



Province of Alberta

LAND AGENTS LICENSING ACT

Revised Statutes of Alberta 2000
Chapter L-2

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Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Land Agents Licensing Act* that are filed as Alberta Regulations under the Regulations Act.

	Alta. Reg.	<i>Amendments</i>
Land Agents Licensing Act		
Land Agents Licensing	227/2001	135/2005, 289/2006, 220/2007, 209/2012, 225/2017

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Chapter L-2

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

Definitions

1 In this Act,

- (a) “Court” means the Court of Queen’s Bench;
- (b) “interest in land” means an estate or interest in land that
 - (i) is acquired for the purpose of a right of way or other surface use, and
 - (ii) is of a kind that may be acquired
 - (A) by a right of entry order under the *Surface Rights Act*,
 - (B) by a right of entry order under Part 4 of the *Metis Settlements Act*,
 - (C) under section 6 of the *Metis Settlements Land Protection Act*,
 - (D) by an expropriation as defined in the *Expropriation Act*, or
 - (E) pursuant to any other Act of Alberta that provides for the expropriation of land;
- (c) “land agent” means a person who negotiates for or acquires an interest in land
 - (i) on behalf of the person’s employer,
 - (ii) as an agent on behalf of another person, or
 - (iii) on the person’s own behalf;
- (d) “licence” means a licence granted under this Act;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “owner” means a person who has a right to dispose of an interest in land and includes
 - (i) a person registered in the land titles office as the owner of an estate in fee simple in the surface of land,

- (ii) a person who is shown by the records of the land titles office as having a particular estate or interest in the surface of land,
 - (iii) a person registered in the Metis Settlements Land Registry as the owner of Metis title, provisional Metis title, an allotment or any other interest in the surface of land,
 - (iv) a person who is in possession or occupation of the surface of land, and
 - (v) in the case of Crown land, a person shown on the records of the department administering the land as having an estate or interest in the surface of the land,
- but does not include the Crown;
- (g) “prescribed” means prescribed by the regulations;
 - (h) “Registrar” means the person appointed under section 4 to be Registrar of Land Agents.

RSA 2000 cL-2 s1;2008 c21 s2

Exemption from Act**2** This Act does not apply to

- (a) a member of the Law Society of Alberta who engages in activities referred to in section 1(c), if the member engages in them in the course of, and as part of, a solicitor’s practice,
- (b) a person who is a member of a municipal council or Metis settlement council or is employed or engaged by the council and who, for or on behalf of the municipality or Metis settlement, negotiates for or acquires an interest in land within the boundaries of the municipality or Metis settlement,
- (c) a person who is a member of, is employed by or is engaged by an association under the *Rural Utilities Act* and who, for or on behalf of the association, negotiates for or acquires an interest in land, or
- (d) any other person or class of persons who have been exempted from the application of this Act by regulation.

RSA 1980 cL-2 s2;1985 cR-21 s53;1990 cM-14.3 s273

Licence required

3(1) Unless the person is the holder of a subsisting licence, no person shall

- (a) engage in the activities of a land agent,
- (b) advertise or represent that the person is a land agent, or
- (c) act in a manner that creates or induces in the mind of any reasonable person the belief that the person is authorized to act as a land agent.

(2) A person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$5000 and in default of payment to imprisonment for a term not exceeding 6 months.

(3) A person who is convicted of a 2nd or subsequent offence pursuant to subsection (2) may, in addition to or instead of any other penalties, be sentenced to imprisonment for a term not exceeding 12 months.

RSA 1980 cL-2 s3

Registrar and staff

4 In accordance with the *Public Service Act*, there may be appointed a Registrar of Land Agents and any other staff necessary for the administration of this Act.

RSA 1980 cL-2 s4

Application for licence

5 An application for a licence is to be made to the Registrar in a form acceptable to the Registrar and shall be accompanied with the prescribed fee.

RSA 1980 cL-2 s5

Licensing

6 The Registrar may make any inquiry or investigation that is necessary in relation to the qualifications and suitability of an applicant for a licence and

- (a) may issue the licence applied for,
- (b) may refuse to issue the licence applied for if, in the Registrar's opinion, it is in the public interest to do so, and
- (c) shall refuse to issue the licence applied for if the applicant does not meet the prescribed qualifications.

RSA 1980 cL-2 s5

Cancellation or suspension of licence

7 The Registrar may cancel or suspend a licence if

- (a) the licensed person contravenes this Act or the regulations, or
- (b) it is in the public interest to do so.

