



Province of Alberta

LAND AGENTS LICENSING ACT

LAND AGENTS LICENSING REGULATION

Alberta Regulation 227/2001

With amendments up to and including Alberta Regulation 225/2017

Office Consolidation

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(Consolidated up to 225/2017)

ALBERTA REGULATION 227/2001

Land Agents Licensing Act

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Schedules

Definitions

1 In this Regulation,

- (a) “Act” means the *Land Agents Licensing Act*;
- (b) “client” means a person on whose behalf a land agent engages or undertakes to engage in any of the activities of a land agent;
- (c) “former Regulation” means the *Land Agents Licensing Regulation (AR 224/82)* (repealed);
- (d) “interim land agent licence” means an interim land agent licence issued under section 4;
- (e) “performance evaluation” means a performance evaluation in the form in Schedule 1.1;

- (f) “permanent land agent licence” means a permanent land agent licence issued under section 5;
- (g) “trainee” means a person who holds an interim land agent licence and is being trained by a trainer to become a permanent land agent;
- (h) “trainer” means a corporation or an individual that meets the requirements of section 3.1(5) and provides training for a trainee to become a permanent land agent;
- (i) “training agreement” means land agent training agreement described in section 3.1.

AR 227/2001 s1;220/2007;209/2012

Exemptions from Act

2(1) In this section,

- (a) “electric distribution system” means any system, works, plant, equipment or service for the delivery, distribution or furnishing of electric energy directly to rural consumers in Alberta, but does not include a power plant or transmission line;
- (b) “irrigation district” means a district within the meaning of the *Irrigation Districts Act*;
- (c) “rural gas utility” means a system of pipelines for the distribution and delivery of gas that provides gas service wholly or primarily to rural consumers in Alberta.

(2) The Act does not apply to a person who negotiates for or acquires an interest in land in connection with an extension to an electric distribution system or rural gas utility if the person

- (a) is the owner of other land to which the electric distribution system or rural gas utility, as the case may be, is proposed to extend, or
- (b) is negotiating gratuitously on behalf of such an owner.

(3) The exemption given by subsection (2) does not apply to the owner or operator of the electric distribution system or rural gas utility or its agents or employees.

(4) The Act does not apply to a person employed by an irrigation district who negotiates for or acquires an interest in land on behalf of that district.

Applications and fees

3 Before any service referred to in Schedule 1 is provided, an application for it must be made in a form acceptable to the Registrar, be accompanied by the appropriate fee set by that Schedule and be approved by the Registrar.

Training agreement

3.1(1) A land agent training agreement is a contract between a trainee and a trainer

- (a) that includes
 - (i) an undertaking by the trainer to ensure that the trainee will work under the supervision of one or more permanent land agent licensees who meet the requirements set out in subsection (6),
 - (ii) an undertaking that the trainee will carry out the number of negotiations required by the Registrar, and
 - (iii) an undertaking by the trainer to complete and file with the Registrar a performance evaluation in accordance with subsection (4) that will be based, in part, on comments from the one or more permanent land agent licensees who will supervise the trainee,
- (b) that is signed by the trainee and the trainer or the trainer's authorized representative, and
- (c) that expires on the expiry date of the trainee's interim land agent licence.

(2) A training agreement

- (a) may be renewed on the renewal of the trainee's interim land agent licence, and
- (b) may be terminated by the trainee or the trainer by giving, to the other party, a written notice that sets out the termination date and the reasons for termination and within 7 days of giving that notice by giving the Registrar a copy of the notice.

(3) If a training agreement is terminated under subsection (2)(b), the Registrar may, in accordance with section 7 of the Act, suspend the trainee's interim land agent licence until the trainee files, with the Registrar, a copy of a new training agreement.

(4) A trainer must complete and file with the Registrar a performance evaluation of the trainee within 14 days of the expiry

or termination of the training agreement or within such other period approved by the Registrar.

(5) A trainer must,

- (a) in the case of a corporation, satisfy the Registrar that it has the capacity to train a trainee under the supervision of one or more permanent land agent licensees who meet the requirements of subsection (6), or
- (b) in the case of an individual, be a permanent land agent licensee who meets the requirements of subsection (6).

(6) A permanent land agent licensee who supervises a trainee under a training agreement must have been actively involved in land agent work and have held a permanent land agent licence for at least 3 years immediately preceding the date the licensee commences supervision of the trainee.

