

chapter C-73.2, r. 1

Regulation respecting brokerage requirements, professional conduct of brokers and advertising

Real Estate Brokerage Act
(chapter C-73.2, ss. 7, 21, 22, 22.1 to 22.6 and 46).

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CHAPTER 0.1

INTERPRETATION

O.C. 173-2023, s. 1.

0.1. In this Regulation, unless the context indicates otherwise, the words “broker” and “agency” mean, respectively, a broker’s licence holder and an agency licence holder, and the expression “licence holder” means a broker’s licence holder and an agency licence holder.

O.C. 173-2023, s. 1.

CHAPTER I

REQUIREMENTS TO BE MET TO ENGAGE IN A BROKERAGE TRANSACTION

O.C. 299-2010, c. I; O.C. 173-2023, s. 2.

DIVISION I

GENERAL REQUIREMENTS

1. A licence holder must disclose to every person dealt with in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) that a broker’s or agency licence has been issued to the holder under the Act.

The licence must be produced by the holder on request.

O.C. 299-2010, s. 1; O.C. 173-2023, s. 3.

2. A licence holder must avoid any situation of conflict of interest; if the situation cannot be avoided, the holder must disclose it in writing to all parties concerned without delay.

O.C. 299-2010, s. 2.

3. A licence holder who engages in professional activities that are not real estate brokerage activities or carries on another enterprise must prevent the activities or enterprise from compromising the holder’s integrity, independence or competence.

O.C. 299-2010, s. 3.

4. A licence holder must offer professional services without distinction, exclusion or preference based on a ground of discrimination set out in section 10 of the Charter of human rights and freedoms, including number or age of children.

O.C. 299-2010, s. 4.

5. A licence holder must verify, in accordance with generally accepted practice, all information provided to the public or to another holder, and be able at all times to prove the accuracy of the information.

O.C. 299-2010, s. 5.

6. A licence holder engaging in brokerage activities may not elude or attempt to elude professional civil liability, either his or her own or, if applicable, that of the business corporation within which the licence holder carries on activities in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (chapter C-73.2), including by inserting in a contract of professional services a clause that directly or indirectly, fully or partially, excludes that liability.

O.C. 299-2010, s. 6; O.C. 1256-2011, s. 1.

7. A licence holder may not allow a person to use the holder's name if the person is no longer qualified to engage in brokerage activities or is no longer licensed.

In addition, a licence holder must ensure that no person whose licence has been suspended or revoked uses the holder's name to engage in brokerage activities. Without valid reason, the holder may not employ, authorize to act, retain the employment of or tolerate such a person in the holder's office.

O.C. 299-2010, s. 7.

8. A licence holder may not derive or agree to derive remuneration determined on the basis of the difference between the price set by the party represented and the price accepted by the other party to the transaction.

O.C. 299-2010, s. 8.

9. A licence holder may not use or lend property placed in the holder's care by a party represented or another party to a transaction for purposes other than those for which the property was placed in the holder's care, without written authorization to that effect.

O.C. 299-2010, s. 9.

10. A licence holder may not unduly delay handing over property placed in the holder's care by a party represented or by a party to a transaction.

O.C. 299-2010, s. 10.

11. A licence holder must always use the most recent version of any form.

O.C. 299-2010, s. 11.

12. Every disclosure statement required under the Real Estate Brokerage Act (chapter C-73.2) or this Regulation must be written in plain language that is simple, clear and concise. It must be presented in a logical manner that is likely to bring the information to the attention of the person or partnership for which it is intended.

O.C. 299-2010, s. 12.

12.1. A licence holder must have access to a computer at his or her establishment and must, at all times, have a valid electronic mail address for professional purposes.

O.C. 156-2012, s. 1.

DIVISION II

REPRESENTATION OF PARTIES TO A TRANSACTION

13. The parties to a transaction are all the persons having an interest in completing a transaction described in section 1 of the Real Estate Brokerage Act (chapter C-73.2).

O.C. 299-2010, s. 13.

14. A licence holder represents the party to whom the holder is bound by a real estate brokerage contract.

O.C. 299-2010, s. 14; O.C. 939-2013, s. 1; S.Q. 2021, c. 36, s. 195; O.C. 173-2023, s. 4.

15. A licence holder must protect and promote the interests of the party represented and act towards all the parties to a transaction in a fair and equitable manner.

A holder may not make any representation that is contrary to the interests of the party represented. No disclosure of confidential or strategic information concerning that party or the prospective transaction may be made by the holder without the party's written authorization.

O.C. 299-2010, s. 15.

16. A licence holder must as soon as possible inform all unrepresented parties that the holder has an obligation to protect and promote the interests of the party represented and to act towards all other parties in a fair and equitable manner.

O.C. 299-2010, s. 16; O.C. 173-2023, s. 5.

16.1. A licence holder is not required to send or deliver, in accordance with the second paragraph of section 29.1 of the Real Estate Brokerage Act (chapter C-73.2), a notice of the termination of a contract for the purchase or lease of an immovable in the following cases:

(1) there is no other licence holder whose establishment is situated within a 50-km radius of the immovable for which the client of the licence holder intends to formulate a proposal with a view to purchasing, leasing or exchanging that immovable who may act as the client's intermediary;

(2) the licence holder is an agency and the broker's licence holder through whom the agency is acting under the contract relating to the sale, lease or exchange of the immovable is not the broker's licence holder through whom that agency represents the client who intends to formulate a proposal with a view to purchasing, leasing or exchanging that immovable.

O.C. 938-2022, s. 1.

