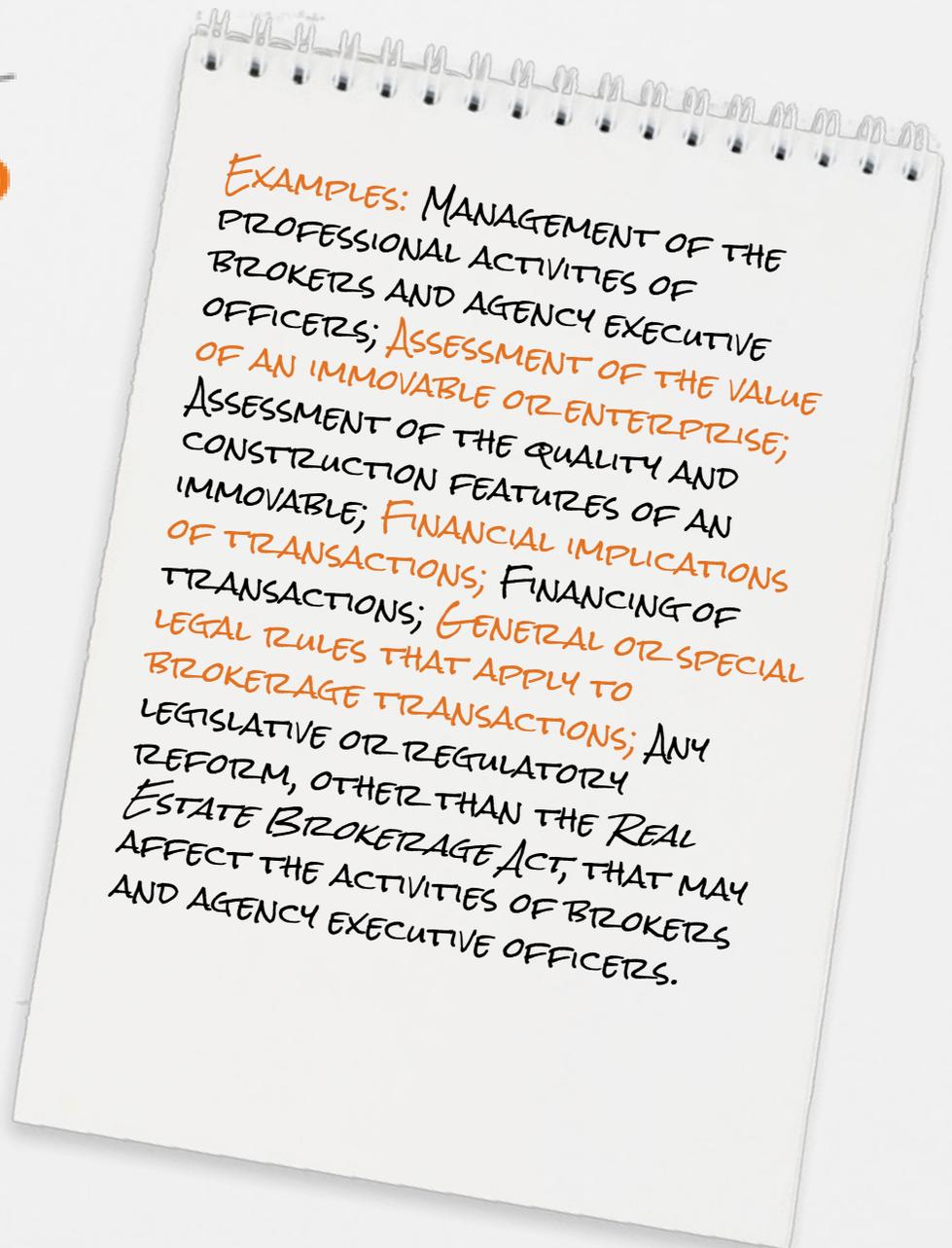
- > As its name indicates, the Mandatory Continuing Education Program (MCEP) has been implemented to maintain and develop broker skills in order to help reinforce the profession's credibility.
- > The Program, implemented at the profession's request, officially came into force on May 1, 2015, for an initial two-year cycle ending April 30, 2017.
- > During this period, all real estate and mortgage brokers must accumulate 18 continuing education units (CEUs), INCLUDING A MINIMUM OF 6 CEUs FROM **CORE CONTENT ACTIVITIES**.

