



## FORM TO BE COMPLETED IN CASE OF BANKRUPTCY

Sections 37 and 38 of the *Real Estate Brokerage Act*

### IMPORTANT

This form must be completed by persons or partnerships whose file could be reviewed and analyzed by the Licence Issue and Maintenance Committee (the "Committee") following a declaration to the effect that they have declared bankruptcy, made an assignment of property or been placed under a receiving order pursuant to the *Bankruptcy and Insolvency Act* (RSC, 1985, chapter c. B-3).

#### SECTION II – PART 1 – PERSONAL BANKRUPTCY

Part 1 must be completed if a natural person has filed a declaration with the OACIQ stating that the person has gone bankrupt (personal bankruptcy), made an assignment of property, or is or has been under a receiving order under the *Bankruptcy and Insolvency Act*.

This part can be completed for the following applications:

- Application for issuance – Real estate broker licence
- Application for issuance of a licence – Real estate agency – Natural person
- Information update

#### SECTION II – PART 2 – CORPORATE BANKRUPTCY

Part 2 must be completed in the following cases:

- A **legal person or partnership** has filed a declaration with the OACIQ stating that they have gone bankrupt (**corporate bankruptcy**), made an assignment of property, or are or have been under a receiving order under the *Bankruptcy and Insolvency Act*.

This part can be completed for the following applications:

- Application for issuance of a licence – Real estate agency – Legal person or partnership
- Information update
- A natural person has filed a declaration with the OACIQ stating that a **legal person or partnership under their control** has gone bankrupt (**corporate bankruptcy**), made an assignment of property, or is or has been under a receiving order under the *Bankruptcy and Insolvency Act*.

This part can be completed for the following applications:

- Application for issuance – Real estate broker licence
- Application for issuance of a licence – Real estate agency – Natural person
- Information update

*Examples of a legal person under your control:*

- A legal person in which you hold the majority of shares or voting rights
- A legal person in which you can elect the majority of directors
- A legal person in which you are acting as a director or executive officer

#### BANKRUPTCY (DISCHARGED) IN THE PAST 10 YEARS OR OVER

Please complete this form **for each of these bankruptcies**, if applicable.

#### BANKRUPTCY (NOT DISCHARGED OR DISCHARGED) WITHIN LESS THAN 10 YEARS

Please complete this form **for each of bankruptcies** and provide the following documents, if applicable:

Notice of Bankruptcy (Form 68, 69 or 70)

Form 78 or 79 – Statement of Affairs (Non-Business or Business Bankruptcy/Proposal)

Form 65 – Monthly Income and Expense Statement of the Bankrupt

Form 82 or 83 – Report of Trustee

Form 80 – Notice of Intended Opposition to Discharge of Bankrupt

All applications or motions filed in the court file

Register of bankruptcy claims

All judgments

Form 84 – Certificate of Discharge, judgment of discharge or any other document proving the discharge from bankruptcy

Any other form or document related to the bankruptcy (documents filed in the court file in support of applications or motions, shorthand notes filed in the court file, opposition motion and decision, request to be allowed to continue despite the bankruptcy and decision, any other decision or relevant document).

**IMPORTANT (continued)**

If you no longer have the documents in your possession, please contact your Bankruptcy Trustee or Superintendent of Bankruptcy. For any document that has been destroyed or is no longer available, please provide a written notice to that effect from the Bankruptcy Trustee or Superintendent of Bankruptcy. Please send any new information or new document related to the bankruptcy immediately.

You must provide all requested documents and information, unless already in the OACIQ's possession; otherwise your application will not be processed, or your licence will be suspended. Include any additional information on a separate sheet if necessary. Please note that you are responsible for the answers contained in this declaration even if it has been completed by another person. Any misrepresentation will result in the revocation of your licence.

IT IS IMPORTANT TO COMPLETE THE FORM LEGIBLY. If your file is submitted to the Licence Issue and Maintenance Committee, the Committee will review all the documents, including the answers provided on this form, which constitute observations. Be advised that you will be informed of the date on which your file will be reviewed by the Licence Issue and Maintenance Committee and that you will be given the opportunity to submit your comments.