16.2. Where the party for whom a licence holder agrees to act as an intermediary does not receive a mandatory form containing an informative text in particular on the mission of the Organisme d'autoréglementation du courtage immobilier du Québec, the licence holder must, without delay, give that party a document containing such text.

O.C. 173-2023, s. 6; I.N. 2023-04-01.

17. A licence holder must disclose without delay to the party to whom the holder is bound by a real estate brokerage contract the fact that the holder is also bound by a real estate brokerage contract to another party to the transaction.

Where the licence holder is concerned by one of the cases provided for in section 16.1, the licence holder must without delay inform the client in writing and obtain, before the client formulates a proposal with a view to purchasing, leasing or exchanging the immovable, the client's written consent to continue to represent the client. Failing that, the licence holder must terminate the contract.

O.C. 299-2010, s. 17; O.C. 938-2022, s. 2; O.C. 173-2023, s. 7.

DIVISION III

INTEREST IN AN IMMOVABLE, AN ENTERPRISE OR A LOAN SECURED BY IMMOVABLE HYPOTHEC

18. A licence holder who, whether or not in the course of the holder's functions, directly or indirectly holds or proposes to acquire an interest in an immovable that is to be purchased or sold, or acts or proposes to act as a lender in connection with a loan secured by immovable hypothec must, before the drafting or acceptance of the proposed transaction by the prospective contracting party, send without delay to that party, using any means providing proof of the date and time of receipt, a written notice containing

(1) the name of the licence holder;

- (2) the licence held and its number;
- (3) the address of the holder's establishment;
- (4) the name and contact information of the prospective contracting party;
- (5) the purpose and nature of the transaction;
- (6) the nature of the interest the holder has or proposes to acquire;
- (7) the date and time of receipt of the notice; and
- (8) the signature of the broker or agency executive officer, as the case may be.

The notice must also state, if applicable, the fact that the licence holder, for the holder's account, is negotiating, has negotiated or intends to negotiate the resale or alienation of the immovable the holder proposes to acquire.

In the event that the notice is not given, the person entitled to the information may, as long as the contract has not been signed by the parties, withdraw without penalty from any offer or promise concerning the immovable or loan, whether accepted or not, by sending or giving a written notice to the other party.

The licence holder's notice must be kept in the notice of disclosure record maintained by the broker or the broker's agency and be entered in the notice of disclosure register.

O.C. 299-2010, s. 18; O.C. 173-2023, s. 8.

19. *(Revoked).*

O.C. 299-2010, s. 19; O.C. 173-2023, s. 9.

20. A licence holder selling or leasing an immovable in which a direct or indirect interest is held by the holder may not represent an interested purchaser or lessee. Except for the conclusion or renewal of a lease on a residential immovable, the holder must without delay inform the purchaser or lessee in writing that the holder is not acting as a representative and that the person may seek representation by a licence holder of his or her choice.

O.C. 299-2010, s. 20; O.C. 156-2012, s. 2; O.C. 173-2023, s. 10.

21. A licence holder acquiring a direct or indirect interest in an immovable cannot represent the person who intends to sell or lease the immovable. The holder must without delay inform the person in writing that the holder is not acting as a representative and that the person may seek representation by a licence holder of his or her choice.

O.C. 299-2010, s. 21; O.C. 173-2023, s. 11.

22. A licence holder proposing to acquire a direct or indirect interest in an immovable to be sold or leased by the holder pursuant to a real estate brokerage contract must terminate the brokerage contract before submitting a transaction proposal. Despite the foregoing, the brokerage contract cannot be terminated with a view to the purchase or lease of the immovable as long as transactions are in progress or the holder is collaborating with another licence holder to complete the transaction on the immovable.

O.C. 299-2010, s. 22; O.C. 173-2023, s. 12.

23. A licence holder may not claim or receive remuneration when the holder becomes a lessee or acquires an interest in an immovable for the holder, a partnership or legal person controlled by the holder, or if the married or civil union spouse of the holder, the person with whom the holder is in a de facto union or a legal

person or a partnership controlled by that spouse or person becomes a lessee or acquires an interest in the immovable.

O.C. 299-2010, s. 23; O.C. 939-2013, s. 2; O.C. 173-2023, s. 13.

DIVISION IV

CHANGE AFFECTING A LICENCE HOLDER BOUND BY A REAL ESTATE BROKERAGE CONTRACT

O.C. 299-2010, Div. IV; O.C. 173-2023, s. 14.

24. An agency that has entered into a real estate brokerage contract must without delay notify the contracting party in writing of any change in the identity of the broker acting for the agency with the contracting party.

O.C. 299-2010, s. 24; O.C. 173-2023, s. 59.

25. A broker must notify in writing the parties represented as soon as the broker ceases to act for his or her own account. The notice must state the right of the parties either to continue to deal with the broker if the broker is subsequently acting for an agency, with the name of the agency, or to terminate the real estate brokerage contract.

O.C. 299-2010, s. 25; O.C. 939-2013, s. 3; O.C. 173-2023, s. 15.

26. If the broker ceases to act for an agency, the agency, or, failing that, the broker must, without delay, so notify in writing the parties represented by the broker. The notice must state the right of the parties either to continue to deal with the agency, to continue to deal with the broker if the broker is acting for his or her account or for a new agency, with the name of the agency, or to terminate the real estate brokerage contract.

O.C. 299-2010, s. 26; O.C. 939-2013, s. 4; O.C. 173-2023, s. 16.

27. A licence holder who has entered into a real estate brokerage contract must notify the contracting party in writing of any change in the address of the holder's establishment.

