

pro BROKER

fession

The publication for Québec real estate brokerage professionals

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OACIQ

Annual General Meeting

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OACIQ



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**Directors elected among licence holders
(by their peers)**

- Serge Brousseau (Chairman of the Board)
- Louis Cayer
- Richard Dion (Vice-Chair of the Board)
- Hélène Lavoie
- Daniel Pelchat (Treasurer of the Board)
- Johanne Roy
- Bernard Savard
- Carole Strasbourg

**Directors appointed by
the Minister of Finance**

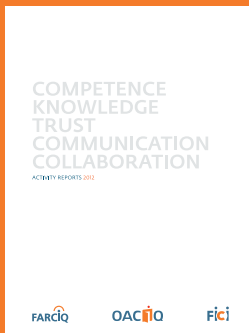
- Pierre Carrier
- Nathalie Ebnoether
- Jacques Nantel

Secretary appointed by the Board

Claude Barsalou

President and Chief Executive Officer

Robert Nadeau



Check the activity report 2012 on
the AGM 2013 webpage on Synbad.

OACIQ

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Cont'd from **the front page**

INVITATION



May 8, 2013

Come and attend a day especially dedicated to you
on the occasion of

The OACIQ Annual General Meeting 2013

Mortagne Hotel
1228 Nobel Street, Boucherville

IT'S FREE!

<ul style="list-style-type: none">  Attend rewarding conferences  Visit exhibitors' booths  Take an active part in an animated lunch 	<p>Flow of the day</p> <ul style="list-style-type: none"> • Reception and registration at 9:00 AM • Selection of three conferences in the morning and afternoon, presented by Bell • Lunch and interactive workshop, presented by DPMM • Annual General Meeting Make your voice heard about issues relating to your practice • Networking cocktail, courtesy of FARCIQ
--	--

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ANNUAL GENERAL MEETING 2013

WEDNESDAY, MAY 8, 2013 • AT 2:45 PM
MORTAGNE HOTEL • ROOM: BOUCHERVILLE B AND C
1228 NOBEL STREET, BOUCHERVILLE • REGISTRATION: FOYER

NOTICE OF MEETING

TO ALL LICENCE HOLDERS HAVING THE RIGHT TO VOTE OF THE ORGANISME D'AUTORÉGLIMENTATION DU COURTAGE IMMOBILIER DU QUÉBEC

A **licence holder** must show that he is a licence holder of the OACIQ when attending the meeting, in particular by bearing a piece of identification determined by resolution of the Board of Directors, failing which the licence holder may be refused access to the meeting. For this purpose, one of the following pieces of identification may be presented: licence issued by the OACIQ, driver's licence or health insurance card. (Section 11 of the Internal By-Laws of the OACIQ)

Any resolution proposed by a licence holder, for consideration by the general meeting, must be sent, by any means that proves its date of receipt, to the Secretary of the Organization, at least forty five (45) days before the date fixed for the general meeting. The Secretary of the Organization shall determine the admissibility of the proposed resolution. If it is deemed admissible, its subject will be included in the agenda and the resolution will be attached to it.

The licence holder proposing a resolution for consideration by the general meeting must always be a licence holder on the date the meeting is held and be present to put forward the proposed resolution. Otherwise, the proposed resolution may not be put forward. (Section 13 of the Internal By-Laws of the OACIQ)

A **final agenda** of each general meeting shall be given by the Secretary of the Organization to the licence holders who have the right to vote, by notice transmitted to licence holders, at least 30 days before the date of the meeting. (Section 14 of the Internal By-Laws of the OACIQ)

A licence holder who is not present or does not physically attend the general meeting may, under certain conditions, be able to express himself in view of a decision via a web conference, which shall include authentication of participating licence holders and a chat session allowing the participant to vote.



Claude Barsalou, Lawyer
Secretary

FINAL AGENDA

(See attached the Notice of meeting already transmitted)

1. Opening of the meeting and establishment of the quorum
2. Adoption of the minutes
 - 2.1 Annual General Meeting held on May 9, 2012
3. Issues covered by the last minutes
4. Tabling of the following activity reports:
 - 4.1 Message from the Chairman of the Board of Directors
 - 4.2 Highlights of the President and Chief Executive Officer
 - 4.3 Highlights of the Syndic's Office
 - 4.4 Highlights of the Syndic Decision Review Committee
 - 4.5 Highlights of the Discipline Committee
 - 4.6 Highlights of the Inspection Committee
 - 4.7 Highlights of the Licence Issue and Maintenance Committee
 - 4.8 Highlights of the Indemnity Committee
 - 4.9 Highlights of the Treasurer of the Organization
 - 4.10 Report of the FARCIQ
 - 4.11 Auditor's Report, Deloitte s.e.n.c.r.l.
5. Amendments to the OACIQ Internal By-Laws (see the attached notice)¹
6. Various questions and comments
7. Adjournment of the meeting



Claude Barsalou, Lawyer
Secretary

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¹ For more details on item 5 of the agenda regarding the OACIQ Internal By-Laws ratification, go to Synbad homepage and then click on the "AGM 2013" button on the right of the screen.

Advertising campaign

Good things come in threes!

Last fall we launched the third instalment of our Think about it advertising campaign. Since the message had not yet been exhausted and remained very current, we again focused on the **services of real estate and mortgage brokers as competent professionals who help secure the real estate and financial transaction.**

This is how this campaign has evolved since it first aired in fall 2011. The results show that the campaign:

- ✓ was seen
- ✓ improved the public's perception of brokers
- ✓ influenced their intention of using a broker's services

Main objective

The advertising campaign is part of the OACIQ public protection general mission and aims at making the public realize the importance of doing business with a real estate or mortgage broker.

