



Guide to Notifying the Registrar SECTION 40, *REAL ESTATE ACT* RULES

This Guide will help industry professionals meet their notification obligations under section 40 of the Rules. It does not cover name change notification requirements.

Who must notify?

The notification requirements apply to all licensees. It also includes individuals who are licensed but not currently registered with a brokerage.

You must notify the registrar when:

1. A professional body disciplines you

This includes discipline by

- a industry association (real estate board, association, mortgage association)
 - discipline by any professional, occupational or regulatory body unrelated to the business of an industry professional (including discipline by professional governing bodies like APEGA, the Law Society of Alberta, the Alberta Securities Commission, and real estate regulators in other jurisdictions).
2. A court makes a judgement against you in relation to the provision of services or sales of goods to consumers
 3. A court makes a judgement against your business where you were a partner, director, or officer within the last three years.
 4. You or your business goes bankrupt, including bankruptcy proceedings for any of the processes under the *Bankruptcy Act* of Canada, and any businesses where you were a partner, director, or officer within the last three years.
 5. Criminal Code proceedings are commenced against you
 6. You are convicted under any law of any country, province, or state, excluding traffic offences where the result is fines or demerit points.

Notification requirements:

1. You must notify immediately after the event takes place
2. You must notify through your myRECA account using the Notify the Registrar button from your My Account tab. Fill in the required fields, complete the declaration page, and click 'Submit'.
3. You must submit additional information through your myRECA account. Follow the instructions after submitting your notification.
4. Your broker will receive a copy of your notification

If unsure if you need to notify the registrar, you should contact RECA immediately or provide notification anyways (there is no cost). Do not delay. If you do not immediately notify the registrar, it is a breach of the Rules.

What happens next?

The registrar will review the information to determine whether your actions constitute possible conduct deserving of sanction, may place the public at risk, or may bring the industry into disrepute. The registrar may close the file and take no action or open an investigation.

Section 40(1) of the *Real Estate Act* Rules states:

A licensee must immediately notify, in writing, the registrar when:

- (a) the name of the licensee changes;
- (b) the licensee is disciplined by any real estate board, real estate association, mortgage broker association, or any professional, occupational or regulatory body;
- (c) the licensee has any judgment(s) rendered against the licensee in relation to the provision of services or sale of goods to consumers;
- (d) any business the licensee owns or has participated in as a partner, director or officer in the past three years, has any judgment(s) rendered against the business;
- (e) the licensee is the subject of any bankruptcy proceedings;
- (f) any business the licensee owns or has participated in as a partner, director or officer in the past three years, is the subject of any bankruptcy or receivership proceedings ;
- (g) proceedings pursuant to the Criminal Code are commenced against the licensee; or
- (h) the licensee is convicted of any criminal offence or any other offence under any law of any country, province or state, excluding provincial or municipal highway traffic offences resulting in only monetary fines and/or demerit points.

40(2) In addition to providing a notice in writing, the licensee must provide particulars and any additional information or documentation requested by the registrar.

40(3) In the case of an associate broker or associate, a copy of the notice provided to the registrar must be provided by the associate broker or associate to the broker.