O.C. 299-2010, s. 27; O.C. 173-2023, s. 17.

28. A real estate brokerage contract entered into by a broker working for his or her own account is deemed to be cancelled as of the time the broker ceases brokerage activities or the broker's licence is suspended or revoked.

O.C. 299-2010, s. 28; O.C. 173-2023, s. 59.

DIVISION V

VERIFICATION OF IDENTITY AND LEGAL CAPACITY

29. A licence holder must verify and ascertain the identity of the party represented as well as the identity of the other parties to the transaction if the latter parties are not represented by another licence holder.

The licence holder must note in the record the information concerning the identity of the party whose identity is verified by the licence holder and, where the licence holder has not been able to meet the party in person, keep in the record the documents used to verify the identity of the party.

O.C. 299-2010, s. 29; O.C. 939-2013, s. 5; O.C. 173-2023, s. 18.

30. A licence holder must verify and ascertain the legal capacity of the party represented or the party's representative for the proposed transaction as well as the legal capacity of the other parties to the transaction if the latter parties are not represented by another licence holder.

O.C. 299-2010, s. 30; O.C. 939-2013, s. 6; O.C. 173-2023, s. 19.

DIVISION VI

INFORMATION PROTECTION MEASURES

31. A licence holder must respect the confidential nature of information given to the holder and the confidentiality of personal information obtained in the course of the holder's brokerage activities, unless an express provision of an Act, an order of a court of competent jurisdiction or the carrying on of the brokerage activities exempts the holder from that requirement.

O.C. 299-2010, s. 31.

32. A licence holder must not use personal information obtained in the course of brokerage activities for purposes other than those for which the information was obtained.

O.C. 299-2010, s. 32.

33. A licence holder must take all reasonable measures to prevent a person employed by or authorized to act for the holder from disclosing the personal information obtained by the holder in the course of brokerage activities.

The licence holder must ensure that all office equipment and the registers and records maintained by the holder are installed and kept so that the confidentiality of the information they contain is preserved.

O.C. 299-2010, s. 33.

34. A licence holder must, when personal information is obtained from another licence holder in connection with a transaction, use the information for the sole purpose for which it was obtained. The holder may not communicate the information to another licence holder without authorization from the licence holder from whom the information was first obtained.

O.C. 299-2010, s. 34.

DIVISION VI.1

BROKERAGE ACTIVITIES WITHIN A BUSINESS CORPORATION

O.C. 1256-2011, s. 2.

34.1. A broker acting on behalf of an agency is authorized to carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (chapter C-73.2), if the following requirements are met:

- (1) the broker holds at least 90% of the voting rights attached to the corporation's shares;
- (2) the broker is the president of the corporation;
- (3) the information in paragraphs 1 and 2 may be verified by examining the documents that may be required under paragraph 8;
- (4) the broker has sent to the Organization the documents and information required in paragraph 13 of section 5 of the Regulation respecting broker's and agency licences (chapter C-73.2, r. 8);

(5) a contract has been entered into between the corporation, represented by the broker, and the agency for which the broker is acting;

(6) the broker is acting on behalf of the agency exclusively through the corporation;

(7) the name of the corporation includes the broker's name or, if applicable, the name by which the broker is commonly known as they appear on the licence; and

(8) the broker provides, at the request of the Organization, within the time limits and according to the terms and conditions set by the Organization, the following updated documents:

(a) the articles and by-laws of the corporation and the documents that must be attached under the Business Corporations Act (chapter S-31.1) or similar documents required under the constituting Act of the corporation;

(b) the securities register of the corporation;

(c) any shareholders' agreement and voting agreement and amendments;

(d) any agreement concerning a stock option with voting or other rights, even if conditional, granted to a person to be issued such stock;

(e) the initial declaration or declaration of registration of the corporation and any updates filed under the Act respecting the legal publicity of enterprises (chapter P-44.1); and

(f) the names and home addresses of the corporation's chief executive officers.

O.C. 1256-2011, s. 2; O.C. 939-2013, s. 7; O.C. 173-2023, s. 20.

34.2. Where a broker carrying on activities within a business corporation becomes aware that one of the requirements prescribed in this Regulation or in Division IV of Chapter II of the Real Estate Brokerage Act (chapter C-73.2) is no longer met, the broker must, within 15 days of becoming aware, take the necessary measures to rectify the situation; failing that, the broker ceases to be authorized to carry on activities within the business corporation.

Where the Organization becomes aware that the broker was authorized to carry on activities within a business corporation under false pretences, the broker immediately ceases to be authorized to carry on activities within that corporation.

O.C. 1256-2011, s. 2.

34.3. Where a broker carries on activities within a business corporation, every real estate brokerage contract or form evidencing such a contract relating to brokerage transactions described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) must be signed by the corporation, represented by the broker, for and on behalf of the agency for which the broker is acting.

O.C. 1256-2011, s. 2; O.C. 173-2023, s. 21.

DIVISION VII

REMUNERATION SHARING

35. A broker acting for an agency must, when receiving remuneration in connection with a transaction, pay the remuneration without delay to the agency for which he or she carries on brokerage activities.

O.C. 299-2010, s. 35.

36. A licence holder who has entered into a real estate brokerage contract must, without delay and in writing, disclose to the represented party every remuneration agreement in the holder's favour related to the object of the contract.

In addition, the licence holder must without delay make a written disclosure to that party stating the identity of the other person or partnership from which the remuneration is owing, the nature of the holder's relation with that person or partnership, and the nature of the remuneration owing if it is a non-monetary benefit.