"A real estate broker is a skilled professional backed by a solid network."



9/10 people understood the message and retained from this campaign that doing business with a broker is beneficial.

63% (Fall 2011)

75% (Spring 2012)

80% (Fall 2012)

Since the first airing in fall 2011, the number of people who remember seeing the ad has **increased by 17%**.



Now being a licence holder of OACIQ gives you one more privilege.

Here's a plan that will suit your business needs.

ELITE OFFICE PLAN

<p>49⁰⁰\$/MO</p> <p>Offer code 110414574</p> <p>Add 6 Gb's of data for only 30\$/month.</p>	<p>800 ANYTIME MINUTES</p>	<p>UNLIMITED INCOMING CALLS</p>
	<p>UNLIMITED TEXT MESSAGING</p>	<p>UNLIMITED NIGHTS AND WEEK-ENDS (6pm-8am)</p>

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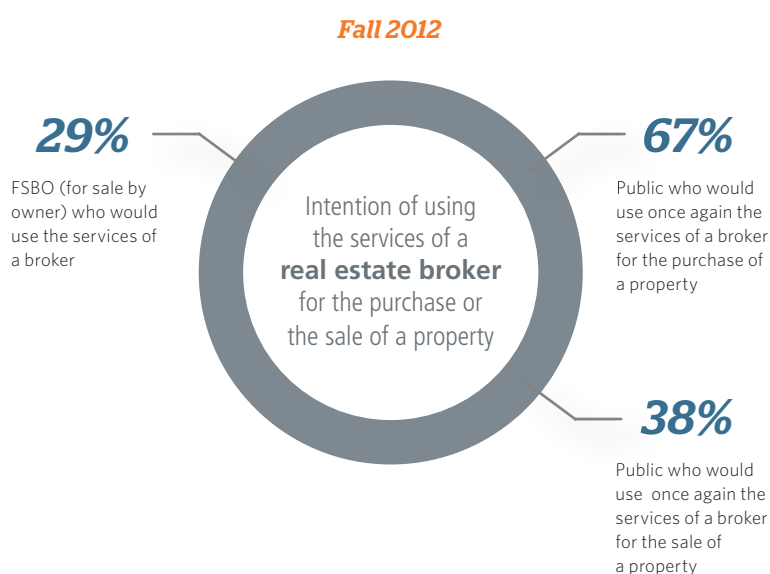


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On average, **74% of people** state that this message would encourage them to use the services of a broker.



The information capsules aired on television in the spring and fall of 2012. The results are positive: over **82%** of people surveyed found the **message credible**, and **63%** stated that these **capsules have improved** their perception of real estate and mortgage brokers et hypothécaires.



Among the many online campaigns, the **Think about it** campaign did quite well since an average of **8%** of people who **were exposed** to it over the course of the three instalments say they remember it. Our various online ad formats have generated **close to 80,000 hits** on the microsite.

The number of hits on the thinkbroker.ca microsite is closely linked to housing market activity, since the **Think about it** campaign attracts the attention of people who are considering buying or selling a property or are already engaged in a transaction.

In spring 2012, real estate boards displayed their logos next to the OACIQ logo on more than 128 road signs across Québec. This partnership continued in fall 2012, when real estate boards in the Estrie, Centre-du-Québec, Laurentides, Outaouais and St-Hyacinthe regions partnered with the OACIQ for both indoor and outdoor advertising. This partnership no doubt contributed to the success of the **Think about it** campaign.



The **Think about it** signature has become an emblem of real estate brokerage, thanks in part to the promotional tools. Since their launch in spring 2012, more than **17,000 promotional tools** were distributed throughout Québec.

This campaign has brought the OACIQ out of the shadows. A survey on the effectiveness of the fall 2012 campaign shows that the OACIQ's brand awareness **has increased by 10 points** in one year and now stands at **31%**.

What about now?

The results of these three campaigns led us to the campaign that ran from February 18 to March 17, 2013 on television, radio, the web and in La Presse under the theme: **BECAUSE EVERY REAL ESTATE TRANSACTION IS UNIQUE.**

In this campaign, we continued to focus on brokers' skills and to build our profession's credibility. The messages presented situations designed to create doubt in the minds of the public as to the advisability of buying or selling without a broker.

Look for the results of this campaign in an upcoming issue of the *pro@ctive!* ●

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Brokerage contract forms

Removal of CENTRIS reference

In the pro@ctive of December 13, 2012, we informed you that given the fact that for a number of years, there has no longer been any system for disseminating information about properties between brokers or agencies, officially named MLS in Québec, and that the only existing system is rather known as CENTRIS®, it was decided to remove the MLS reference from clause 6.1 (5.1 in the case of an Exclusive brokerage contract - Residential lease) of all brokerage contract forms to bring them into compliance with reality.

However, following the questions and comments that the Senior Management and the OACIQ Info Center have received, the OACIQ Board of Directors has recently examined the situation and decided to remove any specific reference concerning the identification of the information dissemination service between agencies or brokers or any other similar service. The purpose of this decision is to give all real estate full freedom to name the information dissemination service they use. The name of these services may vary over time. This means that the next brokerage contract forms that will be edited will not contain "MLS" or "CENTRIS®" reference under clause 6.1 (5.1 in the case of an *Exclusive brokerage contract - Residential lease*) of all brokerage contract forms.

The forms' new version is now available electronically and accessible through InstanetForms™. The forms' current paper version can still be used until a reprint is required.

Furthermore, when using forms that do not include these references, you need to identify the information dissemination service under clause 6.1 (5.1 in the case of an *Exclusive brokerage contract - Residential lease*).