**SECTION I – IDENTIFICATION**

**Mr.**      **Mrs.**      **File or licence number:**

**Name:**

    

LAST NAME      FIRST NAME

**Address:**

          

NUMBER      STREET      APARTMENT

          

MUNICIPALITY      PROVINCE      POSTAL CODE

                

AREA CODE      HOME PHONE NUMBER      AREA CODE      CELLPHONE NUMBER

**Electronic addresses:**           

E-MAIL      WEBSITE (IF APPLICABLE)

**Legal person or partnership**      **File or licence number:**

**Name:**

**Address:**

          

NUMBER      STREET      APARTMENT

          

MUNICIPALITY      PROVINCE      POSTAL CODE

                

AREA CODE      HOME PHONE NUMBER      AREA CODE      CELLPHONE NUMBER

**Electronic addresses:**           

E-MAIL      WEBSITE (IF APPLICABLE)

**SECTION II – DECLARATIONS**

**PART 1 – PERSONAL BANKRUPTCY**

1. Details of your bankruptcy:

Number of bankruptcy case:

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Date of bankruptcy:

DAY			MONTH				YEAR				

2. Please explain the causes and circumstances that led to your bankruptcy:

3. Was there any consumer proposal related to this bankruptcy?

Yes      No

*If so, please provide the following documents:*

- *Consumer proposal notice (form 49)*
- *Monthly Income and Expense Statement (form 65)*
- *Statement of Affairs (form 79)*
- *Consumer proposal (form 47)*

4. Is there a link between your bankruptcy and your professional activities?

Yes      No

*Explain why this bankruptcy is or is not related to real estate brokerage activities.*

5. Explain why public safety would not be compromised by your situation if you had to engage in real estate brokerage activities.

6. What was the source of your income at the time of your bankruptcy?

7. What is the source and nature of all debts appearing on your bankruptcy statement?

8. Are there any tax debts, including unpaid taxes (GST or QST)?

Yes      No

*If yes, what is the amount of taxes due?*

9. Are there any persons or partnerships involved as creditors in your bankruptcy?

Yes      No

*If yes, please indicate the name of the creditors and the nature of your relationship with these persons or partnerships.*

**SECTION II – DECLARATIONS (continued)**

10. Were stakeholders in the real estate brokerage field involved in your bankruptcy as creditors? (e.g.: client, another broker, agency executive officer or agency)

Yes      No      *If yes, please indicate the name of the creditors and the nature of your relationship with these stakeholders.*

[Redacted area for question 10]

11. Were there or is there currently any opposition to your discharge or any notice of intended opposition?

Yes      No      *If yes, for what reasons?*

[Redacted area for question 11]

12. Were there or is there currently any procedure authorizing a creditor to sue you despite bankruptcy?

Yes      No      *If yes, for what reasons?*

[Redacted area for question 12]

13. If you answered "Yes" to the previous question, has the motion been granted?

Yes      No

14. If you have not yet been discharged, what is the projected date of your discharge?

DAY		MONTH		YEAR					

15. What are the conditions related to your discharge, if applicable?

[Redacted area for question 15]

16. Despite your discharge, are there any debts from which you are not released, notably under section 178 of the *Bankruptcy and Insolvency Act*?

Yes      No      *If yes, what are they?*

[Redacted area for question 16]

17. Since your bankruptcy, have you taken any steps to rehabilitate your financial situation?

Yes      No      *If yes, which ones or if not, why?*

[Redacted area for question 17]

18. Were you an OACIQ licence holder at the time of your bankruptcy?

Yes      No

**SECTION II – DECLARATIONS (continued)**

19. If you are already the holder of a licence issued by the OACIQ, section 10 of the *Regulation respecting broker's and agency licences* stipulates that you must send to the OACIQ without delay any change to any information or document required under the *Real Estate Brokerage Act* or this regulation. If your bankruptcy dates more than a few days, why did you not inform the OACIQ of it?

20. If applicable, explain why you have declared bankruptcy more than once?

**PART 2 – CORPORATE BANKRUPTCY**

21. Details regarding the bankruptcy of the legal person or partnership:

**Number of bankruptcy case:**

**Date of bankruptcy:**     
DAY MONTH YEAR

22. Please explain the causes and circumstances that led to the bankruptcy of the legal person or partnership:

23. Was there any consumer proposal or a proposal to creditors related to this bankruptcy?

- Yes      No      *If so, please provide the following documents:*
- *Consumer proposal notice*
  - *Statement of Affairs (form 79)*
  - *Proposal*

24. Is there a link between this bankruptcy and real estate brokerage activities?

Yes      No      *Explain why this bankruptcy is or is not related to real estate brokerage activities.*

25. Explain why public safety would not be compromised by this situation if you or the legal person or partnership had to engage in real estate brokerage activities.

