



Province of Alberta

REAL ESTATE AMENDMENT ACT, 2020

Statutes of Alberta, 2020
Chapter 10

Assented to June 17, 2020

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Bill 20

REAL ESTATE AMENDMENT ACT, 2020

Chapter 10

(Assented to June 17, 2020)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cR-5

1 The *Real Estate Act* is amended by this Act.

2 The following is added before the enacting clause:

Preamble

WHEREAS the Government of Alberta recognizes the need for effective regulation of the real estate industry; and

WHEREAS the Real Estate Council of Alberta is intended to provide that regulation to protect the public and support the real estate industry;

3 The enacting clause is amended by adding “THEREFORE” before “HER MAJESTY”.

4 Section 1(1) is amended

- (a) in clause (a) by striking out** “the Alberta Association of the Appraisal Institute of Canada, the Alberta Assessors Association, the Canadian National Association of Real Estate Appraisers” **and substituting** “the Association of Condominium Managers of Alberta, the Canadian Condominium Institute North Alberta Chapter, the Canadian Condominium Institute South Alberta Chapter”;

(b) by adding the following after clause (a):

- (a.1) “Board” means the Board of Directors of the Council, as composed pursuant to section 6;

(c) by repealing clause (d) and substituting the following:

- (d) “business of a licensee” means the trades of a real estate broker, the services of a property manager referred to in clause (s.2) or the dealings of a mortgage broker undertaken by a licensee;

(d) in clause (e) by striking out “section 67, bylaws made by the Council” and substituting “clause (e.2)(ii) and section 67, bylaws made by the Board”;**(e) by adding the following after clause (e):**

- (e.1) “condominium corporation” means a corporation as defined in the *Condominium Property Act*;
- (e.2) “condominium management service” means the exercising of a power or the performing of a duty of a condominium corporation on behalf of the condominium corporation, including, but not limited to,
- (i) collecting, holding or disbursing, or attempting to collect, hold or disburse, contributions levied by the condominium corporation or other amounts levied by or due to the corporation under the *Condominium Property Act*,
 - (ii) enforcing the bylaws or rules of the corporation,
 - (iii) negotiating or entering into contracts on behalf of the corporation, and
 - (iv) supervising employees or contractors hired or engaged by the corporation,

but does not include any activity excluded by the *Condominium Property Act*, this Act or the regulations under either Act;

(f) by repealing clause (k.1) and substituting the following:

- (k.1) “former licensee” means a person who ceases to be a licensee;

- (g) in clause (n) by striking out “real estate appraiser industry” and substituting “property manager industry”;**
- (h) by adding the following after clause (n):**
- (n.1) “Industry Council” means an Industry Council established under section 7.1;
- (i) by repealing clause (o) and substituting the following:**
- (o) “licensee” means any person who holds a licence as a real estate broker, a property manager or a mortgage broker, or as any category or class of real estate broker, property manager or mortgage broker, issued by an Industry Council;
- (j) in clause (s.1) by adding the following after subclause (iii):**
- (iv) engaging in a condominium management service referred to in clause (e.2);
- (v) collecting, or offering or attempting to collect, on behalf of the owner or other person in charge of real estate, money payable as
- (A) rent for the use of real estate, or
- (B) contributions for the control, management or administration of real estate;
- (k) by adding the following after clause (s.1):**
- (s.2) “property manager” means a person engaged in property management as defined in clause (s.1);
- (l) by adding the following after clause (v):**
- (v.1) “registrar” means the registrar appointed under section 8.1;
- (m) in clause (w) by striking out “rules made by the Council” and substituting “, except in clause (e.2)(ii) and section 76.2, rules made by an Industry Council”;**
- (n) in clause (w.1) by striking out “an industry member” and substituting “a licensee”;**
- (o) in clause (x)**
- (i) by repealing subclauses (iv) and (vii);**

- (ii) in subclause (viii) by striking out “(vii)” and substituting “(vi)”.

5 Section 2 is amended

- (a) by repealing subsection (1)(c.1);
- (b) in subsection (2) by striking out “authorized” and substituting “licensed”;
- (c) in subsection (4)(c) by striking out “an authorization” and substituting “a licence”;
- (d) in subsection (5) by striking out “any licence permitting the use of real estate for residential, commercial or other purposes” and substituting “the use of real estate for any purpose when that use is authorized by another enactment”;
- (e) by adding the following after subsection (5):
- (6) This Act, as it relates to engaging in a condominium management service, does not apply to a condominium corporation in respect of the condominium corporation managing its own affairs.
- (7) This Act, as it relates to property management, does not apply to a person exempted by the regulations.

6 Section 3 is amended by renumbering section 3 as section 3(1) and adding the following after subsection (1):

- (2) The Council consists of the members of the Board.

7 Section 5 is repealed and the following is substituted:

Purposes of the Board

5 The purposes of the Board are

- (a) to set the strategic direction and ensure the effective operation of the Council;
- (b) to protect against, investigate, detect and suppress fraud as it relates to the business of licensees and to protect consumers;
- (c) to provide, or support the provision of, services and other things that facilitate the business of licensees, as provided for in the regulations;

- (d) to administer this Act as provided in this Act, the regulations, the bylaws and the rules.

8 Section 6 is repealed and the following is substituted:

Composition of Board

6(1) The Board shall consist of 7 members appointed as follows:

- (a) the Minister shall appoint 3 public members, who must not be licensees;
- (b) each Industry Council established under section 7.1 shall appoint a member, who must be a member of the Industry Council elected to the Industry Council under section 7.1(2)(b).
- (2)** Subject to section 9(11) and Part 6, the term of office of a member appointed under subsection (1) is 3 years.
- (3)** A person may be reappointed to the Board, but no person may serve more than 2 consecutive terms as a member of the Board.
- (4)** No person may serve as a Board member for more than 12 years of total service as a Board member.
- (5)** The Minister shall appoint one of the public members appointed under subsection (1)(a) as the chair of the Board, for a term of up to 3 years, and the chair shall act as the meeting facilitator and spokesperson for the Board and otherwise provide leadership for the Board.
- (6)** Despite subsection (5), the term of a person who is serving as the chair of the Board ends immediately if the person is no longer a member of the Board.
- (7)** Where a vacancy occurs, the vacancy shall be filled by an appointment for the unexpired portion of the term, to be made in the same manner that the appointment of the member or chair who is being replaced was made.
- (8)** If an Industry Council fails to appoint a member within the time prescribed by the regulations or the bylaws, the Board may appoint the member, and the member shall be considered to have been appointed by the Industry Council.
- (9)** A vacancy in the membership of the Board does not invalidate the constitution of the Board nor impair the right of

members of the Board to act if the number of remaining members is not less than a quorum.

9 Section 7 is repealed.

10 The following is added before section 8:

Industry Councils

7.1(1) Four Industry Councils are established to create and administer rules and licensing requirements for the following industries:

- (a) the residential real estate broker industry;
- (b) the commercial real estate broker and commercial property manager industry;
- (c) the residential property manager industry;
- (d) the mortgage broker industry.

(2) Each Industry Council shall be composed of

- (a) 2 public members appointed by the Minister, who must not be licensees, and
- (b) 3 licensees from the industry to which the Industry Council relates, elected by the licensees of that industry.

(3) Subject to section 9(11) and Part 6, the term of office of a member of an Industry Council is 3 years.

(4) A person may be reappointed or re-elected to an Industry Council, but no person may serve more than 2 consecutive terms as a member of the Industry Council.

(5) No person may serve as an Industry Council member for more than 12 years of total service as an Industry Council member.

(6) Each Industry Council shall elect one of its members as the chair of the Industry Council, for a term of 2 years, and the chair shall act as the meeting facilitator and spokesperson for the Industry Council and otherwise provide leadership for the Industry Council.

(7) Despite subsection (6), the term of a person who is serving as the chair of an Industry Council ends immediately if the person is no longer a member of the Industry Council.

(8) Where a vacancy occurs, the vacancy shall be filled by an appointment or election for the unexpired portion of the term, to be made in the same manner that the appointment or election of the member or chair who is being replaced was made.

