



**RECBC**

**REAL ESTATE COUNCIL  
OF BRITISH COLUMBIA**

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# **REAL ESTATE LICENSING GUIDELINES FOR INDIVIDUALS**

**FOR APPLICANTS APPLYING FOR A**

**REPRESENTATIVE  
ASSOCIATE BROKER OR  
MANAGING BROKER  
LICENCE**

**(June 2010)**

The *Real Estate Services Act*, Regulation, Council Rules and Bylaws govern matters of real estate licensing in British Columbia. Prior to making an application for licensing, applicants are advised to read the Licensing Requirements, Council Guidelines and Rules.

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## PART I – LICENSING REQUIREMENTS

### A. First Time Applicants (New Application)

1. All first-time trading services licensing applicants must provide proof of registration in the Residential/Commercial Trading Services Applied Practice Course when making licence application.
2. Submit an **Application for Representative, Associate Broker or Managing Broker Licence** form, accompanied by the fees referred to below.
3. Submit the following:  
Licensing Fee - \$500, includes \$50 application fee (Cash, VISA, MasterCard, money order, or cheque made payable to “Real Estate Council of BC”). Please note: if the application is withdrawn for any reason prior to licence issuance, the \$50 application fee will not be refunded.  
Errors & Omissions Insurance Assessment - \$600 (Cash, VISA, MasterCard, money order, or cheque made payable to “Real Estate Errors & Omissions Insurance Corp.”)  
Real Estate Special Compensation Fund Assessment - \$100 (Cash, VISA, MasterCard, money order, or cheque made payable to “Real Estate Compensation Fund Corp.”)
4. For the purpose of conducting a criminal record check, applicants must include two pieces of identification. Please see [www.recbc.ca/licensing/recordcheck.htm](http://www.recbc.ca/licensing/recordcheck.htm) for acceptable forms of identification.

Licence fee, the insurance assessment, and the Real Estate Special Compensation Fund assessment are for a two-year period on an anniversary date basis.

Note: As a Criminal Record Check is conducted by the Council prior to initial licensing, new licence applicants can expect to wait up to 3 weeks for their application to be processed.

### B. Re-licensing Applicant (after previous licence has expired)

Individuals whose licence period has expired must:

1. Submit an **Application for Representative, Associate Broker or Managing Broker Licence** form, accompanied by the fee referred to below.
2. Submit the following:  
Licensing Fee - \$500, includes \$50 application fee (Cash, VISA, MasterCard, money order, or cheque made payable to “Real Estate Council of BC”). Please note: if the application is withdrawn for any reason prior to licence issuance, the \$50 application fee will not be refunded.  
Errors & Omissions Insurance Assessment - \$600 (Cash, VISA, MasterCard, money order, or cheque made payable to “Real Estate Errors & Omissions Insurance Corp.”)  
Real Estate Special Compensation Fund Assessment - \$100 (Cash, VISA, MasterCard, money order, or cheque made payable to “Real Estate Compensation Fund Corp.”)

3. For the purpose of conducting a criminal record check, applicants must include two pieces of identification. Please see [www.recbc.ca/licensing/recordcheck.htm](http://www.recbc.ca/licensing/recordcheck.htm) for acceptable forms of identification.

Note: As a Criminal Record Check is conducted by the Council prior to processing an application for re-licensing, licence applicants can expect to wait up to 3 weeks for their application to be processed.

**C. Reinstatement of Licence (inoperative MORE THAN 90 days within a licence period)**

Individuals who have been unlicensed for more than 90 days within a licence period must:

1. Submit an **Application for Representative, Associate Broker or Managing Broker Licence** form, accompanied by the fee referred to below.
2. Submit the following:  
Licensing Fee - \$125 includes \$25 application fee (Cash, VISA, MasterCard, money order, or cheque made payable to "Real Estate Council of BC"). Please note: if the application is withdrawn for any reason prior to licence issuance, the \$25 application fee will not be refunded.
3. For the purpose of conducting a criminal record check, applicants must include two pieces of identification. Please see [www.recbc.ca/licensing/recordcheck.htm](http://www.recbc.ca/licensing/recordcheck.htm) for acceptable forms of identification.