26. What was the source of income of the legal person or partnership at the time of bankruptcy?

27. What is the source and nature of all debts appearing on the bankruptcy statement of the legal person or partnership?

**SECTION II – DECLARATIONS (continued)**

28. Are there any tax debts, including unpaid taxes (GST or QST)?

Yes No *If yes, what is the amount of taxes due?*

[Redacted area for question 28]

29. Are there any persons or partnerships involved as creditors in the bankruptcy of the legal person or partnership?

Yes No *If so, please indicate the names of the creditors and the nature of the relationship between them and the legal person or partnership, or the nature of your relationship with these persons or partnerships.*

[Redacted area for question 29]

30. Were stakeholders in the real estate brokerage field involved in the bankruptcy of the legal person or partnership as creditors? (e.g.: client, other real estate broker, agency executive officer or real estate agency)

Yes No *If so, please indicate the names of these creditors and the nature of the relationship with these persons or partnerships.*

[Redacted area for question 30]

31. Were there or is there currently any procedure authorizing a creditor to sue the legal person or partnership despite bankruptcy?

Yes No *If so, for what reasons?*

[Redacted area for question 31]

32. If you answered "Yes" to the previous question, has the motion been granted?

Yes No

33. Since the bankruptcy of the legal person or partnership, have you taken any steps to rehabilitate its financial situation?

Yes No *If yes, which ones or if not, why?*

[Redacted area for question 33]

34. Were you an OACIQ licence holder at the time of the bankruptcy?

Yes No

35. If you are the holder of a licence issued by the OACIQ, section 10 of the *Regulation respecting broker's and agency licences* stipulates that you must immediately send the OACIQ any change to information or documents required under the *Real Estate Brokerage Act* or this regulation. If the bankruptcy of the legal person or partnership dates more than a few days, why did you not inform the OACIQ?

[Redacted area for question 35]

36. If applicable, explain why the legal person or partnership has declared bankruptcy more than once?

[Redacted area for question 36]

## SECTION III – CONSENT, DECLARATION AND SIGNATURE

### **!** CONSENT TO THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

The OACIQ protects the privacy of information it collects in accordance with the applicable legislation and its personal information governance policies. The OACIQ collects your personal information via this form. This information is necessary and it will be used for the following purposes:

- Verification of your identity.
- Processing of your application for OACIQ licence issuance or maintenance to ensure that your application meets the conditions set forth in the regulations.
- Criminal record check.
- Keeping of the OACIQ Register of licence holders.

Where applicable, your personal information may be used to oversee your practice by OACIQ staff members or committee members whose duties so require.

To check your criminal record, the OACIQ may disclose your personal information to companies specialized in background checks.

In some cases prescribed by law, your personal information may be used for purposes other than those described above or disclosed to third parties without your consent.

#### **Right of access and correction**

Subject to certain reservations, the law authorizes you to access your personal information. You may request corrections to your personal information held by the OACIQ if it is inaccurate, incomplete or equivocal, or if the collection, release or keeping of the information is not authorized by law.

#### **Consequences of refusal**

This collection of your personal information is necessary to process your OACIQ licence issuance application. In the event that you withdraw your consent to the collection, use or disclosure of your personal information, the OACIQ will not be able to receive or process your application.

#### **Consent**

I CONFIRM that I have read and understood the information regarding the collection, use and disclosure of my personal information.  
**I consent to the collection, use and disclosure of my personal information.**

I DECLARE that all the information contained in this form is accurate and I understand that any misrepresentation will result in the revocation of my licence. I authorize third parties to disclose to the OACIQ, and to any person it may mandate, personal information regarding my criminal record. **I undertake to notify the OACIQ immediately of any change to this information.**

**X**

SIGNATURE

Date:

DAY	MONTH	YEAR					

**Please sign the form AFTER  
completing ALL the sections.**

#### **Organisme d'autoréglementation du courtage immobilier du Québec**

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