(9) If the licensees of an industry fail to elect a member or members within the time prescribed by the regulations, the Minister may appoint the member or members, and the member or members shall be considered to have been appointed by the Industry Council.

(10) A vacancy in the membership of the Industry Council does not invalidate the constitution of the Industry Council nor impair the right of members of the Industry Council to act if the number of remaining members is not less than a quorum.

Purposes and mandate of Industry Councils

7.2(1) The purposes of an Industry Council are

- (a) to set and enforce standards of conduct for licensees and the business of licensees in order to protect consumers and promote the integrity of the industry, and
- (b) to administer this Act as provided in this Act, the regulations, the bylaws and the rules.

(2) Each Industry Council may establish rules setting out the conditions for a person to become and remain a licensee of the industry to which the Industry Council relates, including minimum standards for conduct and education requirements.

11 Section 8 is repealed and the following is substituted:

Executive director

8(1) The Board shall appoint an executive director, who shall be the chief administrative officer of the Council.

(2) A licensee is not eligible to be or remain executive director.

(3) The executive director reports to and is accountable solely to the Board.

(4) The executive director shall perform only the duties imposed on the executive director by or under this Act, and in

doing so may exercise all of the powers granted to the executive director by or under this Act.

(5) The Board shall conduct and prepare a performance review of the executive director every year, not later than 120 days after the last day of each fiscal year.

12 The following is added after section 8:

Registrar

8.1(1) The Board shall appoint a registrar, who shall not be the person appointed as the executive director under section 8.

(2) A licensee is not eligible to be or remain a registrar.

(3) The registrar reports to the executive director.

(4) The registrar is accountable to the Board for the performance of duties imposed on the registrar by or under this Act and the exercise of powers granted to the registrar by or under this Act.

(5) The registrar shall perform only the duties imposed on the registrar by or under this Act, and in doing so may exercise all of the powers granted to the registrar by or under this Act.

(6) The executive director shall conduct and prepare a performance review of the registrar every year, and a copy of that review must be submitted to the Board not later than 120 days after the last day of each fiscal year.

13 Section 9 is repealed and the following is substituted:

Prohibitions

9(1) No person while a member of the Board or an Industry Council shall do any of the following:

- (a) if the person is a licensee, act in an official capacity for an association, be on the governing body of an association, be an employee of an association or otherwise act on behalf of an association in any manner other than as an ordinary member of the association;
- (b) engage directly or indirectly in any business transaction or private arrangement for a pecuniary benefit, knowledge of which is gained from or based on the person being a member of the Board or an Industry Council, or from confidential or non-public information

- gained by reason of the member's position or authority with the Board or an Industry Council;
- (c) act in a manner, whether or not prohibited by this Act, the regulations, the bylaws or the rules, that may result in, or create the appearance of,
 - (i) using the member's position for private gain,
 - (ii) giving preferential treatment to any person,
 - (iii) impeding the Board or an Industry Council from carrying out its purposes,
 - (iv) foregoing independence or impartiality, or
 - (v) adversely affecting the integrity of the Board or an Industry Council;
 - (d) represent the Board or an Industry Council, explicitly or impliedly, or act in an official capacity on any matter in which the member has a real or potential personal interest, direct or indirect, in a manner that is incompatible with the member's duties under this Act, the regulations, the bylaws or the rules;
 - (e) contract with or otherwise accept the services of a licensee or applicant to become a licensee on terms that are more favourable than those generally available to the general public;
 - (f) unless approved by the Board or an Industry Council, as the case may be, accept a fee or benefit from another person on account of an occasion at which the member appears or provides a speech, lecture or publication, if the occasion is part of the official duties of the member for which compensation is being paid by the Council;
 - (g) contravene this Act, the regulations, the bylaws or the rules.
- (2)** The Board may, by bylaw, establish prohibitions that apply to a member of the Board or an Industry Council in addition to those in subsection (1).
- (3)** If the Board or an Industry Council becomes aware of a possible violation of
- (a) subsection (1), or

(b) a bylaw made under subsection (2)

by one of its members, the dispute resolution process established under section 11.3(a) must be used.

(4) The Board or an Industry Council, as the case may be, may vote to suspend a member from all Board or Industry Council activities for the duration of the dispute resolution process.

(5) A vote to suspend a member taken under subsection (4) requires a majority of the other members to pass, plus one additional member.

(6) If, after the dispute resolution process has been used, the Board or an Industry Council, as the case may be, does not believe the member has committed a violation, a member who has been suspended under subsection (4) shall be automatically reinstated to the Board or Industry Council.

(7) If, after the dispute resolution process has been used, the Board or an Industry Council, as the case may be, believes that one of its members has violated subsection (1) or violated a bylaw made under subsection (2), the Board or Industry Council may

- (a) by majority vote, suspend the member from any or all Board or Industry Council activities, as the case may be, for any period of time and subject to any terms and conditions that the Board or Industry Council considers appropriate,
- (b) in the case of a Board member who was appointed to the Board by an Industry Council, dismiss the member from the Board if a majority plus one other Board member votes to dismiss the member,
- (c) in the case of an Industry Council member who is a licensee of that Industry Council, dismiss the member from the Industry Council if all or a majority plus one other member of the Industry Council votes to dismiss the member, or
- (d) in the case of a public member, make a recommendation that the Minister dismiss the member from the Board or Industry Council if a majority of the Board or Industry Council votes to do so.

(8) The person who is the subject of a vote taken under subsection (4) or (7) shall not cast a vote.

(9) If the majority of votes in a vote taken under subsection (7)(b) or (c) are to dismiss a member, but the required number of votes to dismiss the member has not been reached, the Board or Industry Council shall notify the Minister of the result and shall recommend that the Minister dismiss the member from the Board or Industry Council.

(10) Nothing in this section prevents a member subject to the dispute resolution process from resigning at any time.

(11) If the licence of a member is withdrawn, expires or otherwise becomes invalid for any reason, the member shall be deemed to have immediately resigned from the Board or Industry Council.

(12) An Industry Council shall notify the Board immediately of the results of any vote taken under subsection (4) or (7) or a resignation.

14 Section 10(1) is amended

- (a) by adding “to which an Industry Council relates” after “the industry”;**
- (b) by striking out “Council” wherever it occurs and substituting “Industry Council”;**
- (c) in clause (a)**
 - (i) by striking out “any industry member” and substituting “any licensee”;**
 - (ii) by striking out “an industry member” and substituting “a licensee”.**

15 Section 11 is amended

- (a) by renumbering section 11 as section 11(1);**
- (b) in subsection (1)**
 - (i) by striking out “The Council” and substituting “The Board”;**
 - (ii) in clause (a) by striking out “Council” and substituting “Board or an Industry Council”;**

(iii) by adding the following after clause (a):

- (a.1) respecting the appointment of an Executive Director;
- (a.2) respecting the conduct of elections under section 7.1(2)(b);

(iv) in clause (b)

(A) by adding “subject to the regulations,” **before** “prescribing”;

(B) by striking out “6(6)” **and substituting** “6(8)”;

(v) in clause (c) by striking out “Council” **and substituting** “Board or an Industry Council”;

(vi) in clause (d) by striking out “6(1)(e) and (6)” **and substituting** “6(8)”;

(vii) in clause (e)

(A) by adding “subject to the regulations,” **before** “respecting”;

(B) by striking out “Council” **and substituting** “Board”;

(viii) in clause (f) by adding “, the Board or an Industry Council” **after** “Council”;

(ix) in clause (g) by adding “, the Board or an Industry Council” **after** “Council”;

(x) in clause (h) by striking out “an industry member” **and substituting** “a licensee”;

(xi) by repealing clause (l);

(xii) by repealing clause (m) and substituting the following:

- (m) respecting the appeal of a decision to refuse to issue, to cancel or to suspend a licence, or to refuse to reinstate a licence;

(xiii) by adding the following after clause (m):

- (m.1) respecting the appeal of orders under section 73;

- (m.2) subject to regulations under section 84(2)(d), authorizing the Council to charge and collect from licensees fees, levies, premiums and other assessments authorized under this Act or otherwise required by the Council for its operations and for matters under its administration, and respecting the manner in which and times at which they must be paid and penalties or interest charges that are payable for late payment;
- (m.3) specifying the quorum for the Board or an Industry Council;
- (m.4) respecting the form and contents of statements of admission of conduct for the purposes of section 46 and the circumstances in which the Board may accept such a statement;
- (m.5) authorizing the Board to establish and administer an insurance or indemnity plan for licensees and respecting all matters necessarily related to the establishment and administration of a plan;
- (m.6) exempting persons or classes of persons from the bylaws;

(c) by adding the following after subsection (1):

(2) Subject to the regulations, except for a bylaw made under section 67, a bylaw or the amendment of a bylaw shall not have effect until it has been approved in writing by the Minister.