An additional errors and omissions insurance assessment (made payable to "Real Estate Errors & Omissions Insurance Corp.") may be required if a refund of the insurance assessment has been made.

Note: As a Criminal Record Check is conducted by the Council prior to the licensing of reinstatement applicants, who have been inoperative more than 90 days, applicants can expect to wait up to 3 weeks for their application to be processed.

**D. Reinstatement of Licence (inoperative LESS THAN 90 days within a licence period – previously referred to as a "transfer")**

Individuals who are currently licensed and who wish to change employing brokerages or have been unlicensed for less than 90 days within a licence period must:

1. Submit an **Application for Representative, Associate Broker or Managing Broker Licence** form, accompanied by the fee referred to below.
2. Submit the following:  
Licensing Fee - \$125 includes \$25 application fee (Cash, VISA, MasterCard, money order, or cheque made payable to "Real Estate Council of BC"). Please note: if the application is withdrawn for any reason prior to licence issuance, the \$25 application fee will not be refunded.
3. If currently licensed, arrange for the return of existing licence certificate signed off by the previous brokerage with which they were engaged, stating the date of termination and the reason for leaving.

**E. Change of Licence Level or Category**

Individuals holding a current licence who seek to change their level or category of licence during the current licence period (e.g. representative to associate broker; or representative or associate broker licensed to provide trading services to representative or associate broker licensed to provide trading services and rental property management services), must:

1. Submit an **Application for Representative, Associate Broker or Managing Broker Licence** form, accompanied by the fee referred to below.
2. Submit the following:  
Licensing Fee - \$125 includes \$25 application fee (Cash, VISA, MasterCard, money order, or cheque made payable to "Real Estate Council of BC"). Please note: if the application is withdrawn for any reason prior to licence issuance, the \$25 application fee will not be refunded.
3. Arrange for the return of licence with an appropriate notation on the reverse side.

**F. Waiver of Assessment for Certain Categories of Licences**

The Real Estate Errors and Omissions Insurance Corporation has adopted a policy of assessing both brokerages and individual licensees one insurance premium, regardless of the number of licences held. As a result of this policy, managing brokers only pay one insurance assessment, regardless if they hold two or more licences.

Effective January 1, 2005, the Real Estate Special Compensation Fund was introduced to replace the requirement for brokerages to maintain security via real estate bonding. The assessment for the fund is \$100 for each individual. Multiple managing brokers who are licensed with a maximum of 4 separate, affiliated companies are assessed a separate \$100 compensation fund fee for each licence. However, multiple managing brokers who are licensed with a maximum of 4 offices of the same brokerage (i.e. head office and branch office) are only required to pay the \$100 compensation fund assessment once, with their first managing broker licence.

**G. Name Change**

If a licensee changes his/her legal name, the following procedures must be completed:

1. Please provide a letter stating the change requested and the effective date of the change, accompanied by the fee referred to below.
2. Enclose a copy of Change of Name Certificate, Marriage Licence, or Birth Certificate, as applicable.
3. Fee of \$25 (Cash, VISA, MasterCard, money order, or cheque made payable to "Real Estate Council of BC").
4. Arrange for the return of the existing licence certificate for amendment.

## H. Renewal of Licence

All renewal applications are computer generated and will be sent to the licensee's brokerage, to the attention of the managing broker, approximately six weeks prior to the licence expiry date. Licensees are required to complete and return the form to the Council office **30 days prior to licence expiry, pursuant to section 2-13(2) of the Council Rules.**

**It is the licensee's responsibility to ensure that he/she is properly licensed. Failure to receive a renewal notice does not diminish this responsibility.**

The fee for the licence renewal for all categories is \$475, includes \$25 application fee (Cash, VISA, MasterCard, money order, or cheque made payable to "Real Estate Council of BC"). Please note: if the application is withdrawn for any reason prior to licence issuance, the \$25 application fee will not be refunded.

Errors & Omissions Insurance Assessment - \$600 (Cash, VISA, MasterCard, money order, or cheque made payable to "Real Estate Errors & Omissions Insurance Corp.")

Real Estate Special Compensation Fund Assessment - \$100 (Cash, VISA, MasterCard, money order, or cheque made payable to "Real Estate Compensation Fund Corp.")

