

Please complete all sections as indicated. Please print clearly.

PART A		
Applicant information <i>(Full legal name. Initials are not acceptable.)</i>		Council Use Only
Surname	First name	File Number
Middle name(s) <i>(Initials are not acceptable)</i>		
Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Any previous legal names (e.g. maiden name), or other names by which you are or have been known	
Residential Address – Suite #/Street <i>(P.O. boxes are not acceptable)</i>		Approval Date
City, Province	Postal code	Approved by
Mailing address if different than above		BCSC/Ins/FIC
Phone number <i>(include area code)</i>	Fax <i>(optional)</i>	E-mail <i>(optional)</i>
		Cond/Restrictions

PART B	
Background information	
Place of birth	Date of birth MM/DD/YYYY
Are you a Canadian citizen? If No, attach evidence of immigration or work visa status <input type="checkbox"/> Yes <input type="checkbox"/> No	
If you were born outside Canada, indicate the date of your arrival in Canada	
If you resided outside of Canada for any period (other than as noted above), indicate the dates and locations (country and, if applicable, state, province or territory) of those periods of residency	
Are you currently employed? If yes, please indicate the name/address of employer <input type="checkbox"/> Yes <input type="checkbox"/> No	

PART C

Information respecting reputation and suitability

1	Have you ever been convicted of, or are you currently charged with, a criminal or other offence under a federal or provincial enactment, or under the law of any foreign jurisdiction? <i>If yes, attach a copy of the offence, date of offence and outcome, even if an absolute or conditional discharge has been granted. Conviction(s) for which you have received a pardon need not be disclosed. Note: Highway traffic offences resulting only in monetary fines or demerit points, or both, and charges initiated by a violation ticket as defined in the Offence Act or by a ticket as defined in the Contraventions Act (Canada), need not be disclosed. Impaired driving is a Criminal Code offence and must be disclosed.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Have you ever been subject to bankruptcy, insolvency or receivership proceedings? <i>If yes, attach full particulars, and in the case of a bankruptcy, please attach a copy of the discharge, or if not yet discharged, a copy of the list of secured and unsecured creditors.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Has any business of which you have been an owner, director, officer or partner, been subject to bankruptcy, insolvency or receivership proceedings during the period when you were owner, director, officer or partner? <i>If yes, provide full particulars.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Have you ever had any court orders or judgments made against you in relation to real estate services, a dealing in insurance, mortgages or securities, or misappropriation, fraud or breach of trust? <i>If yes, attach copy of court order or judgment.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	Has any business of which you have been an owner, director, officer or partner, had any court orders or judgments made against the business, during the period when you were owner, director, officer or partner, in relation to real estate services, a dealing in insurance, mortgages or securities, or misappropriation, fraud or breach of trust? <i>If yes, attach copy of court order or judgment.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	Have you ever been refused a licence, or held a licence that was suspended or cancelled, under real estate, insurance, mortgage broker or securities legislation in British Columbia or another jurisdiction, or have you ever been disciplined by a professional body? <i>If yes, provide full particulars including any action taken by the Real Estate Council of BC.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Are you the subject of an investigation or disciplinary proceedings under real estate, insurance, mortgage broker or securities legislation, or by a professional body, in British Columbia or another jurisdiction? <i>If yes, provide full particulars including any action taken by the Real Estate Council of BC.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

PART D

Consent and certification

Consent for criminal record check

I hereby authorize the Council to inquire and determine whether I have a criminal record. I further authorize the Council to use the Financial Institutions Commission Investigations Department to make this inquiry and determination, and further authorize the Financial Institutions Commission Investigations Department to make full and complete disclosure to the Council of any criminal record of mine that it might find.

Note: Any information the Council obtains through this consent will be used only for determining suitability for licensing under the *Real Estate Services Act*.

Certification

I certify that I am the applicant for pre-screening, and that the information and statements contained in this application and any attachments are true and complete.

Name of applicant	Signature	Dated MM/DD/YYYY
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Mailing Address Real Estate Council of British Columbia Suite 900 – 750 West Pender Street Vancouver, BC Canada V6C 2T8	Enquiries Tel: 604.683.9664 Toll-free: 1.877.683.9664 Fax: 604.683.9017 www.recbc.ca
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Good Reputation Guidelines

Successful completion of the licensing course and examination is not the sole requirement for licensing. The *Real Estate Services Act*, Regulations and Council Rules also stipulate that applicants for a licence shall “be of good reputation”. For this reason, applicants are investigated. The investigation process generally takes eight to ten weeks.