EXAMPLES: GENERAL OR SPECIAL LEGAL RULES SET OUT IN THE REAL ESTATE BROKERAGE ACT AND ITS REGULATIONS; **CONTENT, USE AND DRAFTING OF CONTRACTS AND FORMS;** PROFESSIONAL CONDUCT OF BROKERS AND AGENCY EXECUTIVE OFFICERS.



$$\begin{array}{r} 6 \\ + 12 \\ \hline 18 \end{array}$$

+ A MAXIMUM OF 12 CEUs OF THE BROKER'S CHOICE FROM SPECIALIZED CONTENT ACTIVITIES



> The continuing education units you accumulate are entered in your record. They are viewable on the public site as well as in **My record** on synbad.com.

> Training activities must be accredited and may be offered by the OACIQ or by providers (View the directory containing more than 200 accredited training activities).



For more information, see the **Overview of Continuing Education Program.**





What about the public?

The main reason for implementing the Continuing Education Program is of course to ensure public protection by overseeing the professional development and skills maintenance of real estate and mortgage brokers. When you engage in training, you help reinforce the credibility of our profession by providing your clients with knowledgeable advice that is constantly updated and dedicated to the success of their transaction.

Why not make use of your record sheet in the broker register, available on the oaciq.com website? It lists the training activities you have completed. It is an excellent way to confirm your knowledge and skills, which help you play your role as advisor in every situation. **FLAUNT IT!**



Continuing Education Program

FREQUENTLY-ASKED QUESTIONS AND ANSWERS FROM INFO OACIQ



INFO OACIQ

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REGARDING

- » YOUR REAL ESTATE OR MORTGAGE TRANSACTIONS
- » YOUR PRACTICES
- » THE *REAL ESTATE BROKERAGE ACT*
- » THE **OACIQ**

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 Inbox 100 Sent items Favourite Drafts Deleted items Junk Contacts Calendar Tasks Notes

Q: Will I be able to use the training activities I completed as advertising tools?

A: Yes, of course! One of the reasons for creating the MCEP in the first place is to reinforce the credibility and competence of brokers in the eyes of the public. We encourage you to flaunt your training record, while abiding by the rules set out in the *Advertising guide for real estate and mortgage agencies and brokers*.

To this effect, see chapter 3, page 36: "***Basic rules regarding advertising, the soliciting of clients and representations.***"



Q: What happens if I don't accumulate the minimum number of units required?

A: At the end of the reference period, on April 30, 2017, brokers who have not completed their 18 CEUs will have their licence suspended, in accordance with section 15 of the *Regulation respecting the issue of broker's and agency licences*.

Any training hours accumulated after the default can only be allocated to the reference period for which the broker is in default, until such default is remedied.

To avoid this situation, you should monitor the number of CEUs you have accumulated and the time remaining in the reference period in **your record** on synbad.com. The OACIQ will keep issuing reminders to brokers to complete their program before the deadline.

Do you have more questions regarding the Continuing Education Program? A handy FAQ is available at all times on synbad.com.

AND REMEMBER: Info OACIQ agents are also there to help you if you cannot find answers to all your questions.



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HELPING YOUR CLIENTS MOVE

Available on the *Québec Portal*, the very popular Service québécois de changement d'adresse (SQCA) is a one-stop service allowing citizens to send their change of address to the six most commonly used departments and agencies:

- Directeur général des élections;
- Ministère du Travail, de l'Emploi et de la Solidarité sociale;
- Régie de l'assurance maladie du Québec;
- Retraite Québec;
- Revenu Québec;
- Société de l'assurance automobile du Québec.

This can also be done by phone toll-free at 1-877-644-4545, at 514-644-4545 in the Montreal area, or at 418-644-4545 in the Québec City area.