If you have any specific questions about the name of the information dissemination service between brokers that your real estate board made available to you, please contact the latter.

For any questions, feel free to contact the OACIQ Info Center :



by email at info@oaciq.com

or



by telephone at 450 462-9800 or at 1 800 440-7170 between 9:00 AM and 4:00 PM on Monday, Tuesday, Thursday and Friday, and between 10:00 AM and 4:00 PM on Wednesday. ●



Our form tool

Licence maintenance 2013



We encourage you to check the electronic version of the *Profession Broker* newsletter on our website under the *OACIQ* section, to listen to the message on licence maintenance of Mr. Serge Brousseau, Chairman of the Board of Directors.

OACIQ 2013 Board Elections

Electronically from A to Z

The next elections to the OACIQ Board of Directors will take place in fall 2013. The official notice of opening of the nomination period will be issued in June, along with the details regarding the positions available and the procedures to become a candidate.

For the first time, the address of the secure website, voter ID numbers and passwords will be sent entirely electronically. It is therefore essential that you make sure you have a working private email address (i.e. not shared with other brokers), as you will need it in order to exercise your right to vote.

Wanted Notice

Do you know brokers who do not receive the OACIQ's electronic communications? Tell them to go to the extranet *Synbad*, then, in the *Synbad* tab, to click on *My record*, and then on *Edit*. There they can enter their own email address in order to receive all the necessary information.

Make sure you are ready to take part in the 2013 Board elections this fall! ●



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This column presents situations that come from actual cases referred to the OACIQ Info Center, as well as concrete examples of things one should and should not do. This one is about the various options which a broker has for the purchase or sale of a vacant lot.

YOU HAVE THREE OPTIONS

Since the beginning of 2013, the OACIQ Info Center has received many calls from real estate brokers wondering what type of forms to use for the purchase or sale of a vacant residential or commercial lot.

Mr. In-the-Field is one such broker who calls the Info Center regarding this topic. As he is looking to sell his client's vacant lot, the OACIQ Info Center agent with whom he speaks tells him he has three options, whether the lot is for residential or for commercial use.

Option 1

The first option is to use the OACIQ recommended form *Exclusive brokerage contract - Sale - Immovable*, abbreviated "BCG" ("G" for "General"). Under clause 8.4 of this form, the broker must check the appropriate box to indicate if the seller has completed the form *Declarations by the seller of the immovable* (which is always recommended), or whether he chose to complete only the seller's declarations contained in the brokerage contract itself. In the latter case, declarations 1 through 10 must be completed to the seller's best knowledge.



Buying or selling

Option 2

The OACIQ Info Center agent also informs Mr. In-the-Field that the form *Exclusive brokerage contract - Sale - Chiefly residential immovable containing less than 5 dwellings excluding co-ownership (BCS)* is not mandatory for the sale of a vacant lot, even if for residential use. This is because this mandatory form is only for immovables referred to in section 23 of the Real Estate Brokerage Act (REBA), i.e. part or all of a chiefly residential immovable comprising less than five dwellings. A vacant lot is not subject to this section since it has no dwelling.

This form is not the best choice for Mr. In-the-Field's purpose, notably because it cites section 28 of the Real Estate Brokerage Act (right to terminate) before the signature portion, which is not mandatory for the sale of a vacant lot, even if for residential use. In addition, a broker who chooses to use the form *Exclusive brokerage contract - Sale - Chiefly residential immovable containing less than 5 dwellings excluding co-ownership (BCS)* will himself, at a minimum, have to add under clause 11.1 certain essential declarations by the seller of the immovable such as those listed under clause 8.4 of the *Exclusive brokerage contract - Sale - Immovable*, abbreviated BCG. If not, the form *Declarations by the seller of the immovable* will have to be completed (which is always recommended) and linked as an integral part of the form *Exclusive brokerage contract - Sale - Chiefly residential immovable containing less than 5 dwellings excluding co-ownership (BCS)*.



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ing a vacant lot?



Option 3

The third option consists in entering into a “homemade” brokerage contract containing all the mandatory particulars listed under section 13 of the Regulation respecting contracts and forms, namely:

- 1) the names and contact information of the parties;
- 2) the object and duration of the contract;
- 3) the identification of the immovable;
- 4) the price and conditions for the sale of the immovable;
- 5) the mode of remuneration of the broker or agency, and the conditions governing such remuneration;
- 6) the possibility for the parties, in case of dispute, of resorting to conciliation, mediation or arbitration of accounts offered by the OACIQ, in accordance with the Real Estate Brokerage Act;
- 7) any other right or obligation of the parties;
- 8) any other statement that complies with the provisions of the Real Estate Brokerage Act.

Other particulars which must be included in such a contract, if appropriate under the circumstances, are the exclusive nature of the contract and the fact that in some cases the contract is not cancellable.

IF MR. IN-THE-FIELD WERE REPRESENTING THE BUYER OF A LOT FOR HIS CLIENT:

Here again, he would have three options:



Option 1

The first option is to use the OACIQ recommended form *Promise to purchase - Immovable*, abbreviated “PPG”. Under clause 10.2 of the PPG, the broker must check the appropriate box to indicate if the seller has completed the form *Declarations by the seller of the immovable*. If so, this form will become an integral part of the *Promise to purchase*. If not, the declarations of the seller listed under clause 10.2 of the form must be completed.