O.C. 299-2010, s. 36; O.C. 173-2023, s. 22.

37. A licence holder may not share remuneration with a person or partnership that engages in or attempts to engage in brokerage activities without being authorized to do so in or outside Québec.

A licence holder may share remuneration received in connection with a transaction described in section 3 of the Regulation respecting broker's and agency licences (chapter C-73.2, r. 8), only with another licence holder, a person or a partnership authorized to engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) or a person referred to in section 3 of the Act.

Despite the first and second paragraphs, a licence holder may, in accordance with the conditions set out in the Act respecting the distribution of financial products and services (chapter D-9.2) and the regulations, share remuneration with a firm, an independent representative or an independent partnership within the meaning of the Act or with a dealer or adviser governed by the Securities Act (chapter V-1.1) or the Derivatives Act (chapter I-14.01).

O.C. 299-2010, s. 37; O.C. 1256-2011, s. 3; O.C. 156-2012, s. 3; O.C. 173-2023, s. 23.

38. A licence holder sharing or proposing to share remuneration must without delay disclose that fact in writing to the party represented and retain a copy of the notice given to that effect.

In addition, if any other remuneration is or may be payable, the licence holder must disclose the identity of the other person or partnership and, in the case of a non-monetary benefit, the nature of the compensation.

O.C. 299-2010, s. 38.

39. A licence holder may, as a means of promoting services, offer reductions in remuneration, or benefits or gifts.

A licence holder may waive any part of the remuneration to which the holder is entitled so long as doing so does not disadvantage the other parties to the transaction or another licence holder.

A licence holder may not, however, waive the remuneration to which the holder is entitled if one or more transaction proposals are presented by other licence holders at the same time as a transaction proposal presented by the holder or received directly by the person selling or leasing an immovable.

O.C. 299-2010, s. 39; O.C. 173-2023, s. 24.

40. A licence holder must without delay disclose in writing to the party represented the terms of any shared remuneration offered to the other licence holders collaborating in the transaction as well as the consequences the proposed terms entail.

O.C. 299-2010, s. 40.

DIVISION VIII

(Revoked)

O.C. 299-2010, Div. VIII; O.C. 173-2023, s. 25.

41. *(Revoked)*.

O.C. 299-2010, s. 41; O.C. 156-2012, s. 4; O.C. 173-2023, s. 25.

42. *(Revoked)*.

O.C. 299-2010, s. 42; O.C. 156-2012, s. 5; O.C. 173-2023, s. 25.

DIVISION IX

MISCELLANEOUS

43. When acting as an intermediary in connection with a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2), a licence holder must recommend a reasonable deposit be made.

A licence holder who receives such deposit may only place it in a licence holder's trust account.

O.C. 299-2010, s. 43; O.C. 173-2023, s. 26.

44. If a represented party wishes to use an information listing service in connection with an immovable, the licence holder must list the immovable with that service when the marketing of the immovable or performance of the real estate brokerage contract begins.

O.C. 299-2010, s. 44; O.C. 173-2023, s. 27.

45. A licence holder must without delay give to the party represented a copy of every document containing data used to describe the immovable covered by the real estate brokerage contract, using any medium capable of ensuring its integrity, accessibility, authenticity and intelligibility.

O.C. 299-2010, s. 45; O.C. 173-2023, s. 28.

46. A licence holder may offer to the represented party only the immovables that correspond to the party's needs or criteria. The holder must also inform the party of the reasons for selecting the proposed immovables.

O.C. 299-2010, s. 46; O.C. 173-2023, s. 29.

CHAPTER I.1

MANNER IN WHICH MANDATORY FORMS MUST BE COMPLETED

O.C. 173-2023, s. 30.

46.1. Real estate brokerage contracts and other acts related to a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) recorded on a mandatory form must be completed clearly and legibly by the licence holder concerned. When a licence holder completes a form by hand, the licence holder must use ink.

O.C. 173-2023, s. 30.

46.2. When a licence holder uses an abbreviation in a mandatory form, the licence holder must write the term out in full at its first occurrence or in an appendix to the form.

O.C. 173-2023, s. 30.

46.3. A particular or stipulation may not leave any ambiguity about whether some of the terms and conditions of a mandatory form apply.

O.C. 173-2023, s. 30.

46.4. A licence holder who completes a mandatory form must use type that is different from the type used for the particulars or stipulations printed on the form, to enable the parties to easily distinguish those particulars and stipulations from any additions or amendments.

O.C. 173-2023, s. 30.

46.5. Any particular or stipulation printed on a mandatory form that is struck out must be struck out by the licence holder in a clearly visible way, and the consent of the parties to the strikeout must be indicated on the form before it is signed.

O.C. 173-2023, s. 30.

46.6. Any amendment made to a mandatory form by a licence holder must pertain only to the object of the terms and conditions of that form.

O.C. 173-2023, s. 30.

46.7. A licence holder must, before having a mandatory form that he or she has completed signed, allow the parties to take cognizance of its terms and conditions and provide all explanations and answers to questions that the parties may ask.

O.C. 173-2023, s. 30.

46.8. A licence holder must not add anything to, amend or strike out anything from a mandatory form after one of the parties has signed the form.

O.C. 173-2023, s. 30.

46.9. A mandatory form must bear a title and a unique identifying number.

O.C. 173-2023, s. 30.

46.10. A particular required by this Regulation to be indicated on a mandatory form may be indicated on an appendix to the form, and forms an integral part of it.

O.C. 173-2023, s. 30.

