



# OVERVIEW OF THE REAL ESTATE BROKERAGE ACT AND ITS PROTECTIONS

The OACIQ, the *Organisme d'autoréglementation du courtage immobilier du Québec*, is the authority of real estate brokerage. The Organization informs and protects the public by enforcing the *Real Estate Brokerage Act (REBA)*, in accordance with the mandate entrusted to it by the *Ministère des Finances du Québec*. The OACIQ also oversees the practices of brokers, notably by training and inspecting them.

## WHAT DOES IT MEAN TO BE REPRESENTED BY A REAL ESTATE BROKER?

A broker who represents you will advise you based on your needs and interests in the context of marketing and negotiation, in addition to protecting your strategic and confidential information.

**In order for your broker to represent your interests, you must have a WRITTEN and SIGNED brokerage contract with him.**

**ATTENTION:** verbal agreements are not valid since June 10, 2022.

## WHAT IS THE ROLE OF YOUR REAL ESTATE BROKER AND WHAT ARE HIS OBLIGATIONS?

Note that the broker's ethical duties and obligations aim to protect your interests in a transaction.

Among other things, your broker must:

- Promote your interests and protect your rights, while acting fairly towards all parties to a real estate transaction
- **Advise** and **inform** you objectively
- Make the necessary **verifications** to be able to demonstrate the accuracy of the information he gives you, and provide all related documentation
- Always act with utmost **transparency** and **integrity** and keep all parties to the transaction informed of any factors that could affect the transaction
- Protect your personal and strategic information
- Avoid placing himself in a **conflict of interest**
- Take mandatory continuing education courses to maintain a high level of professionalism



### GOOD TO KNOW

Since the two parties to a transaction have opposing interests, a residential real estate broker cannot represent both the buyer and the seller simultaneously in a transaction concerning a real estate property and be bound to each of them by a brokerage contract. This is called **double representation** and is prohibited by the *Real Estate Brokerage Act*, save in exceptional situations.

**Choosing to do business with a licence holder to buy, sell or lease a property is to enlist the services of a broker who is duly authorized to act by the OACIQ.**

## HOW DOES THE ACT PROTECT YOU?

In accordance with the *Real Estate Brokerage Act*, the OACIQ has put in place many tools to protect you, including:



The Public Assistance Department and the Syndic's Office, which analyze complaints and recommend actions to be taken in case an ethical offence is committed by an OACIQ licensee.



The Discipline Committee has the power to impose disciplinary sanctions.



A professional liability insurance in case of fault, error or omission in the course of a transaction.



A Real Estate Brokerage Indemnity Fund can compensate you in case of fraud, dishonest tactics or misappropriation of funds by a broker or agency.

In a nutshell, the aim of the measures, contained in the Act and its regulations and enforced by the OACIQ, is to ensure a worry-free transaction.

## OACIQ FORMS DESIGNED TO ENSURE YOUR PROTECTION

Your broker is required to use the OACIQ forms. Among the roughly fifty forms and contracts available, he will present you with those that apply to your situation. By signing a brokerage contract with your broker, you ensure that he will represent you and defend your interests throughout the transaction, in a close collaborative relationship.

Some clauses have been added, for example, to support the prohibition of double representation or to underline the importance of the pre-purchase inspection. These forms, **approved by the Ministère des Finances du Québec**, have undergone many validation steps and are constantly being updated.



### GOT A QUESTION?

Do not hesitate to contact the information centre **Info OACIQ** at **450-462-9800** or **1-800-440-7170**. An information agent will be able to inform you about the duties and obligations of your broker and direct you to the appropriate resources, if applicable.

You may also check all **protection mechanisms** made available to you in accordance with the *Real Estate Brokerage Act*.



### GOOD TO KNOW

The majority of real estate transactions go off without a hitch. However, by informing us of any problem encountered during your transaction, you contribute to the protection of the public and allow the OACIQ to oversee real estate brokerage. Note that a broker's violation of ethical rules does not automatically result in monetary compensation for consumers.

Unlike the civil courts, the Act does not give the Discipline Committee the power to compensate the public.



### GOT QUESTIONS?

Our **Info OACIQ** agents will be glad to answer them.

Browse through our **oaciq.com** website for current content and practical tips.