Option 2

The second option consists in using the form *Promise to purchase - Chiefly residential immovable containing less than five dwellings excluding co-ownership* (PP). A broker who chooses to use this form will himself, at a minimum, as with the *Exclusive brokerage contract - Sale - Chiefly residential immovable containing less than 5 dwellings excluding co-ownership* (BCS),

have to add under clause 12.1 the essential declarations by the seller of the immovable. Otherwise, if the form *Declarations by the seller of the immovable* exists, it will have to be linked as an integral part of the form.



Option 3

The third option consists in using a “homemade” promise to purchase containing all the mandatory particulars listed under section 14 of the Regulation respecting contracts and forms:

- 1) the names and contact information of the parties;
- 2) the object of the transaction proposal;
- 3) the identification of the immovable;
- 4) the price and conditions for the purchase of the immovable and, if applicable, the amount of the deposit given in trust to the broker or agency in accordance with the terms and conditions for trust accounting;
- 5) the mode of payment of the purchase price and, if applicable, the terms and conditions governing the payment of additional funds, a new hypothecary loan, the transfer of the obligations of an existing hypothecary loan, or a balance of sale price;
- 6) the terms and conditions governing the signing of the deed of sale by the parties;
- 7) a mention to the effect that any statement made by the seller concerning the immovable prior to the transaction forms an integral part of the transaction;
- 8) the conditions for the acceptance of the transaction proposal, including the date and time at which the transaction proposal expires;
- 9) any other right or obligation of the parties;
- 10) any other statement that complies with the provisions of the Real Estate Brokerage Act.

Here again, it is up to Mr. In-the-Field- to use the option with which he feels most comfortable.

Finally, remember that the holder of a licence restricted to commercial brokerage may not engage in brokerage activities concerning a vacant residential lot (section 4 of the Regulation respecting the issue of broker’s and agency licences). Conversely, the holder of a licence restricted to residential brokerage may not engage in brokerage activities concerning a vacant commercial lot (section 3 of the same Regulation). To find out more about mandatory statements, see the article entitled *Commercial immovable or enterprise: mandatory statements in any brokerage contract or transaction proposal* (article No. 121346 on our website).

For questions regarding the purchase or sale of a vacant lot, do not hesitate to contact the OACIQ Info Center:



by email at info@oaciq.com

or



by phone at 450 462-9800 or 1 800 440-7170 between 9:00 AM and 4:00 PM on Monday, Tuesday, Thursday and Friday, and between 10:00 AM and 4:00 PM on Wednesday. ●

Factors that may affect the decision of a buyer

Any broker has the obligation to inform the parties engaged in a transaction of any known factor that may adversely affect buyers or sellers or the very object of transaction.



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Logos for various car brands: Honda, Toyota, Ford, Chevrolet, Nissan, Hyundai, Kia, Volkswagen, etc.

However, the importance of a factor depends on each person according to his values, perceptions, religion, age, etc. Certain events can be related to a property without specifically affecting its appearance, quality or functionality, for example, an owner who is suspected of being a member of a criminal organization, a death on the property, a property which has been vandalized, presence of an unexplained phenomenon or a house used to grow cannabis, even if it has been restored.

Obligation to disclose

Brokers' obligation towards buyers is clear on this subject. Once a broker has knowledge of a factor which may adversely affect a buyer, regardless of the source of information, he must inform the buyer about it, after making his due diligence. However, due diligence does not mean an investigation. The seller must also be informed by his broker that he has an ethical obligation to disclose information to any interested buyer, or any broker representing him, even before the signing of a *Promise to purchase*.

Example

Let's take an example: newspapers published that co-owners of an immovable (or sellers of an immovable) are part of organized crime. A buyer wishes to make a *Promise to purchase* on one of the apartments held in co-ownership in that immovable. You must inform him that, according to newspapers, some co-owners are part of organized crime. You must also be able to show evidence of what you are saying by having a copy of article(s) of newspapers in question.

How to disclose information

The information you provide must be the one you received. You must also give the source of this information (newspaper in the example mentioned above). This will allow you to give information objectively.

When it comes to information that is not related to the quality of the immovable, but rather to certain individuals, your verifications and how you deliver information to a buyer (with objectivity) are essential elements to avoid a recourse against you for damaging reputation. You also need to be cautious before providing the name of individuals.

Finally, this kind of information should not appear on the description sheet. The broker is required to be proactive, i.e. he should not wait for the buyer's questions in this regard. After all, the buyer has no reason to think of such a situation or ask questions about it. Note also that even if the information or facts date back a few years, they can still be relevant and must be disclosed.

One of the right times to get information is at the signing of the *Brokerage contract*, using the *Declarations by the seller of the immovable* form.

Furthermore, more sensitive information about some individuals and not the immovable does not have to be included therein. The broker shall send this information to the buyer, before completing a *Promise to purchase*, in the form he deems appropriate under the circumstances. However, the broker must always make sure to keep evidence that the information was sent to the buyer, for instance in the presence of a witness or an email you place on record.

Conclusion

Although under the Civil Code certain factors may not represent a latent defect that can undermine the integrity of an immovable, a broker has ethical obligations under the Real Estate Brokerage Act, especially concerning his duty to advise and inform.

Transparency is required in all circumstances. This practice helps maintain and reinforce public's trust in the profession, giving it an added value. Remember to use your judgment in each situation because every transaction is unique! ●



Changes in the Syndic's office

On behalf of the Board of Directors, I have the pleasure to announce the return of **Mrs. Hélène Morand** to the OACIQ Syndic position since March 14, 2013.

Mrs. Morand was until very recently Chief Executive Officer of the Québec Federation of Real Estate Boards (QFREB). She had served as Syndic at the OACIQ from 2006 to 2010.

Her experience in the real estate and mortgage brokerage field and her determination to raise the professional practice standards will be valuable to us. We wish her every success in her new role.