46.11. A licence holder must use a form prepared pursuant to section 129.1 or 129.2 of the Real Estate Brokerage Act (chapter C-73.2), including any appendix.

O.C. 173-2023, s. 30.

46.12. A licence holder must give a copy of the real estate brokerage contract, transaction proposal or form to the parties concerned once it has been completed and signed.

A mandatory form may be in the form of a paper document or in any other form that allows it to be printed and guarantees its integrity.

O.C. 173-2023, s. 30.

CHAPTER II

(Revoked)

O.C. 299-2010, c. II; O.C. 173-2023, s. 31.

DIVISION I

(Revoked)

O.C. 299-2010, Div. I; O.C. 173-2023, s. 31.

47. *(Revoked).*

O.C. 299-2010, s. 47; O.C. 173-2023, s. 31.

48. *(Revoked).*

O.C. 299-2010, s. 48; O.C. 173-2023, s. 31.

DIVISION II

(Revoked)

O.C. 299-2010, Div. II; O.C. 173-2023, s. 31.

§ 1. —

(Revoked)

O.C. 299-2010, Sd. 1; O.C. 173-2023, s. 31.

49. *(Revoked).*

O.C. 299-2010, s. 49; O.C. 173-2023, s. 31.

50. *(Revoked).*

O.C. 299-2010, s. 50; O.C. 173-2023, s. 31.

51. *(Revoked).*

O.C. 299-2010, s. 51; O.C. 156-2012, s. 6; O.C. 173-2023, s. 31.

52. *(Revoked).*

O.C. 299-2010, s. 52; O.C. 173-2023, s. 31.

§ 2. —

(Revoked)

O.C. 299-2010, Sd. 2; O.C. 173-2023, s. 31.

53. *(Revoked)*.

O.C. 299-2010, s. 53; O.C. 173-2023, s. 31.

54. *(Revoked)*.

O.C. 299-2010, s. 54; O.C. 173-2023, s. 31.

55. *(Revoked)*.

O.C. 299-2010, s. 55; O.C. 1256-2011, s. 4; O.C. 173-2023, s. 31.

56. *(Revoked)*.

O.C. 299-2010, s. 56; O.C. 173-2023, s. 31.

57. *(Revoked)*.

O.C. 299-2010, s. 57; O.C. 173-2023, s. 31.

58. *(Revoked)*.

O.C. 299-2010, s. 58; O.C. 173-2023, s. 31.

DIVISION III

(Revoked)

O.C. 299-2010, Div. III; O.C. 173-2023, s. 31.

59. *(Revoked)*.

O.C. 299-2010, s. 59; O.C. 173-2023, s. 31.

60. *(Revoked)*.

O.C. 299-2010, s. 60; O.C. 173-2023, s. 31.

CHAPTER III

PROFESSIONAL CONDUCT

DIVISION I

GENERAL

61. This chapter applies to brokers and agency executive officers whether or not they are carrying on activities.

O.C. 299-2010, s. 61.

DIVISION II

GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

62. A broker or agency executive officer must act with prudence, diligence and competence and demonstrate integrity, courtesy and a spirit of cooperation. He or she may not commit acts that are derogatory to the honour and dignity of the profession.

The broker or agency executive officer must also adhere to sound practices.

O.C. 299-2010, s. 62.

63. The conduct of a broker or agency executive officer must demonstrate objectivity, discretion and moderation.

O.C. 299-2010, s. 63.

64. A broker or agency executive officer must support any measure aimed at protecting the public.

O.C. 299-2010, s. 64.

65. A broker or agency executive officer must support any measure likely to improve the quality of the services in the field in which the activities are carried on.

O.C. 299-2010, s. 65.

66. A broker or agency executive officer must refrain from carrying on activities in conditions or circumstances likely to impair the quality of services.

O.C. 299-2010, s. 66.

67. A broker or agency executive officer must carry on activities in such a manner as to avoid controversy.

O.C. 299-2010, s. 67.

68. A broker or agency executive officer must not attempt to intimidate a person dealt with, including to urge that person to withdraw a request made to the Organization or to alter testimony.

O.C. 299-2010, s. 68; O.C. 173-2023, s. 32.

69. A broker or agency executive officer must not participate in any act or practice in real estate matters that may be illegal or that may harm the public or the profession.

O.C. 299-2010, s. 69.

70. A broker or agency executive officer must take all reasonable measures to ensure that the persons employed by or authorized to act on his or her behalf comply with the Real Estate Brokerage Act (chapter C-73.2) and the regulations made under it.

O.C. 299-2010, s. 70.

71. A broker or agency executive officer must collaborate with any official service or body responsible for protecting the public, to the extent provided by law.

O.C. 299-2010, s. 71.

72. A broker or agency executive officer must not urge a person insistently or improperly to use the broker's or the agency executive officer's professional services.

A broker or agency executive officer may not, in any manner whatsoever, unduly influence or attempt to influence persons who may be physically or emotionally vulnerable because of their age, state of health or the occurrence of a specific event or allow that such persons be influenced.

O.C. 299-2010, s. 72.

73. In carrying on activities, a broker or agency executive officer must take into account his or her aptitudes, limits on knowledge and means available. The broker or agency executive officer may not agree to engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) that is outside his or her field of expertise without seeking the necessary assistance, including from another licence holder having the required skills.

O.C. 299-2010, s. 73; O.C. 173-2023, s. 33.

74. A broker or agency executive officer must ensure his or her knowledge is continually maintained current, in particular by complying with Chapter IV of the Regulation respecting broker's and agency licences (chapter C-73.2, r. 8).