The renewal of a multiple managing broker's licence does not require an errors and omissions insurance premium. Please see Part I, Item F, page 4 with respect to the Compensation Fund assessment.

## I. Termination of Licence

Arrange for the return of the licence certificate to the Council's office with the reverse side completed by an authorized signatory of the employing brokerage (e.g. managing broker, director, officer, or partner) stating the date of termination and the reason for leaving.

**Representatives terminating their licence should request in writing from the Council their education re-qualification date (based on their continuous licensing history) in order to avoid having to requalify for licensing by rewriting the applicable licensing examination. (See Part II, Item D, page 10 - Representative's Education Re-qualification Policy and Part III, Item F, page 15 - Education Re-qualification on Reinstatement )**

## PART II – COUNCIL GUIDELINES

### A. Licensee Names for Representative, Associate Broker or Managing Broker

Representatives, associate brokers, or managing brokers are permitted to use a name other than their legal name provided that the Council has approved the name (*See Part III, Item L, page 18 – Licensee Names for further information*).

### B. Application for Pre-Screening

Successful completion of a Licensing Course and examination is not the sole requirement for licensing. The *Real Estate Services Act*, Regulations and Rules also stipulate that applicants for a licence shall “be of good reputation”. For this reason, applicants are investigated. The investigation process can take up to 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 a Licensing Course, submit an **Application for Pre-Screening** form together with the fee of \$100 (Cash, VISA, MasterCard, money order, or cheque made payable to “Real Estate Council of BC”) to the Council office. 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, the balance of the licensing fee (\$400) would be required, together with a fee of \$600 for the errors and omissions insurance levy, and the Real Estate Compensation Fund Corporation fee of \$100 prior to licensing.

### C. **“Good Reputation” – Guidelines**

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.

### **D. Representative's Education Re-qualification Policy**

#### 1. Application for Reinstatement within Licensing Period

Section 2-9 [*education re-qualification on reinstatement*] of the Council Rules (see Part III, Item F, page 15) applies to a representative licence that has become inoperative under section 22(1) [*person ceases to be engaged by brokerage*] of the Act, been suspended under section 116(4) [*person fails to provide required security*] of the Act, or been voluntarily surrendered to the Council.

In order to have the licence reinstated, an applicant who has less than 5 years of continuous licensing at some time before the licence became inoperative, was suspended or was surrendered must meet the requirements of section 2-8(1)(b) *[pre-licensing examinations]* and section 2-8(2) *[applied practice course]* of the Council Rules (see Part III, Item E, page 15).

However, section 2-7(3) *[waiver of educational requirements]* of the Council Rules (see Part III, Item D, page 15) states that the Council may waive, on the basis of an applicant's previous knowledge or training, some or all of the requirements in relation to a course, a corresponding examination, or a course and its corresponding examination.

2. Application for Relicensing Outside of Licensing Period

An applicant for a new representative licence who has previously been licensed as a representative is required to meet the requirements of section 2-8(1)(b) *[pre-licensing examinations]* and section 2-8(2) *[applied practice course]* of the Council Rules (see Part III, Item E, page 15).

However, section 2-7(3) *[waiver of educational requirements]* of the Council Rules (see Part III, Item D, page 15) states that the Council may waive, on the basis of an applicant's previous knowledge or training, some or all of the requirements in relation to a course, a corresponding examination, or a course and its corresponding examination.

3. Policy Respecting Waiver of Educational Requirements

An applicant for reinstatement or re-licensing who has been previously licensed will not be required to complete the applicable pre-licensing course, but may have to rewrite the applicable licensing examination or retake the applicable applied practice course.

The Council will waive the requirements in relation to a course or an examination in the following circumstances:

<b>Representatives with continuous (unbroken*) licensed service in British Columbia of:</b>	<b>Will not be required to re-qualify for licensing by rewriting either the Real Estate Trading Services Licensing Examination, Rental Property Management Licensing Examination or Strata Management Licensing Examination and retaking the applicable Applied Practice Course if they have been unlicensed for less than:</b>
Less than 1 year	a period equivalent to their unbroken licensed period **
1 year but less than 5 years	1 year
5 years but less than 10 years	2 years
10 years but less than 15 years	3 years
15 years but less than 20 years	4 years
20 years and over	5 years

- \* *"Unbroken" is defined as not having been unlicensed for a period of thirty (30) days or less. In calculating continuous unbroken service, registration under the Mortgage Brokers Act will be included. Any period of parental leave, as approved by the Council, will not affect your licensing history.*
- \*\* *An applicant is not required to re-qualify during the first twelve (12) months after passing the applicable pre-licensing examination.*

Requests for extensions of up to one (1) year to an individual's re-qualification date will be considered by the Council staff. Extensions based on medical grounds must be supported by a medical certificate.