Individuals who have some concern about whether or not they satisfy the requirements of being of “good reputation” should, prior to registering for the licensing course, submit an *Application for Pre-Screening* form together with the fee of \$100 to the Real Estate Council office (Cash, Visa, MasterCard, money order or cheque made payable to “Real Estate Council of BC”). An advance decision may thus be obtained as to the applicant’s suitability for licensing subject, of course, to passing the course and examination.

In the event that an applicant is found not to be suitable for licensing, the pre-screening fee of \$100 is fully refunded. If the applicant is found to be suitable for licensing but does not proceed with an application for licensing, a refund in the amount of \$75 is available.

If the applicant is found suitable for licensing and applies for a licence, an *Application for Representative, Associate or Managing Broker Licence* form along with the balance of the licensing fee, the errors and omissions insurance fee and the Real Estate Compensation Fund fee would be required prior to licensing.

Section 10(a) [qualifications for obtaining a licence] of the *Real Estate Services Act* states that every applicant for a licence shall, among other things, be of “good reputation”. General business and personal reputation, in addition to criminal convictions and charges under the Criminal Code of Canada, and contraventions of Federal Statutes such as *Income Tax Act*, or Provincial Statutes such as the *Real Estate Services Act*, *Securities Act*, *Insurance Act*, or *Mortgage Broker’s Act*, or whether an applicant has been disciplined by a professional body will be reviewed when considering an applicant’s “good reputation”.

The Council does not consider that personal bankruptcy necessarily reflects adversely on an applicant’s “good reputation” and accordingly, unless there is some evidence of other conduct which might render an applicant unfit, the Council will licence applicants as a representative or associate broker despite personal bankruptcy. Upon submission of an application for licence, the Council will require as an exhibit, a copy of the individual’s “*secured and unsecured creditors*” or a copy of his/her discharge from bankruptcy.

With respect to an individual applying for licensing as a managing broker, section 7-4 [*other trust account requirements*] of the Council Rules requires at least one related managing broker must be a signing authority on each trust account maintained by a brokerage. As a result, the Council performs a credit check with the appropriate credit bureau to ascertain whether an applicant is in “sound financial circumstances”.

If the credit report indicates that the applicant:

1. is an undischarged bankrupt;
2. has outstanding judgments against him/her; or
3. is in arrears on trade accounts

the managing broker/sole proprietor applicant will **not** be licensed.

It is standard procedure for copies of all applications to be forwarded for criminal record verification to determine if the applicant has engaged in unlawful activities. It is incumbent upon applicants to ensure that all charges and convictions, including conditional discharges, are disclosed when applying for a licence. A criminal conviction will not necessarily be a bar to registration. Consideration is given as to the nature of the offence, the age of the applicant at the time the offence was committed, the length of the sentence, and whether the offence is related to the employment of the applicant as a representative, associate broker or managing broker. A continued history of convictions, charges, or other actions relating to the unlawful activity may result in the denial of a licence.

Section 10(d) of the *Real Estate Services Act* states that an applicant for a new licence or licence renewal must satisfy the Council that they meet the following applicable requirements:

- (d) *in all cases, the applicant has not*
- (i) *been refused a licence under real estate, insurance, mortgage broker or securities legislation in British Columbia or another jurisdiction,*
 - (ii) *held a licence that was suspended or cancelled under real estate, insurance, mortgage broker, or securities legislation in British Columbia or another jurisdiction,*
 - (iii) *been disciplined by a professional body, or*
 - (iv) *been convicted of an offence for a reason that reveals the applicant as unfit to be a licensee.*

Factors that the Council will take into consideration to determine whether the applicant is unfit to be a licensee include:

1. Whether the conduct for which the applicant was disciplined or refused a licence in (i), (ii) or (iii) involved dishonesty, fraud, misappropriation or wrongful taking of funds, deceptive dealing, or any other conduct resulting in harm to the public.
2. Whether the offence the applicant was convicted of in (iv) relates to crimes of moral turpitude, crimes involving violence, or any other crime that could pose a risk to the public in a real estate transaction or bring the reputation of the profession into disrepute.

The Council may delay the consideration of applications from applicants with criminal convictions that render them unfit for licensing up to the following periods that have passed after convictions:

1. Summary Conviction Offences

For example - fraud under \$5,000, theft under \$5,000 (shoplifting), false pretenses under \$5,000, possession of stolen property under \$5,000.

The Council may not consider an application for a period of up to two years following completion of sentence parole and/or probation. These would include offences for which the applicant had received a fine, a suspended sentence and probation or a conditional discharge and probation.

2. Indictable Offences

For example, indictable offences such as possession of drugs for the purpose of trafficking, cultivation or manufacturing of drugs.