16 The following is added after section 11:

Conduct of the Board

11.1(1) The Board must, within one year of this section coming into force, make a bylaw governing

- (a) the conduct of its members and the members of the Industry Councils, and
- (b) the roles and responsibilities of
 - (i) the Board and its members,
 - (ii) the Industry Councils and their members,
 - (iii) the executive director, and
 - (iv) the registrar.

(2) A bylaw made under subsection (1) must be reviewed at least once every 3 years and must be repassed in its present or an amended form by 4 or more Board members following the review.

(3) A bylaw made under subsection (1) prevails over any other bylaw made under this Act to the extent of any inconsistency between them.

Governance training

11.2(1) The Board must, within one year of this section coming into force, make a bylaw that identifies mandatory governance training requirements for Board members and Industry Council members.

(2) Each member of the Board and each member of an Industry Council must complete the training required by the bylaw made under subsection (1) within one year of their appointment or election to the Board or Industry Council, as the case may be.

Dispute resolution

11.3 The Board must, within one year of this section coming into force, make a bylaw establishing a dispute resolution process that must

- (a) specify the process that will be used in a case where the Board or an Industry Council becomes aware of a possible violation of section 9(1) or a bylaw made under section 9(2),
- (b) specify the process that will be used in the case of a dispute over roles and responsibilities between the Board and an Industry Council or between 2 Industry Councils, and
- (c) identify other circumstances in which a dispute resolution process will be used, and specify the process that will be used in such circumstances.

Fees

11.4 Except as provided in section 57(5) and (10)(a), no licensee shall be required to pay a fee, levy, premium or other assessment unless the fee, levy, premium or assessment has been authorized by a bylaw made under section 11(1)(m.2).

17 Section 12 is amended

- (a) by renumbering section 12 as section 12(1);
- (b) in subsection (1)

- (i) **by striking out** “The Council may make rules” **and substituting** “Each Industry Council may, with respect to licensees in the industry to which the Industry Council relates, make rules”;
- (ii) **by repealing clause (a) and substituting the following:**
 - (a) prescribing or adopting standards of conduct and business standards for licensees, including skills, education, competency and experience standards;
- (iii) **in clauses (b) and (c) by striking out** “industry members” **and substituting** “licensees”;
- (iv) **in clause (e) by striking out** “an industry member” **and substituting** “a licensee”;
- (v) **in clause (f) by striking out** “industry members” **and substituting** “licensees”;
- (vi) **in clause (g)**
 - (A) **by striking out** “industry members” **and substituting** “licensees”;
 - (B) **by striking out** “an industry member” **and substituting** “a licensee”;
- (vii) **in clause (h) by striking out** “industry members” **wherever it occurs and substituting** “licensees”;
- (viii) **in clauses (i) and (j)**
 - (A) **by striking out** “industry members” **and substituting** “licensees”;
 - (B) **by striking out** “an industry member” **and substituting** “a licensee”;
- (ix) **by repealing clause (j.1) and substituting the following:**
 - (j.1) regulating the business of a licensee acting on the licensee’s own behalf;
- (x) **by repealing clause (j.2);**

- (xi) in clause (k)
 - (A) by striking out “authorizations” wherever it occurs, except in subclause (vi), and substituting “licences”;
 - (B) in subclauses (i) and (ii.1) by striking out “an authorization” and substituting “a licence”;
 - (C) by adding “and” at the end of subclause (iv);
 - (D) in subclause (v)
 - (I) by striking out “an authorization” and substituting “a licence”;
 - (II) by striking out “and” at the end of subclause (v);
 - (E) by repealing subclause (vi);
- (xii) by repealing clause (l);
- (xiii) in clause (m)
 - (A) by striking out “industry members” wherever it occurs and substituting “licensees”;
 - (B) by striking out “industry member” wherever it occurs and substituting “licensee”;
- (xiv) in clause (n) by striking out “industry members” and substituting “licensees”;
- (xv) in clause (o)
 - (A) by striking out “industry members” wherever it occurs and substituting “licensees”;
 - (B) by adding “, the Board, an Industry Council” after “Council”;
- (xvi) in clause (p)
 - (A) by striking out “industry members” wherever it occurs and substituting “licensees”;
 - (B) by striking out “an industry member” and substituting “a licensee”;
- (xvii) by repealing clause (q);

- (xviii) **in clause (r) by striking out “industry members” wherever it occurs and substituting “licensees”;**
- (xix) **by repealing clauses (v) and (x);**
- (xx) **in clause (y)**
- (A) **by striking out “from industry membership” and substituting “a licence”;**
- (B) **by adding “Industry” before “Council”;**
- (xxi) **by repealing clause (z) and substituting the following:**
- (z) **prescribing contraventions in respect of which an administrative penalty may be imposed and prescribing the amounts of the administrative penalties that may be imposed, not to exceed the amount prescribed by the regulations for each contravention;**
- (xxii) **in clause (aa) by striking out “the bylaws or”;**
- (c) **by adding the following after subsection (1):**
- (2) **An Industry Council that is proposing to create a rule or amend a rule shall submit the proposed rule or rule change to the Board, and the Board shall then transmit the proposed rule change to the Minister.**
- (3) **Subject to the regulations, a rule or the amendment of a rule shall not have effect until it has been approved in writing by the Minister.**
- (4) **In the event of an inconsistency between a rule made under this section and a bylaw made under this Act, the bylaw prevails to the extent of the inconsistency.**

18 Section 13 is amended by adding “, 11.1, 11.2 or 11.3” after “section 11”.

19 Section 14 is repealed and the following is substituted:

Availability of bylaws and rules

14(1) The Board

- (a) shall
 - (i) make copies of its bylaws available to licensees and members of the public, and
 - (ii) make the agenda and minutes of all Board meetings available to licensees and members of the public,
 - (A) in the case of a meeting agenda, at least 7 days before the meeting takes place, and
 - (B) in the case of meeting minutes, no more than 7 days after they are finalized,

and

- (b) may make other information relating to matters under the jurisdiction of the Board available to members of the public.

(2) Each Industry Council

- (a) shall
 - (i) make copies of its rules available to the Board, licensees in the industry to which the Industry Council relates and members of the public, and
 - (ii) make the agenda and minutes of all Industry Council meetings available to the Board, licensees in the industry to which the Industry Council relates and members of the public,
 - (A) in the case of a meeting agenda, at least 7 days before the meeting takes place, and
 - (B) in the case of meeting minutes, no more than 7 days after they are finalized,

and

- (b) may make other information relating to matters under the jurisdiction of the Industry Council available to members of the public.

20 Section 15 is repealed and the following is substituted:**Delegation of authority**

15(1) The Board may delegate, by bylaw, to any officer or employee of the Council or any other person any or all of its powers, duties or responsibilities under this Act, except

- (a) its power to make bylaws, or
- (b) any power, duty or responsibility under Part 3.

(2) An Industry Council may delegate, by resolution, to any officer or employee of the Council or any other person any or all of its powers, duties or responsibilities under this Act, except

- (a) its power to make rules,
- (b) its power to make appointments to the Board, or
- (c) any power, duty or responsibility under Part 3.