We also wish to thank Mr. Giovanni Castiglia for his dedication and the work he has accomplished as Syndic since April 2011. Mr. Castiglia remains with the OACIQ and serves as Assistant Syndic and Advisor.

Serge Brousseau
Chairman of the OACIQ Board of Directors ●

NATIONAL BUILDING INSPECTORS AND EXPERTS ASSOCIATION



Good news for all the real estate brokers. The OACIQ recently concluded a recognition agreement of great interest to your professional practice with the NBIEA.

By referring your clients to our inspectors, you are assured to meet the OACIQ's regulatory requirements.

Visit our website : www.anieb.com email : info@anieb.com



Decisions of the Discipline Committee

Searches made even more effective!

The decisions of the OACIQ Discipline Committee that had been published on our website will now be available on the website of the Société québécoise d'information juridique (SOQUIJ).

As of now, users may search for the decisions rendered since January 1, 2013 from the following address www.jugements.qc.ca. The previous decisions will be added gradually to this search engine in the coming weeks. Unless they are included in this search engine, the decisions will remain available on the OACIQ's website.

Searches made easier

The SOQUIJ's site currently publishes the decisions of most disciplinary boards of professional orders, and those of the discipline committees of the *Chambre de la sécurité financière* and the *Chambre de l'assurance de dommages*. It makes available to users an effective and user-friendly tool allowing decision searches with various criteria (keywords, decision numbers, year, etc).

The partnership between the OACIQ and SOQUIJ: to make your searches easier. ●

In your opinion, what is the percentage of members of the public who feel very trustful or somewhat trustful towards brokers?

- A) 57% B) 63%
C) 69% D) 76%

Check the electronic version of Profession Broker for the right answers.

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PROGRAMS

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Case studies
for an excellent
preparation for
OACIQ's exams

Attention, mortgage brokers!

The disclosure of your interest when buying or selling an immovable or enterprise applies to you as well

The Inspection Department notes that many mortgage brokers believe that they are not subject to this rule. It is therefore important to read the following.

As you already know, transparency must prevail in any real estate transaction, even when you are not performing your duties i.e., even when you are acting as a party to the transaction, either as a seller or buyer, represented or not by a real estate broker.

Any licence holder, even the one whose licence is suspended, is responsible for having the prospective contracting party to the transaction sign a notice of disclosure (section 18 of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising).

Which is the prospective contracting party? It is the one to which the disclosure must be made, either,

- the seller before accepting a *Promise to purchase* when you are the buyer; or
- the buyer before drafting his *Promise to purchase* when you are the seller.

The non-disclosure may have serious consequences.

This is the least we can say, since the prospective contracting party that did not receive the notice of disclosure before contractually committing itself may, as long as the transaction is not completed (signing of the deed of sale [notarized act], signing of

lease, etc.), withdraw without penalty any *Promise to purchase*, by sending a written notice.

In addition, the offending broker may face civil legal action and have his file submitted to the Inspection Committee, and even to the Syndic for investigation.

Deadlines are very important since they are recorded in the Register of disclosure notices, namely the date and time the *Promise to purchase* is drafted, the date and time the *Promise to purchase* or *Counter-proposal* is accepted and the date and time the notice of disclosure is signed.

Any notice of disclosure must be kept by your agency or by yourself if you are a broker acting on his own account.

Various disclosure notices are available under the "Resources" section on the OACIQ website, by selecting "Inspection" then "Inspection forms".

For more information on your duty to disclose, please contact the OACIQ Info Center :



by email at info@oaciq.com

or



by phone at 450 462-9800 or 1 800 440-7170 between 9:00 AM and 4:00 PM on Monday, Tuesday, Thursday and Friday, and between 10:00 AM and 4:00 PM on Wednesday.

You may also check the following article on the OACIQ's website: "*The agency's and broker's duty to disclose*". ●

Your protection at a lesser cost

Interview with Alain Chouinard



When maintaining their licences, all Québec real estate and mortgage agencies and brokers saw a \$65 reduction in their annual professional liability insurance premium. The Fonds d'assurance-responsabilité du courtage immobilier du Québec (FARCIQ) is attentive to the needs of its clients and is committed to offering coverage that is adapted to the reality and needs of real estate brokerage professionals, all at the lowest possible cost.

Beyond its role as insurer, the Fonds is there to help real estate and mortgage brokers protect their assets, as well as guide them through procedures while providing them with the best possible service. Although the Fund is in good financial health and the reduction in the premium cost is one way in which members benefit from this situation, prudence remains at the heart of an effective management philosophy.

We are committed to your protection!

The professional liability insurance policy offers protection in case of fault, error or omission committed by a licence holder in the performance of his professional activities. In other words, this mandatory insurance offers you a measure of protection as you carry out your profession, and in some cases it can also help protect your clients against the consequences. It is important to note that while an involuntary error should be covered by the policy, several exclusions do exist. *"It is important that insured members be aware of the policy's exclusions, as certain disputes are not eligible under the Fonds"*, specifies Alain Chouinard, Director of FARCIQ's Claims Department.

The Claims and Prevention Committee reviews the insurance policy each year in order to adjust to the challenges and risks that surface as the profession evolves.

You may review the terms of your professional liability insurance policy and the applicable restrictions online at www.farcicq.com.

A group of claims experts at your service

The FARCIQ's Claims Department is comprised of three analysts supported by an outside team of lawyers and claims experts who assist with investigations and the defense of insured members.

In fact the Claims team was recently increased in order to handle the sizeable task of managing claims files from beginning to end. By this measure, the Department aims to ensure a sound management of case processing costs while maintaining the level of customer service which our insured members have come to expect.