RSA 1980 cL-2 s6

Appeal to Minister

8(1) A person

- (a) who has been refused a licence under section 6, or
- (b) whose licence has been cancelled or suspended under section 7,

may appeal the refusal, cancellation or suspension by serving the Minister with a notice of appeal within 30 days after being notified of the refusal, cancellation or suspension.

(2) The Minister shall, within 30 days after being served with a notice of appeal under subsection (1), appoint an appeal board to hear the appeal.

(3) The Minister shall set the time within which the appeal board is to hear an appeal and render a decision and may extend that time.

(4) An appeal board that hears an appeal under this section may, by order,

- (a) confirm the refusal, cancellation or suspension,
- (b) direct that a licence be issued,
- (c) reinstate the cancelled licence, or
- (d) remove or vary the suspension.

(5) An appeal board appointed under this section shall consist of the following members:

- (a) a person to be designated as chair of the appeal board by the Minister, but that person shall not be the Registrar or the Registrar's representative or a person licensed under this Act, and
- (b) not less than 2 and not more than 4 other persons who are persons licensed under this Act.

(6) The Minister may pay reasonable fees, living and travelling expenses to the members of an appeal board.

RSA 1980 cL-2 s7

Appeal to Court

9 The Registrar, or a person whose appeal is heard by an appeal board, may appeal the decision of the appeal board by filing an application with the Court within 30 days after being notified of the decision, and the Court may make any order that an appeal board may make under section 8(4).

RSA 2000 cL-2 s9;2009 c53 s93

Reinstatement of licence

10(1) A person

- (a) whose licence has been cancelled or suspended under section 7, and
- (b) who has in respect of that cancellation or suspension commenced an appeal under section 8,

may may apply to the Court for an order reinstating the cancelled licence or removing the suspension, as the case may be, pending the determination of the appeal.

(2) The Court shall hear an application made under this section not less than 2 days after the application has been served on the Registrar.

(3) On hearing an application made under this section, the Court may, subject to any conditions it considers proper, reinstate the cancelled licence or remove the suspension, as the case may be, pending the determination of the appeal under section 8.

RSA 2000 cL-2 s10;2009 c53 s93

Return of licence

11 If a licence is cancelled or suspended, the land agent shall forthwith return the licence to the Registrar.

RSA 1980 cL-2 s11

Notice of changes

12 A land agent shall immediately notify the Registrar in writing of any change in the land agent's business address or the land agent's employer.

RSA 1980 cL-2 s12

Investigation by Registrar

13(1) The Registrar may, if the Registrar receives a complaint in respect of any matter that pertains to this Act or the regulations or has reason to believe that a contravention of this Act or the regulations has taken place or is taking place, investigate the complaint or alleged contravention and, for the purpose of the investigation, may inquire into and examine

- (a) the business affairs of the person in respect of whom the investigation is being made, and
- (b) books, papers, documents, correspondence, communications, negotiations, transactions and investigations by, on behalf of, in relation to or connected with the person in respect of whom the investigation is being made,

as they relate to the complaint or alleged contravention.

(2) A person in respect of whom an investigation is made shall make prompt and explicit answers to inquiries made under subsection (1).

RSA 1980 cL-2 s13

Production and seizure of documents

14(1) The Registrar may at reasonable times demand the production of and inspect all or any of the things mentioned in section 13(1)(b).

(2) A person who has the custody, possession or control of any of the things referred to in subsection (1) shall produce and permit the inspection of them by the Registrar.

(3) If a person to whom a demand under subsection (1) is made refuses or fails to comply with the demand, the Registrar may apply to the Court and the Court may make any order it considers necessary to enforce compliance with the demand.

(4) A copy of the application, and each affidavit in support, shall be served not less than 3 days before the date named in the application for the hearing.

(5) The Registrar acting under this section may take possession of the things mentioned in section 13(1)(b) for the purpose of making copies of them and the Registrar shall, within 48 hours after taking possession of them, return them to the person entitled to them.

RSA 2000 cL-2 s14;2009 c53 s93

Obstruction

15 No person shall hinder, obstruct, molest or interfere with the Registrar, or a person acting on the Registrar's behalf, in the performance of a function or duty under this Act.

RSA 1980 cL-2 s15

General powers of Registrar

16 For the purposes of conducting an investigation under this Act, the Registrar has all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

RSA 1980 cL-2 s16

Control of negotiations

17(1) If a land agent enters into negotiations to acquire an interest in land, the land agent shall leave with the owner of the interest or the owner's agent a completed copy of the proposed agreement to acquire the interest, with the land agent's name and business address endorsed on it or attached to it, and, at that time, inform the owner or the owner's agent of the provisions of this section.