(3) An Industry Council that delegates a power, duty or responsibility must make copies of the resolution authorizing the delegation available to the Board, licensees in the industry to which the Industry Council relates and members of the public.

(4) The Board or an Industry Council may, when delegating a matter, authorize the further delegation of the matter.

(5) Any officer or employee who further delegates a matter that was delegated to the officer or employee by the Board or an Industry Council must do so in writing and provide a copy to the Board or Industry Council as soon as practicable.

(6) A delegation under subsection (1) or (2) may be made subject to any terms and conditions the Board or Industry Council considers appropriate, and any such terms and conditions shall be set out in the bylaw or resolution, as the case may be, in which the delegation is made.

(7) A delegation under subsection (5) may be made subject to any terms and conditions specified in writing.

(8) A person to whom a power, duty or responsibility has been delegated is subject to the same restrictions and responsibilities as the entity or person that delegated the authority to them.

21 Section 16 is amended**(a) in subsection (1)**

(i) by striking out “the Council shall” and substituting “the Board shall”;

(ii) in clause (a)**(A) in subclause (ii)**

(I) by striking out “industry members” and substituting “licensees”;

(II) by striking out “authorization” and substituting “licence”;

(III) by striking out “Council” and substituting “Industry Councils”;

(B) in subclause (iii)

(I) by striking out “of authorization” and substituting “of licence”;

(II) in paragraph (A) by striking out “an authorization” and substituting “a licence”;

(III) in paragraph (B) by striking out “authorizations” and substituting “licences”;

(C) in subclause (iv)

(I) by adding “, the Board and the Industry Councils” after “Council”;

(II) by striking out “and”;

(D) by adding the following after subclause (iv):

(iv.1) state all compensation paid to Board members, Industry Council members, the executive director and the registrar, and

(E) in subclause (v) by striking out “Council” and substituting “Board”;

(b) by adding the following after subsection (1):

(1.1) Not later than 60 days before the end of the Council’s fiscal year, the Board shall

- (a) prepare a business and financial plan for the next 3 fiscal years, and
- (b) deliver a copy of the business and financial plan to the Minister.

(1.2) The business and financial plan must include the following information:

- (a) goals;
- (b) annual performance objectives;
- (c) strategies for achieving the goals and performance objectives;
- (d) the performance measures that will be used to evaluate whether the goals and performance objectives are met.

(1.3) The Board must fulfil its mandate and conduct its activities in a manner that is generally consistent with the current business and financial plan.

(c) in subsection (2) by striking out “Council” and substituting “Board”;

(d) by adding the following after subsection (2):

(2.1) When a report or plan is delivered to the Minister under subsection (1), (1.1) or (2), the report or plan must also be made available to members of the public.

(e) by repealing subsection (3) and substituting the following:

(3) In addition to the reports under this section, the Board shall provide the Minister with financial statements or any other information concerning the Board, an Industry Council or the Fund when required to do so by the Minister, and the Industry Council and Fund shall supply the Board with any information required for the Board to comply with the Minister’s request.

22 The heading to Part 2 is amended by striking out “an Industry Member” and substituting “a Licensee”.

23 Section 17 is amended

- (a) **in clauses (c) and (d) by striking out** “real estate appraiser” **and substituting** “property manager”;
- (b) **in the portion following clause (d)**
 - (i) **by striking out** “authorization” **and substituting** “licence”;
 - (ii) **by striking out** “Council” **and substituting** “Industry Council relating to that industry”.

24 The following is added after section 17:**Real estate appraisers**

17.1 No person shall act as a real estate appraiser or advertise himself or herself as, or in any way hold himself or herself out as, a real estate appraiser in Alberta unless the person is a member in good standing of the Appraisal Institute of Canada, the Alberta Assessors’ Association or the Canadian National Association of Real Estate Appraisers.

25 Section 18 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “No industry member” **and substituting** “No licensee”;
 - (ii) **by striking out** “an industry member” **and substituting** “a licensee”;
- (b) **in subsection (2)**
 - (i) **by striking out** “No industry member” **and substituting** “No licensee”;
 - (ii) **by striking out** “an industry member” **and substituting** “a licensee”;
 - (iii) **by striking out** “the industry member” **and substituting** “the licensee”;
- (c) **in subsection (3)**
 - (i) **by striking out** “an industry member” **wherever it occurs and substituting** “a licensee”;

- (ii) **by striking out** “the industry member” **wherever it occurs and substituting** “the licensee”;
- (iii) **in clause (b) by striking out** “industry member’s” **and substituting** “licensee’s”;
- (d) **in subsection (4) by striking out** “an industry member” **wherever it occurs and substituting** “a licensee”.

26 Section 19 is amended

- (a) **by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
- (b) **by striking out** “industry member’s” **and substituting** “licensee’s”.

27 Section 20 is amended

- (a) **in subsection (1) by striking out** “an industry member” **wherever it occurs and substituting** “a licensee”;
- (b) **in subsection (2)**
 - (i) **by striking out** “An industry member” **and substituting** “A licensee”;
 - (ii) **by striking out** “that industry member” **and substituting** “that licensee”;
- (c) **in subsection (3)**
 - (i) **by striking out** “an industry member” **wherever it occurs and substituting** “a licensee”;
 - (ii) **by striking out** “that industry member” **and substituting** “that licensee”;
- (d) **in subsections (4)(c) and (7)(a) by striking out** “industry member” **and substituting** “licensee”;
- (e) **in subsection (8)**
 - (i) **by striking out** “an industry member” **and substituting** “a licensee”;
 - (ii) **by striking out** “that industry member” **and substituting** “that licensee”.

28 Section 21(1) is amended

- (a) **by striking out** “an industry member” **and substituting** “a licensee”;
- (b) **in clause (a)**
 - (i) **by striking out** “authorization” **and substituting** “licence”;
 - (ii) **by striking out** “Council” **and substituting** “relevant Industry Council”;
- (c) **in clause (b) by striking out** “authorization” **and substituting** “licence”.

29 Section 21.1(1) is amended

- (a) **by striking out** “an industry member” **and substituting** “a licensee”;
- (b) **in clause (a)**
 - (i) **by striking out** “authorization” **and substituting** “licence”;
 - (ii) **by striking out** “Council” **and substituting** “relevant Industry Council”;
- (c) **in clause (b) by striking out** “authorization” **and substituting** “licence”.

30 Section 22 is amended

- (a) **by striking out** “an industry member” **and substituting** “a licensee”;
- (b) **by repealing clause (d)**;
- (c) **by adding the following at the end of the section:**
 - (e) in the case of a property manager engaging in a condominium management service, the person sought to be charged has, as a result of the services of the condominium manager employed by that person for the purpose, received the services of a condominium manager.

31 Section 23 is amended

- (a) **by striking out** “industry members” **and substituting** “licensees”;
- (b) **by striking out** “an industry member” **and substituting** “a licensee”;
- (c) **by striking out** “the industry member” **and substituting** “the licensee”;
- (d) **by striking out** “that industry member” **wherever it occurs and substituting** “that licensee”.

32 Section 25 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “An industry member” **and substituting** “A licensee”;
 - (ii) **in clause (a)**
 - (A) **by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
 - (B) **by adding** “property management service,” **before** “dealing”;
 - (iii) **in clause (b)**
 - (A) **by adding** “property management service,” **before** “dealing” **wherever it occurs**;
 - (B) **by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
 - (iv) **in clause (c)**
 - (A) **by adding** “property management service,” **before** “dealing”;
 - (B) **by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
 - (C) **by striking out** “industry members” **and substituting** “licensees”;

- (v) **in clause (d)**
 - (A) **by adding** “property management service,” **before** “dealing”;
 - (B) **by striking out** “industry member” **and substituting** “licensee”;
- (b) **in subsection (2)**
 - (i) **by striking out** “an industry member” **and substituting** “a licensee”;
 - (ii) **by adding** “property management service,” **before** “dealing”;
 - (iii) **by striking out** “the industry member” **wherever it occurs and substituting** “the licensee”;
- (c) **in subsection (4) by striking out** “an industry member” **and substituting** “a licensee”;
- (d) **in subsection (5)**
 - (i) **by striking out** “an industry member” **and substituting** “a licensee”;
 - (ii) **by striking out** “the industry member” **and substituting** “the licensee”;
- (e) **in subsection (7) by striking out** “An industry member” **and substituting** “A licensee”;
- (f) **in subsection (9)**
 - (i) **by striking out** “An industry member” **and substituting** “A licensee”;
 - (ii) **by striking out** “industry member’s” **and substituting** “licensee’s”;
- (g) **in subsection (11) by striking out** “industry member” **and substituting** “licensee”.