The Council may not consider applications from applicants for a period of up to three years following completion of sentence, parole and/or probation. These would include indictable offences for which the applicant received a sentence of imprisonment, a fine, a suspended sentence and probation, or a conditional discharge and probation.

For example serious indictable offences such as robbery, theft over \$5,000, breaking and entering, possession of stolen property over \$5,000, false pretences over \$5,000, trafficking in drugs, conspiracy to traffic in drugs, serious sex offences.

The Council may not consider applications from applicants for a period of up to five years from the date of completion of sentence, parole and/or probation. These would include indictable offences, for which the applicant received a sentence of imprisonment, a fine, a suspended sentence and probation, or a conditional discharge and probation.

3. White Collar Crime

The crimes in this category include theft from employer, theft of large sums of money, serious fraud cases, embezzlement, criminal breach of trust, forgery, or any other business related crime, or a conviction for a crime where he or she was in a position of trust.

The Council may not consider applications from applicants for a period of up to seven years from the date of completion of sentence, parole and/or probation. These would include both summary and indictable offences for which the applicant received a sentence of imprisonment, a fine, a suspended sentence and probation, or a conditional discharge and probation.

Waiting Period Factors

Factors that the Council may consider in determining whether an applicant will be required to wait a time period for the offences referred to above are as follows:

- (a) Does the behaviour for which the charge is laid, if repeated pose any threat to the brokerage's ability to carry on its business safely and efficiently?
- (b) What were the circumstances of the charge and the particulars of the offence involved, e.g. how old was the applicant when the events in question occurred and were there any extenuating circumstances?
- (c) How much time has elapsed between the charge and the application for licensing?
- (d) What has the applicant done during that period of time?
- (e) Has the applicant shown any tendencies to repeat the kind of behaviour for which he/she was charged?
- (f) Has the applicant shown a firm intention to rehabilitate him/herself?

4. Older and Lengthy Criminal Records

The crimes in this category are older and do not come within the above-mentioned guidelines. The following criteria may be considered in determining whether that applicant is of good reputation:

- (a) How much time has elapsed since the last conviction?
- (b) Whether the conviction is related to employment as a licensee (e.g. property crimes, sexual offences, theft, fraud, forgery, or any other crimes involving dishonesty).
- (c) Whether the applicant is eligible to apply for a pardon (i.e. two years following a summary conviction offence and five years following an indictable offence).
- (d) Is the applicant honest, trustworthy, and competent to transact the business of a real estate license in a manner, which will safeguard the interests of the public?
- (e) Has the applicant rehabilitated himself or herself?

5. Disciplinary Proceedings Under Legislation Regulating Real Estate, Insurance, Mortgage Broker or Security Activities or by a Professional, Occupational or Self-regulatory Body

The Council may delay considering an application from an applicant until he or she has fulfilled any requirements of disciplinary sanction imposed under legislation regulating real estate, insurance, mortgage broker or security activities, or by any professional or occupational self-regulatory body. For the purpose of this guideline, '**discipline sanction**' includes a warning, reprimand, fine, educational requirement, suspension or cancellation, or any other sanction arising from a disciplinary matter.

Rehabilitation Factors

The following criteria may be considered to determine whether an applicant has fully rehabilitated himself or herself and is currently of good reputation and suitable to be licensed within the meaning of section 10 of the *Real Estate Services Act*:

- (a) Restitution to any person who has suffered monetary losses as a result of the conduct in question.
- (b) Successful completion of early discharge from probation or parole.
- (c) Abstinence from the use of non-prescribed drugs or alcohol, which were used as the reason for the conduct in question.
- (d) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conduct in question.
- (e) Completion of or sustained enrollment in formal education or vocational training courses for economic self-improvement.
- (f) Correction of business practices resulting in injury to others or potential to cause injury.
- (g) Significant or conscientious involvement in community, religious congregation or privately sponsored programs designed to provide social benefits or ameliorate social problems.
- (h) Change in attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:
 - testimony of applicant;
 - evidence from family members, friends, or other persons familiar with the applicant's previous conduct and with the subsequent attitudes and behaviour patterns;
 - evidence from probation or parole officers or law enforcement officials competent to testify as to the applicant's social adjustments;
 - evidence from psychiatrists or other persons competent to testify with regard to neuro-psychiatric or emotional disturbances.

Qualification Hearing

A Qualification Hearing under section 2-6 [qualification hearings] of the Council Rules may be required to determine an applicant's reputation and suitability for licensing. If the Council decides to licence the applicant after a hearing, the Council may impose conditions on the licence of the applicant including restricting the licence of the applicant to a particular brokerage and require an activity report of the applicant from his or her managing broker.