

**FORM – CRIMINAL AND PENAL RECORD**Sections 37, 38 and 149 of the *Real Estate Brokerage Act***IMPORTANT**

This form must be completed by persons or partnerships whose file must be reviewed and analyzed by the Licence Issue and Maintenance Committee (the "Committee") following a declaration that they are facing criminal or penal charges or that they were convicted by a court, in Canada or elsewhere, of a penal offence or criminal act, pleaded guilty to such an offence or act, or that they are appealing or awaiting a sentence.

SECTION II – PART 1 – NATURAL PERSON

Part 1 must be completed if a **natural person** has filed a declaration with the OACIQ stating that:

- a) the person has **pleaded guilty** to, or been found guilty by a court, in Canada or elsewhere, of a **criminal offence or act**. This person has an obligation to disclose any guilty plea or decision, regardless of its nature or relation (perceived or not) to the real estate brokerage field. This includes guilty pleas or decisions that are under appeal, awaiting sentencing, and those for which the person received a (conditional or unconditional) discharge or a record suspension (formerly called "pardon"); **or**
- b) the person is facing a **criminal charge** at the time of the licence application or at any other time after the licence issuance, in accordance with section 10 of the *Regulation respecting broker's and agency licences*; **or**
- c) except for a violation to the *Highway Safety Code* and municipal by-laws, the person has pleaded guilty to, or been found guilty by a court, in Canada or elsewhere, of a **penal offence** pursuant to a provincial or a federal law or any other applicable legislation. This person has an obligation to disclose any guilty plea or decision, regardless of its nature or relation (perceived or not) to the real estate brokerage field, **including those currently under appeal or awaiting sentencing by the person**; **or**
- d) the person is facing a **penal charge** at the time of the licence application or at any other time after the licence issuance, in accordance with section 10 of the *Regulation respecting broker's and agency licences*.

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 – LEGAL PERSON

Part 2 must be completed if a declaration has been filed with the OACIQ stating that a **legal person**:

- a) has pleaded guilty to, or been found guilty by a court, in Canada or elsewhere, of a **criminal offence or act**. This person has an obligation to disclose any guilty plea or decision, regardless of its nature or relation (perceived or not) to the real estate brokerage field. This includes guilty pleas or decisions that are under appeal, awaiting sentencing, and those for which the person received a record suspension (formerly called "pardon"); **or**
- b) is facing a **criminal charge** at the time of the licence application or at any other time after the licence issuance, in accordance with section 10 of the *Regulation respecting broker's and agency licences*; **or**
- c) except for a violation to the *Highway Safety Code* and municipal by-laws, the person has pleaded guilty to, or been found guilty by a court, in Canada or elsewhere, of a penal offence pursuant to a provincial or a federal law or any other applicable legislation. This person has an obligation to disclose any guilty plea or decision, regardless of its nature or relation (perceived or not) to the real estate brokerage field, including those currently under appeal or awaiting sentencing by the person; **or**
- d) is facing a **penal charge** at the time of the licence application ou à tout autre moment après la délivrance de son permis, conformément à l'article 10 du *Règlement sur les permis de courtier et d'agence*.

This part can be completed for the following applications:

- Application for issuance – Real estate broker licence (**for legal persons under your control**)
- Application for issuance of a licence – Real estate agency – Natural person (**for legal persons under your control**)
- Application for issuance of a licence – Real estate agency – Legal person or partnership
- 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

Depending on circumstances, the Committee may refuse to issue a licence to an applicant or may issue it by imposing restrictions or conditions thereon. The Committee may also take measures against a licence holder, including suspending or revoking a licence or making it subject to restrictions or conditions.

IMPORTANT (continued)

Please complete this form for **each of the charges and convictions** and provide the required documents, if any:

Information (Indictment)

Record of guilt and sentence

Written judgement or, if not, audio recordings of hearing on guilt and sentence, if the conviction is less than 10 years

Pre-sentencing report, if any

Probation order, if any

Record suspension application, if any

Decision to refuse a record suspension, if any

If you no longer have the documents in your possession, please contact the body that laid the charges or the clerk's office of the court where the case was heard. For any document that has been destroyed or is no longer available, please provide a written notice to that effect from the Registry of the Court where the case was heard. Please send any new information or documents related to the charge or conviction immediately.

You must provide all requested documents and information, unless already in the OACIQ's possession; otherwise, your licence application will not be processed, or where applicable, following information update, 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. Should your file be submitted to the Licence Issue and Maintenance Committee, the latter will review all the documents, including the answers provided on this form, which constitute observations.

Note that you will be informed of the date on which your file will be examined by the Licence Issue and Maintenance Committee, and you will have the opportunity to submit your remarks.

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 – DÉCLARATIONS (suite)

22. In your opinion, is this charge/penal offence/criminal act related to real estate brokerage activities?

Yes No *If not, explain why this charge/penal offence/criminal act is not related to real estate brokerage activities.*

23. 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.

24. Since the commission of this penal offence or criminal offence, have you taken any rehabilitation steps?

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

25. Were you performing your work at the time of the charge/penal offence/criminal act?

Yes No

26. Have you or the legal person or partnership been holding a certificate issued by the ACAIQ or a licence issued by the OACIQ at the time of the charge/penal offence/criminal act?

Yes No

27. Has the legal person or partnership applied for a record suspension (formerly called "pardon") concerning that criminal offence or act?

Yes No

If so, your record suspension application (formerly called "pardon"):

is being reviewed has been refused has been accepted has been revoked

Please provide a copy of a document attesting the status of your application. If you no longer have the documents, please contact the Parole Board of Canada.

28. Has there been any breach of probation, failure to comply with an undertaking, or any other breach related to this criminal offence or act?

Yes No *If yes, please explain the causes and circumstances.*

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

SECTION III – CONSENT, DECLARATION AND SIGNATURE

I 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 personal information is necessary; it is required by the *Real Estate Brokerage Act* (CQLR, c. C-73.2) and its regulations for the issuance of OACIQ licences. This information 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 private 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

4905 Lapinière Blvd., Suite 2200, Brossard (Québec) J4Z 0G2

Tel.: 450-462-9800 or 1-800-440-7170 • Fax: 450-676-3513 • certification@oaciq.com • oaciq.com