33 Section 36 is repealed and the following is substituted:

Panels

36(1) A Hearing Panel and an Appeal Panel must consist of at least 3 members appointed in accordance with the bylaws.

- (2) A Hearing Panel and an Appeal Panel must consist of at least one licensee and at least one member of the public.
- (3) The number of members of the public on a Hearing Panel or an Appeal Panel must not exceed the number of licensees on the Hearing Panel or Appeal Panel.
- (4) No Board member or Industry Council member may sit on a Hearing Panel or an Appeal Panel.
- (5) A person who was a member of a Hearing Panel that dealt with a subject-matter is not eligible to sit on the Appeal Panel that deals with the same subject-matter.

34 Section 37 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Complaint

37(1) A person may make a complaint to the registrar about the conduct of a licensee.

- (b) **by adding the following after subsection (2):**

(3) An Industry Council may request information from the registrar regarding complaints relating to licensees of that Industry Council, and the registrar shall provide the information requested.

(4) Despite subsection (3), an Industry Council shall not request information from the registrar about a specific investigation that is or has been conducted under this Act, and the registrar shall not provide any such information to an Industry Council.

35 Section 37.1 is amended

- (a) **by striking out “former industry member” wherever it occurs and substituting “former licensee”;**
- (b) **by striking out “an industry member” wherever it occurs and substituting “a licensee”.**

36 Section 38 is amended

- (a) **in subsection (1)**

- (i) **by striking out “executive director” wherever it occurs and substituting “registrar”;**
- (ii) **in clause (b) by striking out “an industry member” and substituting “a licensee”;**
- (b) **in subsection (3)**
 - (i) **by striking out “industry member’s” and substituting “licensee’s”;**
 - (ii) **by striking out “an industry member” and substituting “a licensee”;**
- (c) **by repealing subsection (4.2) and substituting the following:**

(4.2) An Industry Council may by notice in writing suspend the licence of a licensee who refuses to co-operate with a person conducting an investigation under subsection (2) until the registrar is satisfied that the licensee has co-operated.
- (d) **in subsection (5) by striking out “executive director” wherever it occurs and substituting “registrar”.**

37 Section 38.1 is amended by striking out “executive director” wherever it occurs and substituting “registrar”.

38 Section 39 is amended

- (a) **in subsection (1)**
 - (i) **by striking out “executive director” wherever it occurs and substituting “registrar”;**
 - (ii) **in clause (b)**
 - (A) **in subclause (i.1) by striking out “industry member” and substituting “licensee”;**
 - (B) **in subclause (ii)**
 - (I) **by striking out “industry member” wherever it occurs and substituting “licensee”;**
 - (II) **by striking out “and the bylaws” and substituting “, the bylaws and the rules”;**

(b) in subsection (2)

- (i) by striking out “executive director” and substituting “registrar”;**
- (ii) by striking out “industry member” and substituting “licensee”.**

39 Section 40 is amended

- (a) in subsection (1) by striking out “executive director” and substituting “Board”;**
- (b) in subsection (2) by striking out “industry member” and substituting “licensee”.**

40 Section 40.1 is amended

- (a) by repealing subsections (1) and (2) and substituting the following:**

Appeal by licensee

40.1(1) A licensee whose licence is suspended by an Industry Council under section 38(4.2) may, within 30 days after receipt of the notice, by notice in writing to the Board, appeal the Industry Council’s decision to a Hearing Panel.

(2) A licensee who receives a letter of reprimand from the registrar under section 39(1)(b)(i.1) may, within 30 days after receipt of the letter of reprimand, by notice in writing to the Board, appeal the registrar’s decision to a Hearing Panel.

- (b) in subsection (3) by striking out “executive director” and substituting “Board”.**

41 Section 41 is amended

- (a) in subsection (1) by adding “or 83.1(3)” after “section 39(1)(b)”;**
- (b) in subsection (2) by striking out “Council” and substituting “Board”;**
- (c) in subsection (3)**
 - (i) by striking out “executive director” and substituting “Board”;**

- (ii) **by striking out “industry member” and substituting “licensee”;**
- (d) **in subsection (4)(b)(i) and (ii) by striking out “industry member” wherever it occurs and substituting “licensee”.**

42 Section 42 is amended

- (a) **in clause (a) by striking out “industry member” and substituting “licensee”;**
- (b) **in clause (b)**
 - (i) **by striking out “an industry member” and substituting “a licensee”;**
 - (ii) **by striking out “industry member’s” and substituting “licensee’s”;**
- (c) **in clause (d) by striking out “industry member” and substituting “licensee”.**

43 Section 43 is amended

- (a) **in subsection (1)**
 - (i) **in the portion preceding clause (a) by striking out “an industry member” and substituting “a licensee”;**
 - (ii) **by repealing clause (a) and substituting the following:**
 - (a) an order cancelling or suspending any licence issued to the licensee by an Industry Council;
 - (iii) **in clause (b) by striking out “industry member” and substituting “licensee”;**
 - (iv) **by repealing clause (c) and substituting the following:**
 - (c) an order imposing any conditions or restrictions on the licensee and on that licensee’s carrying on of the business of a licensee that the Hearing Panel, in its discretion, determines appropriate;
 - (v) **in clause (d) by striking out “industry member” and substituting “licensee”;**

(vi) in clause (d.1)

(A) by striking out “industry member” wherever it occurs and substituting “licensee”;

(B) by striking out “authorization” and substituting “licence”;

(b) in subsection (2)

(i) by striking out “an industry member” and substituting “a licensee”;

(ii) by striking out “the industry member” and substituting “the licensee”;

(c) in subsection (2.1)**(i) in clause (a)**

(A) by striking out “of the executive director”;

(B) by striking out “and”;

(ii) in clause (b)

(A) by striking out “industry member” and substituting “licensee”;

(B) by adding “and” after “bylaws”;

(iii) by adding the following after clause (b):

(c) order the Council to pay the licensee all or part of the costs associated with the investigation and hearing determined in accordance with the bylaws.

44 Section 44 is repealed and the following is substituted:**Notice of decision**

44(1) The Hearing Panel shall forward the decision of the Hearing Panel to the Board, the relevant Industry Council, the registrar, the licensee and the complainant, if any.

(2) The Hearing Panel shall forward the record of the hearing to the Board.

45 Section 45 is amended

- (a) **in subsection (1) by striking out** “an industry member” **and substituting** “a licensee”;
- (b) **in subsection (2) by striking out** “executive director” **and substituting** “registrar”;
- (c) **in subsection (3) by striking out** “Council” **and substituting** “relevant Industry Council”.

46 Section 46 is repealed and the following is substituted:**Admission of conduct**

46(1) A licensee may, at any time after the commencement of proceedings under this Part and before a Hearing Panel makes its findings in respect of the licensee’s conduct, submit to the Board a statement of admission of conduct deserving of sanction in respect of all or any of the matters that are the subject-matter of the proceedings.

(2) A statement of admission of conduct may not be acted on unless it is in a form acceptable to the Board and meets any additional requirements set out in the bylaws.

47 Section 47 is amended

- (a) **in subsection (1) by striking out** “executive director” **and substituting** “Board”;
- (b) **in subsection (2)**
 - (i) **by striking out** “industry member’s” **and substituting** “licensee’s”;
 - (ii) **by striking out** “industry member” **and substituting** “licensee”.