AR 220/2007 s3;209/2012

Interim land agent licences

4(1) The Registrar may issue an interim land agent licence to an individual who has

- (a) attained the age of 18 years,
- (b) subject to subsection (1.1), satisfactorily completed at least 2 years of post-secondary education that, in the Registrar's opinion, is relevant to the activities of a land agent,
- (c) satisfactorily completed the interim land agent licence examination set by the Registrar, and
- (d) entered into and filed with the Registrar a training agreement.

(1.1) The Registrar may waive the 2 years of post-secondary education described in subsection (1)(b) if the applicant satisfies the Registrar that the applicant has the equivalent competence and is suitable to be trained as a land agent.

(1.2) The Registrar may impose conditions on a waiver granted under subsection (1.1).

(2) An interim land agent licence expires one year after the date of its issue or last renewal unless it is sooner cancelled, and, subject to subsection (4), may be renewed by the Registrar for a further one-year period.

(3) If an interim land agent licence is suspended for a period that extends beyond the date when a renewal of that licence takes effect, the balance of the suspension period applies to the renewed licence.

(4) The Registrar shall not renew an interim land agent licence if of the opinion that the holder of that licence is not actively fulfilling the requirements set out in the performance evaluation in Schedule 1.1.

AR 227/2001 s4;220/2007

Permanent land agent licences

5(1) The Registrar may issue a permanent land agent licence to an individual who holds or has held an interim land agent licence if that individual

- (a) has worked as a land agent for a period of at least 12 consecutive months, without the interim land agent licence being suspended, under the supervision of one or more of the permanent land agent licensees who meet the qualifications set out in section 3.1(6),
- (b) has successfully completed a land agent education program acceptable to the Registrar,
- (c) has satisfactorily completed the permanent land agent licence examination set by the Registrar, and
- (d) has carried out the number of negotiations required under section 3.1(1)(a)(ii) in a manner that is satisfactory to the Registrar,

and if the trainer of the individual has completed and filed with the Registrar a performance evaluation that meets the requirements of section 3.1(1)(a)(iii).

(2) Notwithstanding subsection (1)(a) and on a written request, the Registrar may waive the requirement that the 12-month period referred to in subsection (1)(a) be consecutive if of the opinion that the circumstances warrant it.

(3) A permanent land agent licence expires 2 years after the date of its issue or last renewal unless it is sooner cancelled, and may, subject to subsection (3.1), be renewed by the Registrar for a further 2-year period.

(3.1) The qualifications for the renewal of a permanent land agent licence are that the applicant has spent at least 14 hours in one or both of the following activities in the previous 2 years:

- (a) attending courses, seminars or conferences satisfactory to the Registrar;
- (b) serving on a committee or board, satisfactory to the Registrar, that carries out activities relevant to land agent work.

(3.2) An applicant for a renewal of a permanent land agent licence must complete and submit to the Registrar the permanent land agent licence renewal qualification form set out in Schedule 1.2 and provide any additional information requested by the Registrar.

(4) If a permanent land agent licence is suspended for a period that extends beyond the date when a renewal of that licence takes effect, the balance of the suspension period applies to the renewed licence.

(5) Subject to compliance with subsections (3.1), (3.2) and (6), where a permanent land agent licence is not renewed and expires, the Registrar may issue to the holder of that expired licence a new permanent land agent licence even though that person does not meet the requirements of subsection (1).

(6) If an application for a new permanent land agent licence is made more than 12 months after the previous permanent land agent licence expired, the applicant must, before a new permanent land agent licence is issued,

- (a) satisfactorily complete a permanent land agent licence examination set by the Registrar, and
- (b) if the application is made more than 36 months after the previous permanent land agent licence expired, fulfill any additional qualifications as set by the Registrar.

(7) A land agent who obtains a permanent land agent licence must keep, for at least 5 years, records evidencing that the land agent has met the eligibility requirements

- (a) for that licence, and
- (b) for any renewal of that licence.

AR 227/2001 s5;220/2007;209/2012

Examination re-writes

6(1) A person who fails an examination required by this Regulation may, with the approval of the Registrar, re-write it or a similar examination set by the Registrar.

(2) The Registrar shall set the time at which the person may re-write the examination, but a re-write may not be attempted sooner than 2 weeks after the examination was failed.

Identification

6.1(1) A land agent must carry identification issued by the Registrar containing the information provided for in Schedule 4 while engaging in the activities of a land agent.

(2) A land agent must

- (a) at the commencement of negotiations for an interest in land, advise the owner or owner's agent that the land agent is licensed under the *Land Agents Licensing Act* and must indicate the licence number and the class of licence held by the land agent, and
- (b) produce the identification referred to in subsection (1) for inspection
 - (i) by the owner or the owner's agent at the first opportunity after negotiations commence, or
 - (ii) by any other person who requests to see it.