Individuals who go beyond their re-qualification date are required to re-qualify for licensing by re-writing the appropriate examination and completing the applicable applied practice course.

**If, after reviewing the policy, you are unsure of how it applies in your own case, please provide a written request to the Council for that information. Only written inquiries will obtain a response.**

#### **E. Parental Leave**

Real estate representatives who surrender their licences for the birth or adoption of a child are not required to re-qualify for licensing by rewriting the appropriate Licensing examination if licence application is made within one (1) year of when the parental leave began.

Parental leave is available to either parent of the child and may be taken at any time up to one (1) year following the birth or adoption of the child. Parental leave will show as a break in a representative's licensing history but will not be considered a break for the purposes of calculating continuous unbroken service under the Council's Representative Education Re-qualification Policy.

Licensees who wish to take parental leave must apply in writing, at the same time enclosing a copy of the child's birth certificate or proof and/or verification of adoption.

#### **F. Broker's Education Re-qualification Policy for Relicensing as a Managing Broker or Associate Broker**

An applicant for a new managing broker's or associate broker's licence who has been previously licensed as a managing broker or associate broker is required to meet the requirements of section 2-8(4) [*educational requirements for managing broker and associate brokers*] of the Council Rules. However, section 2-7(3) [*waiver of educational requirements*] of the Council Rules states that the Council may waive, on the basis of the applicant's previous knowledge or training, some or all of the requirements in relation to a course, a corresponding examination, or a course and its corresponding examination.

The Council will waive the requirements in relation to a course or examination if the applicant has been unlicensed for less than five (5) years immediately preceding the date of application. An applicant who has been unlicensed for five (5) or more years

immediately preceding the date of application will be required to successfully pass the Broker's Licensing Course examination.

**G. Broker's Education Re-qualification Policy for Relicensing as a Representative**

An applicant for new representative licence who has been previously licensed as a managing broker or associate broker and has been unlicensed for five (5) or more years immediately preceding the date of application is required to meet the requirements of section 2-8(1)(b) [*pre-licensing examinations*] and section 2-8(2) [*applied practice course*] of the Council Rules. However, section 2-7(3) [*waiver of educational requirements*] of the Council Rules states that the Council may waive, on the basis of the applicant's previous knowledge or training, some or all of the requirements in relation to a course, a corresponding examination, or a course and its corresponding examination.

The Council will waive the requirements in relation to a course or examination if the applicant has been unlicensed for less than five (5) years immediately preceding the date of application. An applicant who has been unlicensed for five (5) or more years immediately preceding the date of application will be required to either successfully pass the Real Estate Trading Services Licensing Examination, the Rental Property Management Licensing Examination or the Strata Management Licensing Examination in order to re-qualify for licensing as a representative.

In the case of an applicant who rewrites the Trading Services Licensing Examination, completion of the Residential Trading Services Applied Practice Course will be waived if the applicant has previously completed the applied course within two (2) years of the date of relicensing. Applicants who have not completed the Residential Trading Services Applied Practice Course within the two (2) years preceding the date of relicensing will be required to take the *Accelerated* Residential Trading Services Applied Practice Course.

**H. Insurance and Sub-Mortgage Broker Licensing**

A real estate licensee may be dually licensed as an insurance salesperson or agent. Effective January 1, 2001, the deeming provision under the *Mortgage Brokers Act* permitting real estate licensees to conduct mortgage brokerage activities was repealed. Accordingly, a real estate licensee is no longer eligible to conduct mortgage brokerage activities unless he/she holds a separate licence under the *Mortgage Brokers Act*.