48 Section 48 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “An industry member” **and substituting** “A licensee”;
 - (ii) **by striking out** “executive director” **and substituting** “registrar”;

- (b) in subsection (2) by striking out “executive director” wherever it occurs and substituting “registrar”;**
- (c) in subsections (4) and (5)**
 - (i) by striking out “industry member” wherever it occurs and substituting “licensee”;**
 - (ii) by striking out “executive director” and substituting “registrar”;**
- (d) in subsection (6)(a) and (b) by striking out “industry member” wherever it occurs and substituting “licensee”;**
- (e) in subsection (7) by striking out “executive director” and substituting “registrar”;**
- (f) in subsection (10)**
 - (i) by striking out “An industry member” and substituting “A licensee”;**
 - (ii) by striking out “executive director” and substituting “Board”;**
- (g) in subsection (11) by striking out “executive director” and substituting “registrar”;**
- (h) by repealing subsection (12) and substituting the following:**

(12) The Hearing Panel shall serve a copy of the Hearing Panel’s decision under subsection (11) on the licensee and the registrar.
- (i) in subsection (13)**
 - (i) by striking out “industry member” and substituting “licensee”;**
 - (ii) by striking out “executive director” and substituting “Board”;**
- (j) in subsection (14) by striking out “executive director” and substituting “registrar”;**
- (k) in subsection (15)**
 - (i) by striking out “executive director” and substituting “Appeal Panel”;**

- (ii) **by striking out** “industry member” **and substituting** “licensee and the registrar”.

49 Section 49 is amended

(a) in subsection (1)

- (i) **by striking out** “executive director” **and substituting** “Appeal Panel”;
- (ii) **by striking out** “industry member” **and substituting** “licensee and the registrar”;

(b) in subsection (2)

- (i) **by striking out** “executive director” **and substituting** “registrar”;
- (ii) **by striking out** “industry member” **and substituting** “licensee”.

50 Section 50 is amended

- (a) **in subsection (7) by striking out** “An industry member” **and substituting** “A licensee”;
- (b) **in subsection (7.1) by striking out** “executive director” **and substituting** “Board”;
- (c) **in subsection (8) by striking out** “executive director” **and substituting** “registrar”;
- (d) **in subsection (9)**
 - (i) **by striking out** “executive director” **and substituting** “Appeal Panel”;
 - (ii) **by striking out** “industry member” **and substituting** “licensee and the registrar”;
- (e) **in subsection (10) by striking out** “industry member” **and substituting** “licensee”;
- (f) **in subsection (11) by striking out** “executive director” **and substituting** “Board”.

51 Section 51 is amended

- (a) **by striking out** “executive director” **and substituting** “Appeal Panel”;
- (b) **by striking out** “industry member” **and substituting** “licensee and the registrar”.

52 Section 52 is amended

- (a) **by repealing subsections (1) and (2) and substituting the following:**

Appeals to Court

52(1) A licensee in respect of whom an Appeal Panel has made a decision or the registrar may appeal the decision to the Court.

- (2) The registrar may commence an appeal under subsection (1) only with the approval of the relevant Industry Council.

- (b) **in subsection (3)**

- (i) **in clause (a) by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
- (ii) **in clause (b) by striking out** “executive director” **wherever it occurs and substituting** “registrar”;

- (c) **in subsections (4) and (5)**

- (i) **by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
- (ii) **by striking out** “executive director” **wherever it occurs and substituting** “registrar”.

53 Sections 53 and 54 are repealed and the following is substituted:**Temporary order**

53(1) Notwithstanding anything in this Act, the chair of an Industry Council may make an order

- (a) temporarily suspending the licence of a licensee issued by an Industry Council, or
- (b) temporarily imposing conditions or restrictions on a licensee and the licensee’s carrying on the business of a licensee

pending the outcome of proceedings under this Part.

(2) The licensee may, by application served on the Industry Council, apply to the Court for an order staying the order of the chair pending the outcome of the proceedings.

Withdrawal from membership

54(1) Subject to the rules, a licensee may apply to their Industry Council to have their licence withdrawn if the licensee's conduct is the subject-matter of proceedings under this Part or the licensee suspects that the licensee's conduct may become the subject-matter of proceedings under this Part.

(2) The Industry Council may approve or reject the application and may make its approval subject to any terms and conditions the Industry Council considers appropriate.

(3) Where the Industry Council approves the application, then, subject to any terms and conditions imposed under subsection (2), all proceedings under this Part in respect of the licensee are discontinued and no proceedings in respect of that conduct may be commenced under this Part.

(4) An Industry Council must reject an application under subsection (1) if, in the opinion of the Industry Council, allegations of fraud or criminal activity have been made against the licensee, and those allegations warrant an investigation.

54 Section 55 is amended

(a) in subsection (1)

- (i) **by striking out** "executive director" **and substituting** "Board, an Industry Council or the registrar";
- (ii) **in clause (a) by striking out** "an authorization issued by the Council" **and substituting** "a licence issued by an Industry Council";
- (iii) **in clause (a.1) by striking out** "authorization of industry members" **and substituting** "licence of licensees";
- (iv) **in clause (b) by striking out** "from industry membership" **and substituting** "of a licence";

(b) in subsection (2)

- (i) **by striking out** "The executive director" **and substituting** "The Board, an Industry Council or the registrar";

(ii) by repealing clause (a) and substituting the following:

- (a) to an organization that regulates activities in another province or territory similar to those regulated by the Council if the Board, the Industry Council or the registrar reasonably believes that the information about the licensee may result in a suspension or cancellation of the licensee's authorization or licence in that province or territory, and

(c) in subsection (3) by striking out "industry member" wherever it occurs and substituting "licensee".

55 Section 56 is amended by striking out "(2.1)" and substituting "(2.1)(b)".

56 Section 57 is amended

- (a) in subsection (2) by striking out "Council" and substituting "Board";
- (b) in subsection (3)
- (i) by striking out "industry members" and substituting "licensees";
- (ii) in clauses (a) and (b) by striking out "an industry member" wherever it occurs and substituting "a licensee";
- (c) in subsection (4) by striking out "Council" and substituting "Board";
- (d) in subsection (5)
- (i) by striking out "Council" and substituting "Board";
- (ii) by striking out "industry members" wherever it occurs and substituting "licensees";
- (e) in subsections (7), (8), (9) and (10) by striking out "Council" wherever it occurs and substituting "Board".

57 Section 59 is amended

- (a) in subsection (1)

- (i) **by striking out** “an industry member” **and substituting** “a licensee”;
- (ii) **by striking out** “Council” **and substituting** “Board”;
- (b) **in subsections (2), (3), (4), (5) and (6) by striking out** “Council” **wherever it occurs and substituting** “Board”.

58 Section 60 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “an industry member” **and substituting** “a licensee”;
 - (ii) **by striking out** “Council” **and substituting** “Board”;
- (b) **in subsection (2) by striking out** “Council” **wherever it occurs and substituting** “Board”;
- (c) **in subsections (3) and (4)**
 - (i) **by striking out** “Council” **wherever it occurs and substituting** “Board”;
 - (ii) **by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
- (d) **in subsection (5)**
 - (i) **by striking out** “Council” **and substituting** “Board”;
 - (ii) **in clause (a) by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
 - (iii) **in clause (b) by striking out** “industry members” **and substituting** “licensees”.

59 Section 60.1 is amended

- (a) **by striking out** “Council” **and substituting** “Board”;
- (b) **in clause (b)**
 - (i) **by striking out** “Council’s” **and substituting** “Board’s”;
 - (ii) **by striking out** “industry member” **wherever it occurs and substituting** “licensee”.