AR 209/2012 s5

Obligations respecting proposed agreement

7(1) A land agent who is required to leave with an owner or an owner's agent a completed copy of a proposed agreement in accordance with section 17 of the Act shall ensure that the agreement

- (a) is completed as to its proposed terms, which must include
 - (i) an offer of compensation,
 - (ii) the name and business address of each of the parties,
 - (iii) the nature of the interest proposed to be acquired, and
 - (iv) the legal description of the property affected,and
- (b) has attached to or forming part of it a plan of survey or an accurate sketch showing the location, dimensions and area in hectares of the land that is subject to the interest proposed to be acquired.

(2) A land agent must offer to explain to the owner or the owner's agent the proposed terms of the agreement referred to in subsection (1).

AR 227/2001 s7;220/2007

Waiver of application of section 17(2) of the Act

8(1) A waiver under section 17(6) of the Act from section 17(2) of the Act must be in the form set out in Schedule 2.

(2) A land agent who is identified in paragraph 1 of the waiver set out in Schedule 2 and also acts as the commissioner for oaths in the waiver must complete the form set out in Schedule 3.

(3) The form set out in Schedule 3 must be sworn or affirmed before a commissioner for oaths.

Duties preliminary to certain acquisitions

9(1) Before

- (a) an application is made for a right of entry order under the *Surface Rights Act* or the *Metis Settlements Act*,
- (b) an interest in land is acquired in accordance with section 6 of the *Metis Settlements Land Protection Act*, or
- (c) an expropriation is made under any law of Alberta,

the land agent who made the most recent offer of compensation to the owner of the interest in land that is the subject of the application, acquisition or expropriation must ensure that the requirements of subsection (2) have been met.

(2) The requirements referred to in subsection (1) are that

- (a) section 17(1) of the Act was complied with, and
- (b) negotiations resumed or a reasonable attempt was made to resume negotiations with the owner or the owner's agent at least 48 hours after section 17(1) of the Act was complied with.

(3) Subsection (2)(b) does not apply if a waiver under section 17(6) of the Act from section 17(2) of the Act was obtained.

Standards of conduct of land agents

10 When negotiating for or acquiring an interest in land, land agents must conduct themselves in a professional and ethical

manner, and in accordance with any standards of conduct established by the Registrar.

AR 227/2001 s10;220/2007

Transitional

10.1(1) In this section,

- (a) “amended Regulation” means the *Land Agents Licensing Regulation* (AR 227/2001) as amended on November 30, 2007 by the *Land Agents Licensing Amendment Regulation*;
- (b) “previous Regulation” means the *Land Agents Licensing Regulation* (AR 227/2001) as it read immediately before it was amended on November 30, 2007 by the *Land Agents Licensing Amendment Regulation*.

(2) Section 4(1)(b) of the amended Regulation does not apply to an individual who holds an interim land agent licence on November 30, 2007 who

- (a) fails to renew the licence before it expires, but
- (b) applies for a new interim land agent licence within 30 days after the existing licence expires.

(3) Section 5(1) of the previous Regulation, instead of section 5(1) of the amended Regulation, applies to an individual who holds an interim land agent licence on November 30 2007.

(4) Repealed AR 209/2012 s6.

AR 220/2007 s8;209/2012

Repeals

11 The *Land Agents Licensing Regulation* (AR 224/82) and the *Land Agents Licensing Exemption Regulation* (AR 58/84) are repealed.

12 Repealed AR 225/2017 s2.

Schedule 1 (Section 3) Fee Schedule

1 The fees payable on application are as follows:

- (a) for an interim or permanent land agent licence \$100;

- (b) for the renewal of an interim land agent licence \$100;
- (c) for the renewal of a permanent land agent licence \$ 60;
- (d) for a replacement licence \$ 25;
- (e) for a re-write of an examination \$100.

**Schedule 1.1
(Section 3.1)**

Performance Evaluation

1 (trainer) certifies that under the Training Agreement dated (dd/mm/yyyy)

(1) (interim land agent) , holding Interim Land Agent Licence Number , has completed the following requirements set by the Registrar of Land Agents:

- Successfully passed the Distance Learning Course based on the Reference Manual for Alberta Land Agents.
- Conducted (number) of the minimum 10 required negotiations for interests in land in Alberta that were observed by one or more of the permanent land agents named in this evaluation.

	Legal Description (as shown on title)	Type of Negotiation e.g. Easement, Surface Lease, etc.	Date of Agreement (yyyy/mm/dd)	Name of Person(s) Negotiated With	Telephone Numbers
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Conducted (number) of the minimum 15 required negotiations for interests in land in Alberta that were reviewed by one or more of the permanent land agents named in this evaluation.