O.C. 299-2010, s. 74; O.C. 173-2023, s. 34.

75. A broker or agency executive officer must, when speaking publicly of real estate matters, do so in a competent manner.

O.C. 299-2010, s. 75.

76. A broker or agency executive officer may express an opinion on the value of an immovable or the cost of a loan only if the opinion is based on and supported by generally accepted practice.

O.C. 299-2010, s. 76; O.C. 173-2023, s. 35.

DIVISION III

DUTIES TOWARDS THE PARTY REPRESENTED AND THE PARTIES TO A TRANSACTION

O.C. 299-2010, Div. III; O.C. 173-2023, s. 36.

77. A broker or agency executive officer must demonstrate a reasonable degree of availability or otherwise designate another licence holder as a replacement, and must take the necessary measures to ensure that all communications are dealt with in his or her absence and that all files are properly followed up.

O.C. 299-2010, s. 77.

78. A broker or agency executive officer must provide all explanations necessary to enable a person to understand and evaluate the services proposed or provided by them or the agency for which they act.

O.C. 299-2010, s. 78.

79. A broker or agency executive officer must not advise or encourage a party to a transaction to commit an act the broker or officer knows to be illegal or fraudulent.

O.C. 299-2010, s. 79.

80. A broker or agency executive officer must, if the protection of the interests of a party to a transaction so requires, advise that party to seek the assistance of a recognized expert.

O.C. 299-2010, s. 80.

81. A broker or agency executive officer must recommend to the person proposing to acquire an immovable that the person have a full inspection performed by a professional or a building inspector who

- (1) has professional liability insurance covering fault, error and omission;
- (2) uses a recognized inspection service agreement;
- (3) performs inspections according to recognized building inspection standards; and
- (4) submits a written report to the party that requested the inspection services.

The broker or agency executive officer may furnish a list of more than one professional or building inspector meeting the requirements of the first paragraph.

O.C. 299-2010, s. 81.

82. A broker or agency executive officer must recommend to the owner of the immovable that a statement regarding the immovable be furnished to any person proposing to acquire an interest in the immovable, when no form that must be used by licence holders concerning statements made by the seller is mandatory.

O.C. 299-2010, s. 82; O.C. 156-2012, s. 7; O.C. 173-2023, s. 37.

83. A broker or agency executive officer must act with objectivity whenever advising or informing the party represented by them or the agency for which they act and all other parties to a transaction. That obligation extends to all the material facts relevant to the transaction and to its object, and must be fulfilled without exaggeration, concealment or misrepresentation.

If applicable, the broker or officer must inform the parties of products and services that concern heritage protection and relate to the transaction.

O.C. 299-2010, s. 83.

84. A broker or agency executive officer must take steps, in accordance with accepted practice, to learn of any factors that may adversely affect the party represented by them or the agency for which they act, the other parties to the or the very object of the transaction.

O.C. 299-2010, s. 84; O.C. 173-2023, s. 39.

85. A broker or agency executive officer must inform the party represented by them or the agency for which they act and all other parties to a transaction of any known factor that may adversely affect the parties or the object of the transaction.

O.C. 299-2010, s. 85; O.C. 173-2023, s. 40.

86. A broker or agency executive officer must, to ensure that all the parties to a transaction are protected, see that their rights and obligations are recorded in writing. The broker or agency executive officer must reasonably inform all the parties to a transaction of the rights and obligations arising from the documents they sign.

O.C. 299-2010, s. 86.

87. A broker or agency executive officer must, before visiting or arranging to have an immovable visited, first obtain the consent of the licence holder having an exclusive real estate brokerage contract or the seller if no exclusive real estate brokerage contract has been entered into for the immovable.

O.C. 299-2010, s. 87; O.C. 173-2023, s. 41.

88. When meeting the party represented by them or the agency for which they act or another party to a transaction, a broker or agency executive officer must take all necessary measures to protect the confidentiality of information obtained in conversations with each party.

O.C. 299-2010, s. 88; O.C. 173-2023, s. 42.

89. A broker or agency executive officer must inform the party with whom the broker or the agency for which they act has a dispute of the possibility under section 34 of the Real Estate Brokerage Act (chapter C-73.2) of referring the matter to conciliation or mediation, or to arbitration if conciliation or mediation fails.

O.C. 299-2010, s. 89; O.C. 173-2023, s. 43.

DIVISION IV

DUTIES TOWARDS OTHER LICENCE HOLDERS

§ 1. — *General obligations*

90. A broker or agency executive officer must not abuse another licence holder's good faith, use unfair practices against or seek to gain an unfair advantage over the other licence holder. In particular, the broker or agency executive officer must refrain from falsely claiming that a real estate brokerage contract has been entered into or awarded exclusively or that an immovable is not available for visiting.

O.C. 299-2010, s. 90; O.C. 173-2023, s. 44.

91. A broker or agency executive officer must use fair competition and customer solicitation practices.

O.C. 299-2010, s. 91.

92. A broker or agency executive officer must not denigrate or attempt to adversely affect the relations between another licence holder and the client represented, the other parties to a transaction or other licence holders.

O.C. 299-2010, s. 92.

93. A broker or agency executive officer must abstain from expressing an opinion on a transaction completed by another licence holder unless an opinion is solicited. The broker or agency executive officer must then give an informed and objective opinion that takes into account all the factors involved in the transaction.

O.C. 299-2010, s. 93.

94. A broker or agency executive officer must not use a discipline committee decision or any element brought to the broker's or agency executive officer's attention in connection with evidence disclosure for the purpose of harming a licence holder.