60 Section 60.2 is amended

- (a) **in subsection (1) by striking out “Council” and substituting “Board”;**
- (b) **in subsection (2)**
 - (i) **by striking out “Council” wherever it occurs and substituting “Board”;**
 - (ii) **in clauses (d.1) and (e) by striking out “industry member” wherever it occurs and substituting “licensee”.**

61 Section 60.3 is amended

- (a) **in subsection (1)**
 - (i) **by striking out “Council” and substituting “Board”;**
 - (ii) **by striking out “an industry member” wherever it occurs and substituting “a licensee”;**
 - (iii) **by striking out “the industry member” and substituting “the licensee”;**
- (b) **in subsections (3) and (4)**
 - (i) **by striking out “Council” wherever it occurs and substituting “Board”;**
 - (ii) **by striking out “industry member” wherever it occurs and substituting “licensee”;**
- (c) **in subsection (5) by striking out “Council” and substituting “Board”.**

62 Section 61 is amended

- (a) **by striking out “Council” wherever it occurs and substituting “Board”;**
- (b) **by striking out “industry member” wherever it occurs and substituting “licensee”.**

63 Section 62 is amended

- (a) **in subsection (1) by striking out “Council” and substituting “Board”;**
- (b) **by repealing subsection (3) and substituting the following:**
 - (3) When the Minister makes an order under subsection (2), every applicant to be a licensee and every licensee who is subject to the Fund shall provide the Board with a bond subject to any terms and conditions set out in the order.

64 Section 69 is amended

- (a) **in subsection (1)**
 - (i) **by striking out “An industry member” and substituting “A licensee”;**
 - (ii) **in clause (c) by striking out “an industry member” and substituting “a licensee”;**
- (b) **in subsection (2) by striking out “An industry member” and substituting “A licensee”;**
- (c) **in subsection (4)(a) by adding “property management service,” before “dealing”.**

65 Section 73 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Order to cease carrying on business

73(1) Where under the authority of this Act a licensee’s licence is cancelled or suspended, the person or body ordering the cancellation or suspension may also by order prohibit any other licensee who was acting as an employee or agent of the licensee and

- (a) committed the act or omission that resulted in the cancellation or suspension, or
- (b) directed, authorized, assented to, participated in or acquiesced in the act or omission

from carrying on the business of a licensee, subject to any terms and conditions set out in the order.

(b) in subsection (3)

- (i) by striking out “Council” and substituting “Board”;**
- (ii) by striking out “rules” and substituting “bylaws”.**

66 Section 74 is amended**(a) in subsection (1)**

- (i) by striking out “executive director” wherever it occurs and substituting “registrar”;**
- (ii) by striking out “an industry member” and substituting “a licensee”;**
- (iii) in clauses (a) and (b) by striking out “industry member” wherever it occurs and substituting “licensee”;**

(b) in subsection (2) by striking out “executive director” wherever it occurs and substituting “registrar”.**67 Section 75 is amended****(a) in subsection (1)**

- (i) by striking out “The executive director” and substituting “The registrar”;**
- (ii) in clause (a)**
 - (A) by striking out “executive director” and substituting “registrar”;**
 - (B) by striking out “an industry member” and substituting “a licensee”;**

(iii) in clause (b)

- (A) by striking out “executive director” and substituting “registrar”;**
- (B) by striking out “an industry member” and substituting “a licensee”;**
- (C) by striking out “any industry member” and substituting “any licensee”;**

- (iv) in clause (c)
 - (A) by striking out “executive director” and substituting “registrar”;
 - (B) by striking out “an industry member’s” and substituting “a licensee’s”;
 - (C) by striking out “industry member” and substituting “licensee”;
- (b) in subsection (2)
 - (i) by striking out “the executive director may” and substituting “the registrar may”;
 - (ii) in clause (a)
 - (A) in subclauses (i) and (ii) by striking out “industry member” and substituting “licensee”;
 - (B) in the portion following subclause (ii) by striking out “executive director” and substituting “registrar”;
 - (iii) in clause (b) by striking out “industry member” and substituting “licensee”;
 - (iv) in clause (c) by striking out “executive director” and substituting “registrar”;
- (c) in subsections (3) and (4) by striking out “executive director” wherever it occurs and substituting “registrar”;
- (d) in subsection (5) by striking out “industry member” and substituting “licensee”.

68 Section 76 is amended

- (a) in subsection (1)(a) by adding “the Board or an Industry Council,” after “Council.”;
- (b) by adding the following after subsection (1):
 - (1.1) The Minister may direct that the cost of a review is to be paid by the Council or the Foundation, as the case may be.
- (c) in subsection (2)(a) by adding “, the Board, an Industry Council” after “Council”;

(d) by repealing subsection (5) and substituting the following:

(5) On conducting a review or receiving a report under subsection (4), the Minister may, by order, do all or any of the following:

- (a) direct the Board, an Industry Council, the Foundation or any member, officer or employee of the Council, the Board, an Industry Council or the Foundation to take any action that the Minister considers appropriate in the circumstances;
- (b) appoint a comptroller to oversee the management of the affairs of the Board, an Industry Council or the Foundation or the administration of the Fund, as the case may be, and attach terms and conditions to the continued operation of the Board, Industry Council, Foundation or Fund;
- (c) dismiss all or any of the members of the Board or an Industry Council, the board of governors of the Foundation or any member, officer or employee of the Council, the Board, an Industry Council or the Foundation.

(e) by adding the following after subsection (5):

(5.1) If the Minister is of the opinion that it is in the public interest to do so, the Minister may, by order, do anything that may be done by an order under subsection (5)(a) without conducting a review or receiving a report under subsection (4).

(f) by repealing subsection (6) and substituting the following:

(6) If an order under subsection (5)(a) or (5.1) is not carried out to the satisfaction of the Minister, the Minister may, by order, do either or both actions set out in subsection (5)(b) and (c).

(g) in subsection (7)

(i) by striking out “dismisses the Council” and substituting “dismisses the Board, an Industry Council”;

(ii) in clause (a)

(A) by striking out “the Council” and substituting “the Board, the Industry Council”;

(B) by striking out “new Council” and substituting “new Board, Industry Council”;

(iii) in clause (b) by striking out “Council” and substituting “Board, Industry Council”;

(h) in subsection (9) by striking out “Council” and substituting “Board, the Industry Council”;

(i) by repealing subsection (10) and substituting the following:

(10) An official administrator appointed under subsection (7)(a), or a comptroller appointed under subsection (5)(b) or (6), may be appointed for a term of up to one year, which may be renewed for further terms of up to one year each.

(j) by adding the following after subsection (10):

(11) An order or direction under subsection (5), (6) or (7) takes effect on the service of a copy of the order or direction on the person to whom it is directed.

(12) No action or other legal proceeding for damages lies or may be commenced or maintained against the Government of Alberta, the Council, the Board or another person as a result of a Board member, Industry Council member, member of the board of governors of the Foundation or any member, officer or employee of the Council or Foundation being dismissed or ceasing to hold office as a result of this section.

69 Section 76.1(6) is amended by adding “, the Board” after “the Government of Alberta, the Council”.

70 Section 76.2 is repealed and the following is substituted:

Appointment of new Board or Industry Council

76.2(1) If the entire Board is dismissed under section 76(5) or (6), the Minister may, by order, establish rules or procedures relating to the appointment of a new Board, including respecting

- (a) when the Industry Councils must appoint members to the new Board,
- (b) any conditions with respect to any appointments to the new Board, including any conditions that may disqualify an individual from serving on the Board,

- (c) when an official administrator's powers, duties and functions will cease,
- (d) when the new members of the Board will take office and assume the powers, duties and functions of the Board, and
- (e) any other matters that the Minister considers necessary for remedying any transitional difficulties encountered in dismissing the Board, appointing an official administrator or appointing a new Board.

(2) The Minister may exercise the powers granted by subsection (1) in relation to the appointment of a Board in the place of the Council that was dismissed under section 76.1(2).

(3) Despite section 6(1)(b), (7) and (8), if an Industry Council fails to appoint a member within the time prescribed by the Minister under subsection (1)(a), the Minister may, by order, appoint the member or members, as the case may be, and the member or members shall be considered to have been appointed by the Industry Council.

(4) Despite section 6(2), (5) and (7), in the case of the entire Board being dismissed under section 76(5) or (6), the Minister shall, by order, determine the term of office of the members appointed to fill the vacancy.