Real estate licensees may become dually licensed under the *Real Estate Services Act* and *Mortgage Brokers Act* providing that the real estate brokerage consents, in writing, to the dual licensing. The consent letter should be sent to the Licensing Department at the Council office at the address as indicated on the front of this booklet.

**I. Time of Issuance and Surrender of Licences**

When a licence is issued by the Council, it shall be issued as of noon on the date of issuance as shown on the face of the licence. When a licence is surrendered or returned to the Council, it shall be terminated as of noon on the date received in the Council's office.

Licensees can change brokerages without awaiting the surrender of their previous licence. The previous licence would be deemed terminated as of noon on the date of issuance of the new licence. If a licensee ceases to be engaged by the brokerage in relation to which the person is licensed, that person's licence becomes inoperative and the licensee must not provide real estate services while the licence is inoperative.

**J. Refund of Licensing Fee and Assessments**

The licensing fee is not refundable once a licence is issued. If an application is withdrawn for any reason prior to licence issuance, the application fee of \$50 for new applications and \$25 for renewal and reinstatement applications is not refundable. The assessment for the Real Estate Special Compensation Fund is not refundable once a licence has been issued. Requests for a refund of the 2<sup>nd</sup> year errors and omissions insurance assessment should be directed to:

**Real Estate Errors and Omissions Insurance Corporation**  
1604 - 700 West Pender Street, Vancouver, B.C. V6C 1G8  
Tel: 604-669-0019 Fax: 604-669-0021

## PART III – COUNCIL RULES

### A. **Managing Broker May be Licensed in Relation to a maximum of 4 Affiliated Brokerages (section 2-3 of the Council Rules)**

A managing broker may

- (a) be licensed in relation to a maximum of 4 brokerages that are affiliated within the meaning of the *Business Corporations Act*, and
- (b) provide real estate services in relation to the licence of each of those brokerages.

The total of all brokerage licences in relation to which a managing broker is licensed must not exceed 4.

When an individual has been issued multiple managing broker licences, these additional licences will then be identified as a “multiple managing broker licence”. The multiple managing broker licences are not required to carry separate errors and omissions insurance. Accordingly, if the individual then wishes to transfer his/her licence to another firm, only the “managing broker” licence will be used for transfer and the “multiple managing broker” licences will be terminated. (See *Part I, Item F, page 4 - Waiver of Assessment for further information.*)

### B. **Managing Broker May be Licensed in Relation to a maximum of 4 Licences of a Brokerage (section 2-4 of the Council Rules)**

A managing broker may be licensed in relation to a maximum of 4 licences of a brokerage (i.e. a head office and 3 branch offices or 4 branch offices) and may provide real estate services in relation to each of those brokerage licences. The maximum number of managing broker licences an individual may hold, whether in relation to branch offices or affiliated brokerages, is 4.

See Item A above, Managing Broker May be Licensed in Relation to a maximum of 4 Affiliated Brokerages, for more information regarding the reissuance of multiple managing broker licenses.

### C. **Qualification Hearings (section 2-6 of the Council Rules)**

If the Council considers that there may be an issue as to whether an applicant is qualified to be licensed

- (a) in accordance with section 10 [qualifications for obtaining licence] of the Act, or
- (b) at the level and in the category for which the applicant is applying,

the Council may direct that the matter is to be dealt with by way of a hearing conducted by a hearing committee.

Licence applicants appearing before a hearing committee should be accompanied by the managing broker of the real estate brokerage employing or intending to employ them.

**D. Educational requirements (section 2-7 of the Council Rules)**

- (1) *Courses* – The courses referred to in this Division are the courses established by or on behalf of the council for the purposes of licensee qualification.
- (2) *Failed examinations* – An applicant must not have failed an examination required under these rules within the last 90 days before again attempting the examination.
- (3) *Waiver* – The council may waive, on the basis of an applicant's previous knowledge or training, some or all of the requirements of this Division in relation to
  - (a) a course,
  - (b) a corresponding examination, or
  - (c) a course and its corresponding examination.