O.C. 299-2010, s. 94.

§ 2. — *Duty of collaboration*

95. A broker or agency executive officer must, to facilitate the closing of a transaction, collaborate with every other licence holder who so requests, on reasonable terms agreed on beforehand.

In that context, the broker or agency executive officer must not share remuneration in a manner that could compromise the closing of a transaction. He or she must also not share or offer to share remuneration in a manner that is unfavourable to any of the parties to the transaction or that contravenes section 39.

O.C. 299-2010, s. 95.

96. Any other licence holder collaborating in a transaction must be informed by the broker or agency executive officer of the existence of every transaction proposal, whether accepted or not. The broker or agency executive officer may not, however, reveal the substance of the proposal.

O.C. 299-2010, s. 96.

97. When collaborating in a transaction, a broker or agency executive officer must reveal to the other licence holders all information relevant to the closing of the transaction.

O.C. 299-2010, s. 97.

§ 3. — *Exclusive real estate brokerage contracts*

O.C. 299-2010, Sd. 3; O.C. 173-2023, s. 59.

98. A broker or agency executive officer must, before entering into a real estate brokerage contract, take the necessary steps to ascertain whether the proposed transaction is not covered by an exclusive real estate brokerage contract.

O.C. 299-2010, s. 98; O.C. 173-2023, s. 45.

99. A broker or agency executive officer must not perform any act that is incompatible with an exclusive real estate brokerage contract made with another licence holder. In particular, the broker or officer may not set appointments, present transaction proposals or conduct negotiations in relation to a proposed transaction otherwise than through the licence holder under the exclusive real estate brokerage contract, unless authorized to do so by that holder.

A broker or agency executive officer may, however, engage in general solicitation so long as it is not directly or specifically aimed at persons or partnerships already bound by an exclusive real estate brokerage contract entered into with another licence holder. The solicitation may, for example, be made to all persons or partnerships that are owners in a particular geographic area or that are members of a particular profession, club or organization.

O.C. 299-2010, s. 99; O.C. 173-2023, s. 46.

§ 4. — *Presentation of transaction proposals*

100. A broker or agency executive officer must not prevent another licence holder who has obtained a written transaction proposal from participating in the presentation of the proposal, unless written instructions to that effect have been received from the party represented.

O.C. 299-2010, s. 100.

101. A broker or agency executive officer must not unduly delay presenting a transaction proposal received from another licence holder.

O.C. 299-2010, s. 101.

102. A broker or agency executive officer must present every transaction proposal to the prospective contracting party as soon as possible after receiving it. The presentation must take place through the licence holder retained by the prospective contracting party to act as a representative, unless written authorization allowing otherwise is given by the prospective contracting party.

A broker or agency executive officer receiving more than one proposal must present each proposal without preference, including as regards chronological order of receipt, identity of the licence holder receiving it and circumstances in which it was made.

O.C. 299-2010, s. 102.

DIVISION V

DUTIES TOWARDS THE PROFESSION

O.C. 299-2010, Div. V; O.C. 173-2023, s. 47.

§ 1. — *Contribution to advancement of the profession*

103. A broker or agency executive officer must contribute, insofar as is possible, to the development of the profession, including by sharing knowledge and experience with other licence holders.

O.C. 299-2010, s. 103.

104. A broker or agency executive officer must not allow or encourage in any manner a person or partnership not licensed by the Organization to illegally engage in brokerage or agency activities.

O.C. 299-2010, s. 104.

§ 2. — *Collaboration with the Organization*

O.C. 299-2010, Sd. 2; O.C. 173-2023, s. 48.

105. A broker or agency executive officer must collaborate in any inspection, inquiry conducted by the syndic or assistant syndic, process by the assistance service or the indemnity committee to obtain information, or proceeding related to mediation, arbitration or conciliation conducted by the Organization, in particular by disclosing all the facts known personally, producing all relevant documents and replying as soon as possible to every request in the manner determined by the person making the request.

A broker carrying on activities within a business corporation must ensure the collaboration of the corporation, its executive officers and its employees, if applicable.

O.C. 299-2010, s. 105; O.C. 1256-2011, s. 5.

106. A broker or agency executive officer may not exaggerate, conceal or misrepresent the information or documents provided during an inspection, an inquiry conducted by the syndic or assistant syndic, the assistance service or the indemnity committee, or in any proceeding related to mediation, arbitration or conciliation conducted by the Organization.

O.C. 299-2010, s. 106.

107. A broker or agency executive officer may not urge a person holding information concerning the broker or agency executive officer, another licence holder or a transaction not to collaborate with a person referred to in section 105.

The broker or agency executive officer may not refuse to authorize a person to disclose information concerning the broker, the agency executive officer or the agency once a disclosure request has been made by a person referred to in section 105.

O.C. 299-2010, s. 107; O.C. 1256-2011, s. 6.

108. A broker or agency executive officer who is aware that no offence has been committed may not request an inquiry by the syndic or assistant syndic, request an intervention by the assistance service, or allow such an inquiry or intervention to continue with regard to a licence holder's conduct.

O.C. 299-2010, s. 108.

109. A broker or agency executive officer who is informed that a request for an inquiry or intervention has been made in his or her regard, that such an inquiry is being conducted by the syndic or assistant syndic or by an investigator hired by the syndic, or that such an intervention by the assistance service is under way, or to whom a disciplinary complaint has been notified, may not communicate with the person who requested an inquiry or intervention without prior written permission of the syndic, an assistant syndic or an analyst with the assistance service.