In case of a claim...

If you are the subject of a written or verbal claim, or if you are blamed for something that could lead to a claim for monetary compensation, you must let us know the facts of the case in writing without delay. Our analysts will review your file and determine the validity of the claim. The insured member's collaboration is necessary at every step of the process. You will also be asked to provide all documents required for the investigation, which is why it is so important to maintain complete, well-documented files.

An ounce of prevention

Nobody is immune from a professional liability action. The causes are various and the consequences many. The Communications Department, the Claims Department and the Claims and Prevention Committee work together for the benefit of our insured members in order to create prevention tools that help reduce the risk of professional liability claims. Prevention and professionalism on the part of real estate and mortgage brokers benefit everyone, because the fewer claims the Fonds receives, the lower the insurance rates will be for brokers. Please note also that the Fonds has revamped its website, and the information has been reorganized to improve the browsing experience for our members.

The complete policy is available online at www.farcicq.com.

Summary of 2013-2014 professional liability insurance policy

Insured members	All brokerage licence holders and real estate and mortgage agencies.
Coverage period	May 1, 2013 to May 1, 2014
Premium	\$420 per year
Deductible	\$2,500 per claim
Coverage limit	\$1,000,000 per claim to a maximum aggregate of \$2,000,000
No guarantee offered and main exclusions	<ul style="list-style-type: none">• Consequences of intentional, fraudulent, dishonest or criminal acts• Presence of pollutants, fungi, spores and asbestos• Claims regarding the reimbursement of remuneration or of sums held in trust• Property management actions• Sale of an enterprise (when the market value of the enterprise's assets does not mainly consist of immovable property)• Claim regarding property owned by the insured member



BROKERS' ACTIONS



LAKE ACCESS AND SERVITUDE OF PASSAGE

HOW TO AVOID THIS SITUATION

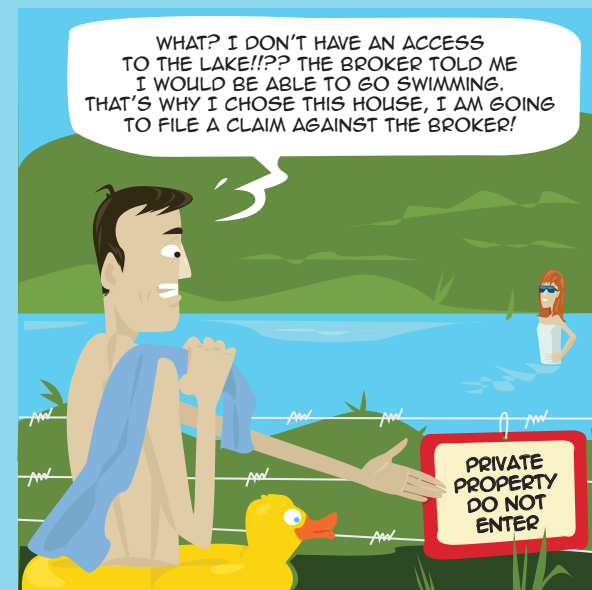
A **servitude of passage, or right of way to the lake**, is a right to pass over someone's land. Never assume that a servitude is legal: always do the necessary verifications and inform the prospective buyer of the situation. You should also know that in addition to finding out about the existence of a servitude, you must validate **its nature and scope**, e.g. check whether the owner has made use of the servitude in the last ten (10) years, whether the servitude is only a personal one, etc. Poor understanding of a servitude could lead to unfortunate consequences. When in doubt, consult a professional such as a lawyer or notary.

THE PRO'S ADVICE

You must always validate the information, and never assume anything. Servitudes' (including rights of way) are usually documented in the **Québec Land Register** and on the **deed of sale**. You can also find information with the municipality as well as on an up-to-date **certificate of location**. In addition, a question pertaining to this is included in the form "Declarations by the seller of the immovable", which is now mandatory. Don't forget to keep a copy of these documents on file!

CONSEQUENCES

In addition to exposing the client to an unpleasant situation, consider the consequences of this type of error for the broker. If you are held responsible and compensation is paid to the claimant, you will be liable for the deductible on your insurance. You should also know that a court action will have an impact on your personal credit record during the entire length of the dispute, not to mention **the loss of time** that this will cause you. You're always better safe than sorry.



Fonds d'assurance responsabilité professionnelle
du courtage immobilier du Québec

WWW.FARCIQ.COM

RETURN
OF THE

T R A I N I N G

MANDATORY BASIC

Important information for candidates



Télégramme PLUS

1 888 353-4726
www.telegrammes.com

Offre exclusive à tous les titulaires de permis

- ✕ Tarifs avantageux et service complet avec une équipe soucieuse de bien vous servir.
- ✕ Visitez notre site Internet rubrique « Immobilier* » et découvrez tous les avantages d'utiliser nos services.
- ✕ Certains textes sont déjà formulés pour vous faciliter la tâche.
Ex. : avis de clause 72 heures;
inspection en bâtiment insatisfaisante.
- ✕ Possibilité de faire votre demande en ligne via notre site Internet.
- ✕ De plus, en tant que titulaire de permis de l'OACIQ, vous obtiendrez **20 % de rabais** sur tous les télégrammes souhaités : condoléances, mariage, félicitations, etc.

Informez-vous!

- ✕ Nos services vous sont offerts du lundi au samedi inclusivement.

Partenaire de
OACIQ
ORGANISME D'AUTORÉGLEMENTATION
DU COURTAGE IMMOBILIER DU QUÉBEC

* À noter que le mot de passe pour tous les titulaires de permis de l'OACIQ est le suivant : 4726.