(2) No land agent shall resume negotiations with, or accept a signed agreement from, the owner or the owner's agent in relation to the interest in land until at least 48 hours after subsection (1) has been complied with.

(3) No part of a holiday shall be included in the computation of the 48-hour period referred to in subsection (2).

(4) A land agent need only comply with subsections (1) and (2) once during the course of negotiations on the same transaction, notwithstanding that the terms and conditions of the proposed agreement may subsequently be varied.

(5) A land agent who accepts a signature from the owner or the owner's agent on a document relating to the interest in land shall, at that time, leave with the owner or the owner's agent a true copy of the document.

(6) An owner or the owner's agent may waive the application of this section, except subsections (5) and (7), by signing a waiver in the prescribed form.

(7) A waiver of the application of subsection (2) shall be sworn or affirmed before a commissioner for oaths.

RSA 1980 cL-2 s17

Remedies

18 Nothing in this Act restricts, limits or derogates from any remedy at common law or under any statute.

RSA 1980 cL-2 s18

General penalty

19 A person who contravenes a provision of this Act or the regulations for which a penalty is not otherwise provided is guilty of an offence and liable to a fine of not more than \$5000.

RSA 1980 cL-2 s19

Commencement of prosecution

20 A prosecution under this Act may be commenced within 2 years from the date on which the offence is alleged to have been committed, but not afterwards.

RSA 1980 cL-2 s20

Certificate of Registrar as proof

21 A certificate purporting to be signed by the Registrar and stating that on a specified date or during a specified period of time

- (a) the person named in the certificate was or was not the holder of a subsisting licence, or
- (b) the licence of the person named in the certificate was suspended or cancelled,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate, without proof of the signature or appointment of the Registrar.

RSA 1980 cL-2 s21

Service of documents

22 Any notice or other document required to be served under this Act or the regulations may be served by

- (a) personal service, or
- (b) sending it by double registered mail or certified mail to the person for whom it is intended at the person's last known address.

RSA 1980 cL-2 s22

Land Agent Advisory Committee

23(1) There is hereby established a committee called the Land Agent Advisory Committee consisting of the following members:

- (a) the Registrar;
 - (b) at least 8 and not more than 12 members appointed by the Minister, of whom at least 4 shall be licensed land agents and at least 4 shall be owners.
- (2) The chair of the committee shall be a member designated by the Minister.
- (3) In the absence of the chair at a meeting of the committee, the members present shall appoint a member to act as chair at that meeting.
- (4) The Registrar shall act as secretary to the committee.
- (5) The term of a member, except the Registrar, shall not exceed 3 years and no member shall be appointed for more than 2 consecutive terms.
- (6) The Minister may fill a vacancy on the committee by appointing a person as a member to fill the unexpired term of office of the former member, but no vacancy on the committee impairs the right of the remaining members to act until the vacancy is filled.
- (7) The committee may make rules governing the calling and conduct of its meetings and any other matters pertaining to its business and affairs.
- (8) A majority of the members then holding office constitutes a quorum at a meeting of the committee.
- (9) The members of the committee, except the Registrar, must be paid remuneration at the rate prescribed by the Minister and may accept travelling and living expenses authorized by the Minister in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.
- (10) If regulations under the *Alberta Public Agencies Governance Act* apply in respect of remuneration to be paid to the members of the committee referred to in subsection (9), those regulations prevail, to the extent of any conflict or inconsistency, over any regulations made under subsection (9).

RSA 2000 cL-2 s23;2009 cA-31.5 s56

Duties of Land Agent Advisory Committee

24 The Land Agent Advisory Committee shall, at the request of the Minister or the Registrar, make recommendations respecting the qualifications of applicants for licences, standards of conduct

for land agents and any other matter requested by the Minister or the Registrar.

RSA 1980 cL-2 s24

Regulations

25 The Lieutenant Governor in Council may make regulations

- (a) respecting the qualifications of applicants for licences;
- (b) providing for the issuing of licences of different classes and respecting the terms and conditions to which licences of each class are subject and the rights, duties and obligations of holders of each class of licence;
- (c) prescribing the term of licences of each class;
- (d) prescribing the fees to be paid on applications for licences, replacement licences and renewal licences;
- (e) prescribing forms to be used under this Act;
- (f) respecting standards of conduct for land agents;
- (g) exempting persons or classes of persons from the application of this Act.

RSA 1980 cL-2 s25;1981 c52 s3



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