(5) If an entire Industry Council is dismissed under section 76(5) or (6), the Minister may, by order, establish rules or procedures relating to the appointment or election of new Industry Council members, including respecting

- (a) when licensees from the industry to which the Industry Council relates must be elected,
- (b) any conditions with respect to any licensees elected to the new Industry Council, including any conditions that may disqualify an individual from serving on the Industry Council,
- (c) when an official administrator's powers, duties and functions will cease,
- (d) when the new members of the Industry Council will take office and assume the powers, duties and functions of the Industry Council, and
- (e) any other matters that the Minister considers necessary for remedying any transitional difficulties encountered in

dismissing the Industry Council, appointing an official administrator or appointing a new Industry Council.

(6) Despite section 7.1(2)(b) and (8), if the licensees of an industry fail to elect a member or members to an Industry Council within the time prescribed by the Minister under subsection (5)(a), the Minister may, by order, appoint the member or members, as the case may be, and the member or members shall be considered to have been elected under section 7.1(2)(b).

(7) Despite section 7.1(3) and (8), in the case of the entire Industry Council being dismissed under section 76(5) or (6), the Minister shall, by order, determine the term of office of the members appointed or elected to fill the vacancy.

(8) If the entire board of governors of the Foundation is dismissed under section 76(5) or (6), the Minister may, by order, establish rules or procedures relating to the appointment of a new board of governors, including respecting

- (a) any conditions with respect to any appointments to the new board of governors, including any conditions that may disqualify an individual from serving on the board of governors,
- (b) when an official administrator's powers, duties and functions will cease,
- (c) when the new members of the board of governors will take office and assume the powers, duties and functions of the board of governors, and
- (d) any other matters that the Minister considers necessary for remedying any transitional difficulties encountered in dismissing the board of governors, appointing an official administrator or appointing a new board of governors.

(9) Rules or procedures established under subsection (1), (5) or (8) apply despite any contrary rules or procedures in this Act, the regulations or the bylaws.

(10) Rules or procedures established under subsection (1), (5) or (8) cease to apply when the new members of the Board, Industry Council or board of governors of the Foundation, as the case may be, have all taken office and the powers, duties and functions of an official administrator cease.

71 Section 76.4 is amended

- (a) **in subsection (1) by striking out “Council” wherever it occurs and substituting “Board”;**
- (b) **by repealing subsection (2).**

72 The following is added after section 76.4:**Policies**

76.5(1) The Minister may make policies that must be followed by the Council, the Board, an Industry Council, the Foundation or an officer or employee of the Council, the Board, an Industry Council or the Foundation in carrying out their powers and duties under this Act.

(2) The *Regulations Act* does not apply to policies made under subsection (1).

73 Section 77(2) is amended

- (a) **in clause (a)**
 - (i) **by striking out “Council” wherever it occurs and substituting “Board or an Industry Council”;**
 - (ii) **in subclauses (i) and (iii) by striking out “Council’s” and substituting “Board’s or Industry Council’s”;**
- (b) **in clause (b)**
 - (i) **by striking out “an industry member” and substituting “a licensee”;**
 - (ii) **in subclauses (ii) and (iii)**
 - (A) **by striking out “the industry member” wherever it occurs and substituting “the licensee”;**
 - (B) **by striking out “Council” and substituting “Board or Industry Council, as the case may be”;**
- (c) **in clause (c)**
 - (i) **by striking out “Council” and substituting “Board, an Industry Council”;**
 - (ii) **by striking out “an industry member” and substituting “a licensee”.**

74 Section 78 is amended

- (a) **by adding** “the Board or an Industry Council,” **after** “76.1(3), the Council,”;
- (b) **by striking out** “or employee of the Council” **and substituting** “, officer or employee of the Council, the Board or an Industry Council”;
- (c) **by adding** “the Board or an Industry Council, a person exercising powers, duties or responsibilities delegated to the person by the Board or an Industry Council or sub-delegated to the person,” **after** “for the Council,”.

75 Section 79 is repealed and the following is substituted:**Extension of time**

79(1) The Board may on application extend the time within which anything is required to be done by any person under this Act, the regulations, the bylaws or a direction or decision of the Board, the registrar, the executive director or a Panel under this Act.

(2) The relevant Industry Council may on application extend the time within which anything is required to be done by any person under a rule made by the Industry Council.

76 Section 80 is amended

- (a) **in clause (a) by striking out** “Council” **and substituting** “Board, an Industry Council”;
- (b) **by adding the following after clause (a):**
 - (a.1) the chair of the Board,
 - (a.2) the chair of an Industry Council,
 - (a.3) the registrar,

77 Section 81(1) is amended by adding “17.1,” after “17,”.**78 Section 82 is amended**

- (a) **by striking out** “authorized” **and substituting** “licensed”;

- (b) **by striking out** “the Council” **and substituting** “an Industry Council”;
- (c) **by striking out** “an industry member” **and substituting** “a licensee”.

79 Section 83(1) is amended

- (a) **by striking out** “executive director” **wherever it appears and substituting** “registrar”;
- (b) **by striking out** “specified in the bylaws” **and substituting** “specified in the rules”;
- (c) **by adding** “and the rules” **after** “subject to the bylaws”.

80 Section 83.1 is amended

- (a) **in subsections (1) and (3) by striking out** “executive director” **and substituting** “Board”;
- (b) **in subsection (4) by adding** “, 41.1” **after** “Sections 41”;
- (c) **in subsection (7)**
 - (i) **by striking out** “executive director” **and substituting** “Hearing Panel”;
 - (ii) **by adding** “and the registrar” **after** “appellant”.

81 Section 83.2 is amended in subsections (1), (2), (3), (4), (5) and (8) by striking out “executive director” **wherever it occurs and substituting** “registrar”.

82 Section 83.3 is amended by striking out “executive director” **and substituting** “registrar”.

83 Section 84 is amended

- (a) **in subsection (1)(a) by striking out** “an industry member” **and substituting** “a licensee”;
- (b) **in subsection (2)**
 - (i) **by repealing clause (a) and substituting the following:**

- (a) regarding the provision of services and other things by the Board that facilitate the business of licensees;
- (ii) in clause (a.1) by striking out “section 6(7)” and substituting “sections 6(8) and 7.1(9)”;**
- (iii) by adding the following after clause (a.1):**
 - (a.11) respecting the approval of a bylaw or the amendment of a bylaw by the Minister for the purposes of section 11(2), including the circumstances in which the Minister’s approval is not required;
- (iv) in clause (a.2) by striking out “11(1)” and substituting “12(1)(z), and prescribing limitation periods for the giving of notices of administrative penalties”;**
- (v) by adding the following after clause (a.2):**
 - (a.21) respecting the approval of a rule or the amendment of a rule by the Minister for the purposes of section 12(3), including the circumstances in which the Minister’s approval is not required;
- (vi) in clause (a.4) by striking out “an executive director” and substituting “the registrar”;**
- (vii) in clauses (b), (c) and (d) by striking out “industry members” wherever it occurs and substituting “licensees”;**
- (viii) in clause (f) by striking out “an industry member” and substituting “a licensee”;**
- (ix) in clause (l) by striking out “industry members” and substituting “licensees”.**

84 The following provisions are amended by striking out “industry member” wherever it occurs and substituting “licensee”:

section 41.1;
section 49.1.

85 The following provisions are amended by striking out “Council” wherever it occurs and substituting “Board”:

section 58;
section 63;
section 71.

Consequential Amendments and Coming into Force

Amends SA 2014 c10

86(1) The *Condominium Property Amendment Act, 2014* is amended by this section.

(2) Section 60 is repealed.

Amends RSA 2000 cC-26.3

87(1) The *Consumer Protection Act* is amended by this section.

(2) Section 54(2)(a) is amended by striking out “authorized” and substituting “licensed”.

(3) Section 110(1)(c) is amended by striking out “an industry member” wherever it occurs and substituting “a licensee”.

Coming into force

88 This Act comes into force on Proclamation.