O.C. 299-2010, s. 109; I.N. 2016-01-01 (NCCP).

CHAPTER IV

REPRESENTATION, ADVERTISING AND INFORMATION ON IMMOVABLES

DIVISION I

REPRESENTATION AND ADVERTISING

110. The goods or services provided by a broker or an agency must conform to statements or advertisements made concerning the goods or services.

O.C. 299-2010, s. 110.

111. A broker or an agency may make representations or engage in advertising in connection with a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) or disseminate information concerning an immovable only with the express written authorization of the person or partnership on whose behalf the broker or agency undertook to do so.

O.C. 299-2010, s. 111; O.C. 173-2023, s. 50.

112. No licence holder or person promoting real estate brokerage services may in any manner make representations or engage in advertising that is false, misleading or incomplete or that leaves out a material fact.

Any dissemination of false, misleading or incomplete information is therefore prohibited, in particular with regard to

- (1) the competence of a licence holder;
- (2) the extent or efficiency of the services provided or those generally provided by licence holders;
- (3) *(subparagraph revoked)*;
- (4) the selling price of an immovable, which must be the price set in the real estate brokerage contract or the transaction proposal.

O.C. 299-2010, s. 112; O.C. 173-2023, s. 51.

113. No licence holder or person promoting real estate brokerage services may make, engage in or allow any representation or advertising that

- (1) suggests the licence holder or person is authorized to engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) when in fact he or she is not legally qualified to do so at the time of the representation or advertising;
- (2) falsely suggests that he or she holds a specialist's title;

(3) contains information or uses a formulation, name, trademark, slogan or logo likely to be confusing with another name, trademark, slogan or logo likely to be confusing, in particular the activities engaged in, the type of goods and services offered or the geographical situation, or to falsely suggest that he or she practises a profession reserved to the members of a professional order;

(4) contains a statistic for which no source is given; or

(5) contains a photograph of the licence holder taken more than 5 years earlier.

O.C. 299-2010, s. 113; O.C. 173-2023, s. 52.

DIVISION II

IDENTIFICATION OF A LICENCE HOLDER

O.C. 299-2010, Div. II; O.C. 173-2023, s. 53.

114. Representations and advertising relating to a broker must state

(1) the broker's name, as it appears on the broker's licence;

(2) the licence held by the broker, except if the advertising is in a periodical, in which case a recognized abbreviation may be used; and

(3) if applicable, the name of the agency for which the broker carries on activities and, after the name, the licence held by the agency, except if the advertising is in a periodical, in which case the name of the agency is sufficient.

O.C. 299-2010, s. 114; O.C. 939-2013, s. 8; O.C. 173-2023, s. 54.

115. To describe the licence held, a broker must specify one or more of the following designations:

(1) real estate broker;

(2) residential real estate broker;

(3) commercial real estate broker;

(4) *(subparagraph revoked)*.

If the broker holds a broker's licence with a restriction described in section 2 of the Regulation respecting broker's and agency licences (chapter C-73.2, r. 8), the broker may specify only the designation provided for in subparagraph 2 or 3 that describes the broker's legal qualification.

O.C. 299-2010, s. 115; O.C. 173-2023, s. 55.

115.1. Where a broker carries on activities within a business corporation, representations and advertising must be made by the corporation and indicate, in addition to the designations provided for in section 114, the name of the corporation.

The broker does not have to indicate the designations provided for in paragraphs 1 and 2 of section 114 if the broker indicates, after the name of the corporation, "business corporation of a real estate broker" or an abbreviation provided for in the Act governing the corporation.

O.C. 1256-2011, s. 7; O.C. 939-2013, s. 9; O.C. 173-2023, s. 56.

116. An agency must, in representations and advertising, specify

- (1) the name indicated on its licence; and
- (2) the licence held, except for advertising in a periodical, in which case a recognized abbreviation may be used.

O.C. 299-2010, s. 116; O.C. 173-2023, s. 57.

117. To describe the licence it holds, an agency must use one or more of the following designations:

- (1) real estate agency;
- (2) residential real estate agency;
- (3) commercial real estate agency; and
- (4) *(paragraph revoked)*.

O.C. 299-2010, s. 117; O.C. 173-2023, s. 58.

DIVISION III

INFORMATION ON IMMOVABLES

118. Whatever the medium, a property description or similar document intended for the public in which the details of an immovable subject to a real estate brokerage contract are provided must specify

- (1) if applicable, the existence of a statement from the owner of the immovable for sale or lease and the availability of any document containing that statement;
- (2) if applicable, that the immovable is being sold with no legal warranty;
- (3) the name of the broker or agency under the real estate brokerage contract and the licence held, displayed prominently in type of the same colour at least the size of the other information appearing in the document or property description;
- (4) if applicable, that the holder under the real estate brokerage contract has a direct or indirect interest in the immovable and that the notice required by section 18 is available;
- (5) if the real estate brokerage contract is for the sale of the immovable, that the document or property description is not an offer or a promise that may bind the seller, but is an invitation to submit such offers or promises; and
- (6) unless the owner of the immovable gives written instructions regarding non-disclosure of the owner's identity, information on the subject of the real estate brokerage contract or the parties to it that is necessary to complete a transaction proposal.

The property description or document may contain other information that conforms to the Real Estate Brokerage Act (chapter C-73.2) or of this Regulation.

O.C. 299-2010, s. 118; O.C. 173-2023, s. 59.

119. *(Omitted)*.

O.C. 299-2010.

UPDATES

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