In an effort to enhance brokers' skills and address the concerns of real estate professionals, any candidate wishing to take the OACIQ certification exam as of September 1, 2013 must have previously taken and passed a basic training program recognized by the OACIQ.

This decision was taken following the Real Estate summit held in February 2012, where the issue was raised by real estate and mortgage brokerage professionals and practitioners. For this purpose, a regulatory change was announced on November 28, 2012 by the Québec Minister of Finance.

This new policy will have an impact on the candidates to an OACIQ certification exam. See the possible situations on the right.

First certification exam is scheduled BEFORE September 1, 2013

Candidates who intend to register for an OACIQ certification exam before September 1, 2013 are not subject to the basic training obligation, but are strongly encouraged to take all the courses of the training program for the licence requested to acquire all the essential skills to practice the profession (see the Competency frameworks, available on the OACIQ website, under *Becoming broker* section).

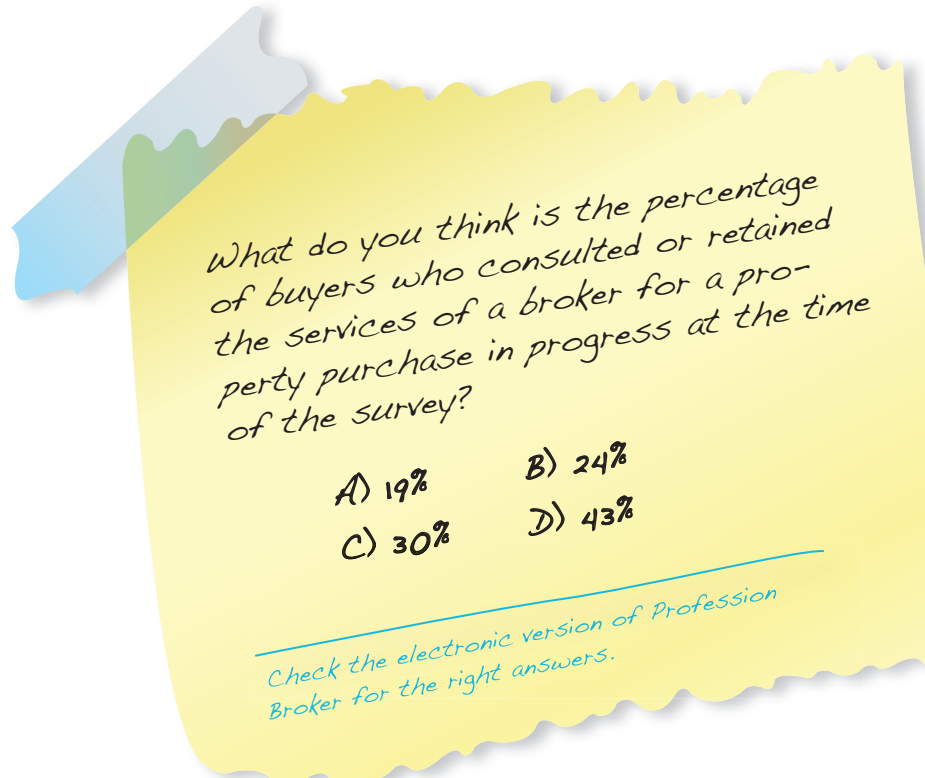
First certification exam is scheduled AFTER September 1, 2013

To be eligible for the OACIQ certification exam after September 1, 2013, candidates must first take and pass a basic training program accredited by the OACIQ for the licence requested.

However, if candidates have already started or finished their training while they were not required to abide by the obligation to take and pass the training program, they must take the necessary steps with the educational institution to be able to prove that they have successfully completed the training program before being eligible to write the examination.

Certification exam underway

Candidates who wrote an OACIQ certification examination before September 1, 2013, but have failed one or many competencies, have three supplemental examinations, within a 12-month period as of the date they took the first exam to pass it, without having to take a mandatory basic training. If they still have not passed the exam after this time period, they have to wait 12 months before rewriting it. At that time, they must have taken and passed a mandatory basic



training program recognized by the OACIQ before being eligible to write an OACIQ certification examination.

Adding a field of practice

A. If the first certification exam for this new field of practice is scheduled BEFORE September 1, 2013:

Candidates who intend to register for an OACIQ certification exam before September 1, 2013 are not obligated to take the basic training, but are strongly encouraged to take all the courses of the training program for the licence requested to acquire all the essential skills to practice the profession (see the Competency frameworks, available on the OACIQ website, under *Becoming broker* section).

B. If the first certification exam for this new field of practice is scheduled AFTER September 1, 2013:

The candidate who already has a licence and wishes to add a field to his professional practice must have taken and passed a basic training program for the new requested licence. The educational institution may, at its discretion, determine whether the recognition of prior learning may apply to certain courses.

Cont'd on page 18



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Return to practice

A holder whose licence has been revoked may ask for another licence of the same category to be issued, within 12 months following its expiration.

A. If it is a return to practice after 12 months, but BEFORE September 1, 2013:

The broker must register for an OACIQ certification exam, but is not obligated to pass a basic training.

B. If it is a return to practice after 12 months, but AFTER September 1, 2013:

The broker must take and pass a mandatory basic training program accredited by the OACIQ before being eligible for an OACIQ certification exam. Please note that due to the return of the mandatory basic training on September 1, 2013, the calendar of examinations 2013 has been slightly changed. You may check it on our website, under the *Resources* section.

