



Legislative Amendment Highlights

The following summarizes some of the changes that will be of interest to registrants:

Electronic Signatures:

Electronic signatures can be used without a witness provided Bylaw 625 is satisfied.

The new Bylaw 625 requires:

- an original signature that is handwritten, by keyboard, or by mouse, stylus, etc.;
- security and permanent embedding in the document so the signature cannot be altered, moved or removed;
- a document from the signing software or application certifying when, where, and by whom the document was executed, and a transaction history; and
- prior consent of the signor in writing to sign electronically.

There will be no document from the Commission for buyers and sellers to give their consent to sign electronically. The registrant will have to obtain some written indication from their client that they consent to using electronic signatures in the course of the transaction (such as an email, text message, or memorandum from the client).

Calculation of Commission:

There is no longer a requirement that commission be either a lump sum or percentage.

In an agency agreement, registrants must clearly show the total amount of commission to be paid to the brokerage and how it is to be calculated. No payment, commission, or remuneration can be based on the difference between the listing price and the sale price.

Registrants Trading Their Own Property:

A registrant can buy or sell their own property if:

- the trade is done through a brokerage by another registrant of that brokerage;
- the registrant buying or selling does not accept commission for the trade;
- the brokerage does not act on behalf of another party to the trade; and
- the registrant discloses their interest in the trade.

Registrant Discipline:

There are several changes to the Commission's disciplinary process and power:

- The maximum fine increases from \$5,000 to \$25,000 per offence, and an aggregate amount of \$100,000;
- The Commission can order a registrant to pay restitution:
 - if the value of the loss suffered by a person resulting from the registrant's misconduct can be calculated without expert evidence; and
 - the value of the loss is not more than \$30,000; or
 - if to replace a deposit, the amount ordered is not more than the deposit.
- The Commission can levy a \$1,500.00 special penalty for breaching one of nine sections of the Act and Regulations without a full hearing of the matter.

Summary of Special Penalties:

Provision	Description	First Contravention	Subsequent Contravention within 10 yrs
33(1) of the <i>Act</i>	Instances in which registrants must provide notice to the Commission e.g. opening or closing a trust account, a change in the directors of a corporation, etc.	\$1,500	\$3,000
33(2) of the <i>Act</i>	A registrant must provide written notice to the Commission within five days of a change in the registrant's address for service.	\$1,500	\$3,000
33(3) of the <i>Act</i>	A brokerage must notify the Commission at least 10 days prior to the discontinuance of the brokerage's operations or a merger with another brokerage.	\$1,500	\$3,000
54(2) of the <i>Act</i>	A brokerage must provide written notice to the Commission within five days of a broker, branch manager, associate broker or salesperson ceasing to represent the brokerage.	\$1,500	\$3,000
57 of the <i>Act</i>	The required elements of an agency agreement.	\$1,500	\$3,000
58 of the <i>Act</i>	The required elements of an offer to purchase.	\$1,500	\$3,000
71(1)(a) of the <i>Act</i>	The requirement that a brokerage maintain at least one trust account.	\$1,500	\$3,000
8(4) of the <i>Regulations</i>	Registrants must respond to the request of a review officer of the Commission by the date set out in the request.	\$1,500	\$3,000
18.1(2) of the <i>Regulations</i>	Registrants must maintain errors and omissions insurance.	\$1,500	\$3,000

For further information please contact the Commission.