**E. Educational Requirements for New Licensees (section 2-8 of the Council Rules)**

- (1) *Licensing courses* – In order to be issued a licence, an applicant for a new licence who is an individual must
  - (a) have taken the applicable licensing courses respecting the real estate services in relation to which the application is made, and
  - (b) have passed the examinations corresponding to those courses, no longer than 1 year before the date of the application.
- (2) *Applied practice courses* – Subject to subsection (3), in order to be issued a licence, an applicant for a new licence who is an individual must have taken the applicable applied practice courses, if any, respecting the real estate services in relation to which the application is made, no longer than 2 years before the date of the application.
- (3) *Temporary licence exception* – An applicant who has not completed the applied practice courses referred to in subsection (2) may be issued a temporary licence under section 14 [*temporary licences*] of the Act that is conditional on taking those courses, or having them waived by the Council, within the period specified in the licence.
- (4) *Managing broker and associate brokers* – In addition to the other requirements under this section, an applicant for a new licence as a managing broker or associate broker must
  - (a) have taken the applicable managing broker courses, if any, respecting the real estate services in relation to which the application is made, and
  - (b) have passed the examinations, if any, corresponding to those courses, no longer than 5 years before the date of the application.

**F. Education Re-qualification on Reinstatement (section 2-9 of the Council Rules)**

- (1) This section applies to a representative licence that has
  - (a) become inoperative under section 22(1) [*person ceases to be engaged by brokerage*] of the Act,
  - (b) been suspended under section 116(4) [*person fails to provide required security*] of the Act, or
  - (c) been voluntarily surrendered to the Council.

- (2) In order to have the licence reinstated, an applicant who has less than 5 years of continuous licensing at some time before the licence became inoperative, was suspended or was surrendered must meet the requirements of
  - (a) section 2-8(1)(b) [*licensing examinations*] of these rules, and
  - (b) section 2-8(2) [*applied practice course*] of these rules.
- (3) For the purpose of this section, if an applicant ceased to be licensed for
  - (a) a period of 30 days or less,
  - (b) a period approved by the Council during which the applicant was on parental leave, or
  - (c) a period during which the applicant was registered under the *Mortgage Brokers Act*,
 the applicant is deemed to have continued to be licensed during that period.

**G. Experience Qualifications for Managing Brokers and Associate Brokers (section 2-10 of the Council Rules)**

- (1) *Previous experience in B.C.* – In order to be licensed for the first time as a managing broker or associate broker, the applicant must have been providing real estate services as a licensee for at least 2 years during the 5 years before the date of the application.
- (2) *Exceptions* – The Council may waive the requirements of subsection (1) if satisfied that
  - (a) the applicant has had experience and training equivalent to that which he or she would have obtained if he or she had provided real estate services as a licensee as required by that subsection, or
  - (b) in the case of an applicant for a managing broker licence, there is an immediate need of a managing broker in the location where the applicant proposes to carry on business.
- (3) *Experience in an equivalent capacity in another jurisdiction* – Without limiting subsection (2) (a), for the purposes of that subsection an applicant is considered to have the experience and training equivalent to that referred to in subsection (1) if the applicant
  - (a) previously provided real estate services in a capacity equivalent to one or more of a brokerage, managing broker and associate broker,
  - (b) provided the services referred to in paragraph (a) in
    - (a) another jurisdiction of Canada,
    - (b) the United States of America, or
    - (c) another jurisdiction acceptable to Council,
 for a continuous period of at least 2 years during the 5 years before the date of the application, and
  - (c) was licensed, or otherwise authorized, under the laws of the other jurisdiction to provide the services referred to in paragraph (a).
- (4) *Experience in another jurisdiction combined with B.C. experience* – Without limiting subsection (2)(a), for the purposes of that subsection an applicant is considered to have the experience and training equivalent to that referred to in subsection (1) if the applicant
  - (a) previously provided real estate services in a capacity equivalent to a representative,

- (b) provided the services referred to in paragraph (a) in a jurisdiction referred to in subsection (3)(b) for a continuous period of at least 2 years during the 5 years before the date of the application,
- (c) was licensed, or otherwise authorized, under the laws of the other jurisdiction to provide the services referred to in paragraph (a), and
- (d) provided real estate services as a licensee in British Columbia for a period of not less than 1 year during the 5 years before the date of the application.

#### H. **Term of Licence (section 2-13 of the Council Rules)**

The term of a licence is

- (a) 2 years from the effective date of the licence, ending at the end of the day before the second anniversary of that date, or
- (b) in the case of a temporary licence, as specified in the licence.