In the field
BY INFO OACIQ

This column presents situations that come from actual cases referred to Info OACIQ, as well as concrete examples of things one should and should not do.

THE 180-DAY CLAUSE

Questions and answers

Mrs. Lalumière, a real estate broker with three years of experience, is making a search to prepare a comparative market analysis on a property. While doing so she discovers that one of her former listings has been sold directly by the owner. She checks the land register and sees that the buyer is a person to whom she had showed the property during the course of her brokerage contract.



Looking through the directory of articles on synbad.com, she finds article 200572, entitled **Resolutory clause or 180-day clause**. It states that according to clause 7.1 (3) of the residential brokerage contract to sell (BCS), the agency or broker acting on his own account is entitled to remuneration if a sale takes place within 180 days following the expiry date to a person who was interested in the immovable during the period of the contract if, during that period, the client did not enter into an exclusive contract to sell the immovable with another agency or broker. She continues her search on synbad.com and also finds article 200602, entitled **The real estate broker's right to compensation after the expiry of the brokerage contract**.

Mrs. Lalumière realizes the scope of this clause, which exists to prevent a broker who worked to interest someone in purchasing a property from being denied their remuneration because the sale takes place after the term of the contract.

Armed with this knowledge, Mrs. Lalumière decides to inform her agency executive officer about the situation. As a capable and thorough manager, the AEO assures Mrs. Lalumière that he will take the necessary steps to ensure that the agency gets its due. He then gives her the following list of questions asked to Info **OACIQ** by his agency's brokers regarding the 180-day clause:



I. QUESTIONS FROM BROKERS REPRESENTING THE SELLER

Mrs. Rose Latulipe, broker



My residential brokerage contract to sell (BCS) expired a month ago...

Mr. Salim Malouf, broker



My BCS expired, and during the 180-day period that followed my client sold...

Mrs. Hélène Dutitanic, broker



I have a brokerage contract to sell on a commercial property. I used the recommended...

Mrs. Célestine Dorian, broker



I had signed a BCG to sell a vacant residential lot. My contract expired and, while doing...

II. QUESTIONS FROM BROKERS REPRESENTING THE BUYER

Mrs. Dolores Gauty, broker



I had showed my buyer a property listed by another broker. Since then,...

Mr. Laurent Davant, broker



I had a BCP with my buyer, in which clause 3.1 stipulated that the search...





Mrs. Rose Latulipe, broker

My residential brokerage contract to sell (BCS) expired a month ago. An unrepresented buyer, who had visited the property while my contract was in effect, comes back and wants to make a promise to purchase. Do I need to sign a new BCS?

Answer from the information agent

No. Since the visit took place during your contract, clause 7.1 (3) of the form protects your right to remuneration in case of sale to this buyer. In this case, it is not necessary to sign a new BCS with the seller. You can complete the promise to purchase for this buyer, while making sure to treat him fairly.



Mrs. H el ene Dutitanic, broker

I have a brokerage contract to sell on a commercial property. I used the recommended form BCG. My client sold directly to a buyer to whom I had showed the property during my contract. The seller did not sign a contract with another agency. Am I entitled to my remuneration, since the sale took place within 200 days following the expiration of the BCG?

Answer from the information agent

Yes, since the sale took place within 365 days following the expiration of the brokerage contract and the seller did not enter in good faith into an exclusive contract with another agency or broker.



Mr. Salim Malouf, broker

My BCS expired, and during the 180-day period that followed my client sold the property to a buyer to whom I had showed the property while my contract was in effect. My seller had not signed a new brokerage contract with another agency. Am I entitled to remuneration even if the promise to purchase did not go through me?

Answer from the information agent

Yes. As long as a sale takes place within 180 days following the expiration date to an interested person, you can check with your agency executive officer to see if he wants to take steps to claim the remuneration, even if there was no promise to purchase presented through you. Generally, in residential real estate brokerage, the "person interested" in the immovable is the person who visited it (see **article 200602**).