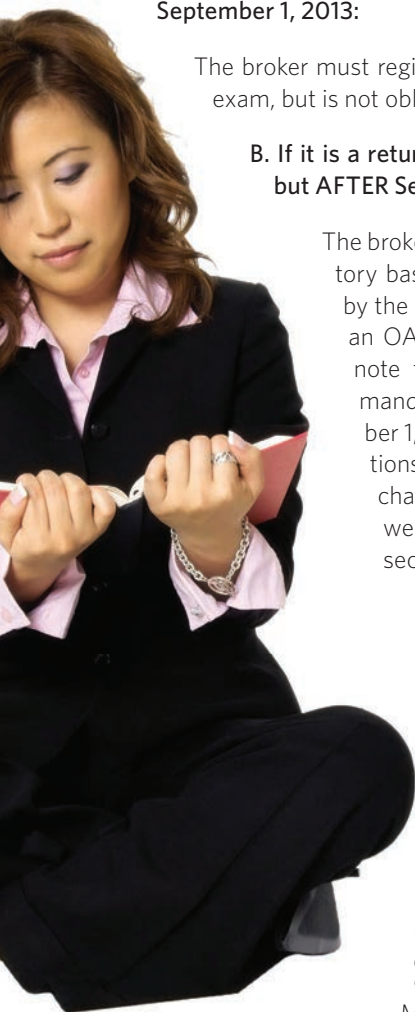
For any question about the subject

Contact the OACIQ Info Center

by email at info@oaciq.com

or

by phone at 450 462-9800 or 1 800 440-7170 between 9:00 AM and 4:00 PM on Monday, Tuesday, Thursday and Friday, and between 10:00 AM and 4:00 PM on Wednesday. ●



Do you know the percentage of sellers who, in the last three years, retained the services of a broker because of his estimate of the market value of their property?

A) 1% B) 4%
C) 7% D) 11%

Check the electronic version of Profession Broker for the right answers.



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*Some conditions apply

Mark your calendar

Wednesday, May 8, 2013

OACIQ Annual General Meeting 2013

Mortagne Hotel in Boucherville

The OACIQ OFFICES WILL BE CLOSED

May June July September

May 20, 2013
Statutory holiday
for Victoria Day

June 24, 2013
Statutory holiday
for Quebec's
National Holiday

July 1, 2013
Statutory holiday
for Canada Day

September 2, 2013
Statutory holiday for
Labour Day

The
OACIQ
will be
there!

Canadian Real Estate Regulators Group

Delta Boy Valley Hotel
Calgary, Alberta
May 29 and 30, 2013

Canadian Regulators (Real Estate) Leadership Program

Delta Boy Valley Hotel
Calgary, Alberta
May 30 and 31, 2013

OACIQ INFO CENTER

DID YOU KNOW?

The OACIQ Info Centre responds to more than 60,000 requests for information each year. This fast and effective service informs you about aspects of real estate and mortgage brokerage you wish to clarify.

FEEL FREE TO CONTACT US

- By email: info@oaciq.com
 - Indicate your full contact information so that an agent can call you back
 - Be assured that you will receive a reply within 24 hours
- By telephone: at 450 462-9800 or 1 800 440-7170
 - Between 9 AM and 4 PM on Monday, Tuesday, Thursday and Friday and between 10 AM and 4 PM on Wednesday

OACIQ Info Center,
at your service!

Mandatory training on pyrrhotite

Are you concerned?

The cracks caused by pyrrhotite in many properties of Greater Trois-Rivières area, built between 1996 and 2008, cause a lot of trouble to many sellers and buyers in Mauricie. Therefore, it is essential that the real estate and mortgage brokers in this area and those carrying on business activities in Mauricie know the ins and outs of this issue in order to properly advise and protect their clients.

In response to the recommendation made by the Mauricie Real Estate Board and in agreement with the will of the OACIQ Board of Directors, we developed a mandatory training on pyrrhotite, held at Delta Hotel in Trois-Rivières on April 9 (full), 26 or 30, 2013, at brokers' choice.

This training is mandatory for:

- all real estate and mortgage brokers having their establishment in the Mauricie area;
- all members of the Mauricie Real Estate Board;
- real estate and mortgage brokers who carry on their activity in the region.

For these brokers, the training must be taken no later than April 30, 2013. You may check to see whether or not you are required to take the training by visiting *Synbad* and clicking on *My record* under the *Synbad* tab. The information will be available on the homepage.

For all the details about this training and to register immediately, visit *Synbad* via the OACIQ website.

For all other brokers

If one of your clients would like to buy or sell a property in this region, you must also, for the purpose of the transaction, take this training or get help from a broker who completed it.

Note that the OACIQ will implement all the necessary tools so the Mauricie new real estate and mortgage brokers and those who will carry on business in the area after April 30, 2013 can take the training.

The OACIQ and the Mauricie Real Estate Board are more than confident that the brokers concerned will take the training within the specified dates, given the importance and urgency of the situation.

For any questions concerning this training, feel free to contact the OACIQ Info Center by email at info@oaciq.com or by dialing 1-800-440-7170 between 9:00 AM and 4:00 PM on Monday, Tuesday, Thursday and Friday, and between 10:00 AM and 4:00 PM on Wednesday.

Training on pyrrhotite: register now!

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A NOTE OF CAUTION

Profession Broker is a publication for real estate professionals, licence holders of the *Organisme d'autoréglementation du courtage immobilier du Québec* (OACIQ). It covers various topics related to the application of the Real Estate Brokerage Act and its regulations, including legal and ethical issues related to the practice of real estate brokerage and the real estate market.

Any advertising appearing in this publication is intended for real estate brokerage professionals and does not in any way reflect the opinions, positions or actions of the *Organisme d'autoréglementation du courtage immobilier du Québec*, whose primary mission under the law is the protection of the public.