	Legal Description (as shown on title)	Type of Negotiation e.g. Easement, Surface Lease, etc.	Date of Agreement (yyyy/mm/dd)	Name of Person(s) Negotiated With	Telephone Numbers
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

(2) The following permanent land agents supervised (interim land agent):

(a) (name) (licence number)

(b) (name) (licence number)

(c) (name) (licence number)

(d) (name) (licence number)

(3) The permanent land agents named in subsection (2) held a valid permanent land agent licence and were actively involved in land agent work for at least 3 years immediately preceding the date

the permanent land agents commenced supervision of (interim land agent).

(4) The following comments on (interim land agent)'s performance were reviewed and agreed to by the permanent land agents named in subsection (2):

(a) describe the articling land agent's performance in such matters as attention to detail in negotiations and documentation, congeniality with land owners, adherence to time limits and standards of conduct prescribed in the Regulation, skill development in relation to the employer's expectations and general integrity in performance of land agent work

(b) identify any areas for recommended improvement or change and additional training:

(c) describe what you have done to encourage development in those areas described in clause (b)

2 (trainer) recommends that the Registrar of Land Agents

- Accept
 Not Accept (give reasons):
-

(interim land agent)'s application for a permanent land agent licence under the *Land Agents Licensing Regulation* (Alberta).

(signature of trainer or trainer's authorized representative)

 (date)

AR 220/2007 s10;209/2012

**Schedule 1.2
 (Section 5(3.2))**

**Permanent Land Agent Licence
 Renewal Qualification Form**

I (first name) (middle name) (last name), holding Permanent Land Agent licence number _____, certify that since the issuance of or the last renewal of my Permanent Land Agent licence I spent (number of hours) as outlined in the following categories below:

A. Courses, Seminars and Conferences Relevant to Land Agent Work

Name of Course or Seminar	Dates Attended	Number of Hours

B. Committee or Board Membership Relevant to Land Agent Work

Name of Committee or Board	Position	Dates (from - to)	Number of Hours

_____ (signature) _____ (date)

Note: Before a Permanent Land Agent Licence is renewed, the licensee must have spent at least 14 hours in one or both of the categories above.

AR 220/2007 s10

**Schedule 2
(Section 8(1))**

Waiver of Application of Section 17(2) of the Act

I, _____ (name in full of owner or owner's agent),
of _____ (address),
acknowledge having entered into negotiations with respect to an
agreement for an interest in the following lands:
_____ (land description)
in favour of _____ (name of person or entity acquiring an interest)
and make oath and say:

1. That (name of land agent), holding (Permanent or Interim Land Agent Licence No.) has explained to me the provisions of section 17 of the *Land Agents Licensing Act*.
2. That I fully understand that I can wait at least 48 hours from the time that a completed copy of the proposed agreement is left with

me for examination before I can be requested to resume negotiations or to sign the agreement.

3. That I waive the application of section 17(2) of the *Land Agents Licensing Act*.

SWORN before me at the _____)
 _____ of _____)
 in the Province of _____,)
 this ___ day of _____,) (signature of owner
 20___) or owner's agent)
 _____)
 _____)
 A Commissioner for Oaths

**Schedule 3
 (Section 8(2))**

**Statement by Land Agent Acting as
 Commissioner for Oaths**

I, _____ (name in full) _____, land agent,
 of _____ (address) _____,
 acknowledge having entered into negotiations with respect to an
 agreement for an interest in the following lands:
 _____ (land description) _____
 in favour of _____ (name of person or entity acquiring an interest) _____
 and make oath and say:

That I explained to (name of owner or owner's agent) the
 provisions of section 17 of the *Land Agents Licensing Act* and in
 particular that (he) (she) could wait at least 48 hours from the time
 that a completed copy of the proposed agreement was left with
 (him) (her) before (he) (she) could be requested to resume
 negotiations or to sign the agreement.

SWORN before me at the _____)
 _____ of _____)
 in the Province of _____,)
 this ___ day of _____,) (signature of land agent)
 20___)
 _____)
 _____)
 A Commissioner for Oaths

**Schedule 4
(Section 6.1)**

Land Agent's Identification Card

1 The land agent's identification card must include the following:

- (a) the signature of the land agent;
- (b) the full name of the land agent;
- (c) the class of licence held by the land agent;
- (d) the number of the licence held by the land agent;
- (e) the expiry date of the licence;
- (f) the signature of the Registrar.

AR 209/2012 s9



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