Mrs. Célestine Dorian, broker

I had signed a BCG to sell a vacant residential lot. My contract expired and, while doing a search, I discovered that the seller had sold directly to a buyer to whom I had showed the property. Is my remuneration protected for 180 or 365 days?

Answer from the information agent

Your remuneration is protected for 365 days, because this is a case where the use of the BCG was possible since it concerned the sale of a vacant lot which, obviously, did not include a dwelling. According to section 23 of the *Real Estate Brokerage Act*, only when the brokerage contract concerns the sale of part or all of a chiefly residential immovable comprising less than five dwellings that there is a requirement that the sale take place within 180 days following the expiration of the brokerage contract to entitle the broker to remuneration. This being said, if a BCS had been used, even if not mandatory, this period would have been as stated in the contract, i.e. 180 days (see [article 123141](#)).



Mrs. Dolores Gauty, broker

I had showed my buyer a property listed by another broker. Since then, the BCS on the property has expired. The buyer I represent would now like to present a PP. Can I do business directly with the seller and sign a BCS for this buyer?

Answer from the information agent

No. Since you are representing the buyer, you may not sign a BCS with the seller. If you did so, the seller could be obliged to pay remuneration on both brokerage contracts! If this is happening during the 180-day period following the expiration of the BCS, the remuneration sharing terms set out in the BCS will apply. You must contact the seller's broker without delay to inform him of the situation. In this case, you must not contact the seller directly.

Mr. Laurent Davant, broker



I had a BCP with my buyer, in which clause 3.1 stipulated that the search would be for a property located on Montreal's South Shore. We visited a property sold directly by its owner (FSBO) in this area. My buyer bought the property directly from the seller after my contract expired. What should I do?

Answer from the information agent

Like the BCS, the BCP includes a 180-day clause (clause 6.1 [2]): therefore, if a purchase concerning an immovable referred to in clause 3.1 occurs within 180 days following the expiration of the contract by a buyer who was interested in this immovable during the term of the contract, your remuneration is protected, that is, as long as the buyer did not sign a new BCP in good faith with another agency. If the latter is not the case, talk to your agency executive officer about taking the necessary steps to claim the remuneration.

Mortgage Professionals Canada



WHO WE ARE

We are the national mortgage broker channel association representing the largest and most respected network of mortgage professionals in the country.

REASONS TO BELONG

Mortgage Professionals Canada members are part of an association committed to the advancement of Canada's mortgage industry. As a member, you'll be recognized as belonging to a respected professional association and as a highly ethical provider of mortgage services.

BENEFITS OF MEMBERSHIP

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CONTINUING EDUCATION PROGRAM

> 2nd CYCLE 2017

WHAT'S YOUR OPINION?

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OACiQ

MICHAEL R. CONCISTER

Barrister & Solicitor

B.A., B.C.L., LL.B. DIP. MGMT (APP.)

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DU COURTAGE IMMOBILIER DU QUÉBEC

NOTE - Le présent formulaire doit être utilisé lorsqu'un co

1. IDENTIFICATION DES PARTIES

NOM DE L'UNION OU DU COURTIER
 agence immobilière courtier immobilier agissant

NOM, ADRESSE, NUMÉRO DE TÉLÉPHONE ET COURRIEL DU VENDEUR 1 ET LE CAS ÉCHÉU
DE SON REPRÉSENTANT

1.1 La vérification de l'identité du VENDEUR a été effectuée
VENDEUR 1 ou son REPRÉSENTANT
 Permis de conduire Carte d'assurance
 Carte de résident permanent Passeport
 Carte de citoyenneté canadienne Certificat de naissance

NUMÉRO DE RÉFÉRENCE

DATE DE NAISSANCE: _____ ANNÉE MOIS JOUR

Profession ou principale activité: _____

1.2 Dans le cas où le VENDEUR est représenté, indiquer:
Nature de la relation entre le VENDEUR 1 et son représentant

ENVALEUR DU VENDEUR (EX. IMMÉMOBILIER, LIQUIDATEUR D'UNE SUCCESSION OU D'UNE

1/7 L'OACIQ a pour mission d'assurer la protection du public et l'éthique des
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ON

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