#### I. **Voluntary Surrender (section 2-16 of the Council Rules)**

A licensee may voluntarily surrender their licence to the Council, in which case it becomes inoperative unless and until reinstated by the Council before the end of its term.

#### J. **Licensee Must Give Notice of Discipline, Bankruptcy or Criminal Proceedings (section 2-21 of the Council Rules)**

- (1) For the purposes of this section:
  - discipline sanction*** includes a warning, reprimand, fine, educational requirement, imposed restriction or condition, suspension or cancellation, or any other sanction arising from a disciplinary matter.
- (2) A licensee must promptly notify the Council, in writing, if any of the following circumstances apply:
  - (a) the licensee is subject to any disciplinary or regulatory proceedings in which the licensee may be or has been made subject to a discipline sanction under legislation in British Columbia or another jurisdiction regulating
    - (i) real estate, insurance or securities activities, or
    - (ii) mortgage brokers, accountants, notaries or lawyers;
  - (b) the licensee has any court order or judgment made against the licensee in relation to
    - (i) real estate services,
    - (ii) a dealing in insurance, mortgages or securities, or
    - (iii) misappropriation, fraud or breach of trust;
  - (c) any business that the licensee owns, or of which the licensee has been a director, officer or partner at any time during the past 2 years, has any court order or judgment made against the business in relation to
    - (i) real estate services,
    - (ii) a dealing in insurance, mortgages or securities, or
    - (iii) misappropriation, fraud or breach of trust;
  - (d) the licensee is charged with or convicted of an offence under a federal or provincial enactment or under a law of any foreign jurisdiction, excluding

- (i) highway traffic offences resulting only in monetary fines or demerit points, or both, and
  - (ii) charges initiated by a violation ticket as defined in the *Offence Act* or by a ticket as defined in the *Contraventions Act* (Canada);
- (e) the licensee is the subject of any bankruptcy, insolvency or receivership proceedings;
- (f) any business that the licensee owns, or of which the licensee has been a director, officer or partner at any time during the past 2 years, is the subject of any bankruptcy, insolvency or receivership proceedings.
- (3) In addition to providing a written notice, the licensee must provide
  - (a) particulars, and
  - (b) any additional information or documentation, as requested by the Council.
- (4) In the case of notice required to be provided by an associate broker or representative, the licensee must give a copy of the notice under subsection (2) to the managing broker of the related brokerage.

**K. Restrictions Relating to Home and Other Personal Offices (section 4-3(1) and (2) of the Council Rules)**

- (1) **Personal office** in relation to a licensee means an office from which the licensee provides real estate services, other than a related brokerage office, and includes an office that is in the residence of the licensee or any other person.
- (2) The following rules apply if a licensee maintains a personal office from which the licensee provides real estate services:
  - (a) no sign may be placed outside the office or the building in which the office is located, or from where it is visible from outside the office or building, that indicates real estate services are provided from the office;
  - (b) the phone for the office must not be answered in the name of the related brokerage of the licensee;
  - (c) the licensee must not indicate the office address on any real estate advertising or on any other records relating to the provision of real estate services.

**L. Licensee Names (section 4-4(2) of the Council Rules)**

The licensee name of a managing broker, associate broker or representative is, as applicable,

- (a) the legal name or a recognizable short form of the legal name of the individual, unless another name is approved under paragraph (b), or
- (b) the name that is approved by the Council.

**M. Relationships with Principals and Parties (Part 5 of the Council Rules)**

Licensees should review Part 5 and section 10-4 of the Council Rules with respect to written service agreements, disclosures, commissions, and other remuneration.

**N. Dealing with Other Licensees and Unlicensed Persons (Part 6 of the Council Rules)**

Licensees should review Part 6 of the Council rules with respect to the payment of commissions to unlicensed persons and acting for unlicensed persons.

**O. Brokerage Accounts and Financial Requirements (Part 7 of the Council Rules)**

A managing broker should review Part 7 of the Council Rules with respect to brokerage trust accounts, commission trust accounts, accountant's reports and solvency issues.

**P. Brokerage Records (Part 8 of the Council Rules)**

A managing broker should review Part 8 of the Council Rules with respect to financial and other records, and general record keeping.