

Draft Regulation

Real Estate Brokerage Act
(chapter C-73.2)

Obtaining and use of the title of residential condominium specialist by a holder of a real estate broker's licence

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting the obtaining and use of the title of residential condominium specialist by a holder of a real estate broker's licence, appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to provide the terms and conditions to be observed by a holder of a real estate broker's licence to obtain and use the title of residential condominium specialist, as well as those that enable that title to be withdrawn.

It also sets the fees payable for examination of an application to obtain the title, and contains transitional provisions relating to fee increases on 1 May in the years 2027 to 2030.

Lastly, the draft Regulation provides that a contravention of one of its provisions may give rise to a monetary administrative penalty.

The title of residential condominium specialist would not be mandatory for a real estate broker to be the intermediary party to a real estate brokerage contract for the sale or purchase of a residential condominium. Consequently, the draft regulation would only affect businesses if real estate brokers chose to use this title. In that case, they would be responsible for the costs associated with initial training and related administrative formalities, as well as the annual continuing training required to maintain the title.

Further information on the draft Regulation may be obtained by contacting Jean-Hubert Smith-Lacroix, coordinator, legislative and regulatory development, Direction principale du droit corporatif et des politiques relatives au secteur financier, Ministère des Finances, 390, boulevard Charest Est, 3^e étage, Québec (Québec) G1K 3H4; telephone: 418 646-7466; email: Jean-Hubert.Smith-Lacroix@finances.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean-Hubert Smith-Lacroix at the above contact information.

ERIC GIRARD
Minister of Finance

Regulation respecting the obtaining and use of the title of residential condominium specialist by a holder of a real estate broker's licence

Real Estate Brokerage Act
(chapter C-73.2, ss. 46, par. 2, 48 and 123.3).

1. A holder of a real estate broker's licence may obtain the title of residential condominium specialist if the following conditions are satisfied:

(1) the holder's licence is neither suspended nor subject to restrictions or conditions, unless it is a restriction referred to in subparagraph 1 of the first paragraph of section 2 of the Regulation respecting broker's and agency licences (chapter C-73.2, r. 8);

(2) in the 12 months preceding the application to obtain the title of residential condominium specialist, the holder has passed the training given by the Organisme d'autoréglementation du courtage immobilier du Québec or by a trainer assigned by that Organization dealing with the competency the holder must have, provided in the competency framework available on the Organization's website, to obtain the title of residential condominium specialist;

(3) in the 3 years preceding the application to obtain the title of residential condominium specialist, the holder was a part, as an intermediary, to no fewer than five real estate brokerage contracts further to which the sale or purchase of a fraction of a chiefly residential immovable that was the subject of an agreement or a declaration of co-ownership under articles 1009 to 1109 of the Civil Code civil was concluded;

(4) the holder makes the application to obtain the title to the Organization; and

(5) the holder has paid the fees required for examination of the application to obtain the title of residential condominium specialist.

Despite subparagraphs 2 and 3 of the first paragraph, a holder of a real estate broker's licence applying to obtain the title of residential condominium specialist within

12 months after the date on which the title was withdrawn is not required to satisfy the conditions in those subparagraphs if, since the withdrawal, the holder has taken all continuing or additional training as required by the Organization to be able to use the title.

2. Along with an application to obtain the title of residential condominium specialist, a licence holder must provide the following information and documents if they are not already in the Organization's possession:

(1) an attestation showing the holder has passed the training referred to in subparagraph 2 of the first paragraph of section 1; and

(2) information demonstrating that no fewer than five sales or purchases referred to in subparagraph 3 of the first paragraph of section 1 have been concluded, including the addresses of the relevant immovables, the dates on which the deeds of sale or purchase were signed and the numbers of the brokerage contracts under which the holder acted as an intermediary in connection with the sales or purchases.

3. The fees required for examination of an application to obtain the title of residential condominium specialist are \$125.

The fee amounts are adjusted by operation of law on 1 May of each year based on the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada for the 12-month period ending on 31 December of the preceding year. The rate may not be lower than zero. The Minister of Finance is to publish the rate in the *Gazette officielle du Québec*.

The adjusted amounts are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

4. An application to obtain the title of residential condominium specialist is considered to be received only once all the information and documents required by this Regulation have been provided along with the fees payable.

5. A licence holder must, in the year after obtaining the title of residential condominium specialist and on an annual basis thereafter, take and pass all continuing or additional training as required by the Organization to be able to use the title.

6. The Organization withdraws the title of residential condominium specialist at the request of the holder.

In addition, the Organization withdraws the title of residential condominium specialist if the holder no longer satisfies a condition for obtaining or using the title or the holder obtained or is using the title under false representations.

7. A holder of a real estate broker's licence referred to in the second paragraph of section 6 may request the Organization to review its decision. The Organization is to maintain the withdrawal unless the holder demonstrates that the situation has been remedied.

8. No person may, without having obtained the title of residential condominium specialist, use in any manner whatsoever the title of "real estate broker specialized in residential condominiums" or "residential condominium real estate specialist", or any other title that may lead others to believe the person may use such a title or has the expertise or specialized competency in real estate brokerage matters pertaining to residential co-ownership.

9. A monetary administrative penalty of \$250 may be imposed on a holder of a real estate broker's licence who, in contravention of section 8, without having obtained the title of residential condominium specialist, uses in any manner whatsoever the title of "real estate broker specialized in residential condominiums" or "residential condominium real estate specialist".

10. The fees under section 3 are payable for examination of an application to obtain the title of residential condominium specialist received on or after (*insert the date that is 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*). Despite the second paragraph of that section, the fees are increased as follows:

(1) \$150 for examination of an application received on or after 1 May 2027;

(2) \$175 for examination of an application received on or after 1 May 2028;

(3) \$200 for examination of an application received on or after 1 May 2029;

(4) \$225 for examination of an application received on or after 1 May 2030.

11. This Regulation comes into force on (*insert the date that is 15 days after its publication in the Gazette officielle du Québec*).

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