

Appendix "B"

Condominium Manager Rules Summary

June 3, 2020

This appendix includes all Rules where condominium managers have been added to an existing Rule and all new Rules that are specific to condominium management. Please see Appendix "A" for the full text of all existing Rules.

INTERPRETATION

- 1 1 (1) In these Rules,
- (q) "inducement" means anything that is offered or provided by a brokerage to a person who is, or could be, a party to a real estate transaction, mortgage deal, or condominium management services, and is intended to either assist, persuade or cause that person to enter into a particular real estate transaction, mortgage deal, or condominium management services;
 - (u) "money received in trust," "money held in trust" and other similar references to trust money received or held by an industry member include money that:
 - (i) is paid to the industry member by a party to a trade, dealing or condominium management services, and
 - (ee) "sole agency" means a relationship in which an industry member acts as the agent of only one party in a trade, deal, or condominium management services;
 - (ff) "supporting documentation" means any document the brokerage or real estate appraiser created, caused to be created or was received by the brokerage or real estate appraiser in relation to a trade in real estate, mortgage dealing, condominium management services, or appraisal service;

PART 1

AUTHORIZATIONS, LICENCES & REGISTRATIONS

Division 1 Classes of Licences

3.1 (1) For the purposes of the Act, Bylaws and Rules there shall be the following classes of condominium managers:

- (a) brokerage;
 - (b) broker; and
 - (c) associate.
- (2) A condominium manager brokerage is a person who:
- (a) is licensed by the Council as a condominium manager brokerage; and
 - (b) employs or has associated with it a licensed and registered condominium manager broker.
- (3) A condominium manager broker is an individual who:
- (a) holds the qualifications of a condominium manager broker;
 - (b) is licensed as a condominium manager broker by the Council;
 - (c) is employed by or associated with a licensed condominium manager brokerage in Alberta; and
 - (d) is registered with and authorized to operate a condominium manager brokerage, and provides condominium management services on behalf of that brokerage.

- (4) A condominium manager associate is an individual who:
- (a) holds the qualifications of a condominium manager associate;
 - (b) is licensed as a condominium manager associate by the Council;
 - (c) is employed by or associated with a licensed condominium manager brokerage in Alberta; and
 - (d) is registered with and approved to provide condominium management services on behalf of that brokerage.

Division 2 – Authorizations

- 8.1 A condominium manager brokerage licence issued by the Council under these Rules:
- (a) is the authorization required under the Act in order for a condominium manager brokerage to provide condominium management services or hold itself out as a condominium manager brokerage;
 - (b) expires on September 30 following its issuance unless it is terminated, suspended or cancelled prior to that date; and
 - (c) may be renewed by the brokerage by submitting a completed renewal application to the executive director in a form prescribed by the executive director, together with any fees, premiums or levies established by the Council, by September 30 of the current licensing year.
- 8.2 (1) A condominium manager broker licence and registration certificate issued by the Council under these Rules constitute the authorization required under the Act for a condominium manager broker to operate a condominium manager brokerage and provide condominium management services on behalf of a brokerage.
- (2) A condominium manager associate licence and registration certificate issued by the Council under these Rules constitute the authorization required under the Act for a condominium manager associate to provide condominium management services on behalf of a brokerage.
- (3) A condominium manager broker or condominium manager associate may renew his registration certificate by submitting a completed application to the executive director, together with any fees, premiums or levies established by the Council, by September 30 of the current licensing year.
- (4) An individual must not provide condominium management services or in any way hold himself out as a condominium manager broker or condominium manager associate until such time as the individual has been issued a licence and is registered with a brokerage licensed by the Council.
- 10 (4) The licence of a condominium manager broker or associate is deemed to be terminated if he fails to maintain or renew his registration certificate for a period exceeding 36 months.
- 13 (1) A person is not eligible to be licensed as a real estate brokerage, mortgage brokerage, condominium manager brokerage, appraiser, or candidate unless the person maintains a registered business office in Alberta or the City of Lloydminster acceptable to the executive director and in accordance with these Rules and the current address of the business office is provided to the executive director.
- (3) The registered business office shall be the address of service for the real estate brokerage, mortgage brokerage, condominium manager brokerage, appraiser or candidate, and all industry members registered with the brokerage for the purposes of the Act and these Rules.
- (4) A real estate brokerage, mortgage brokerage, and condominium manager brokerage may maintain more than one office in Alberta if:
- 16 (3) The executive director may grant an exemption from any or all of the educational, examination or other requirements prescribed, approved or adopted by Council for real estate, mortgage, and condominium manager brokers referred to in (1) above to an applicant who satisfies the executive director that the applicant has

satisfactory experience and knowledge of current real estate, mortgage or condominium manager broker practices in Alberta, as the case may be.

- 17 An individual who intends to apply for a real estate broker, mortgage broker or condominium manager licence must first write the licensing examinations prescribed, adopted or approved by the Council for that class of licence and pass those examinations with a grade that is satisfactory to the Council.

Division 4 – Licence Requirements for Individuals

- 20 (1) The application for a licence must be accompanied by the following:

(g) for condominium manager brokerages, brokers, and associates, proof of errors and omissions insurance in accordance with s.118.2 of the Rules; and

- 22 The executive director may, on or subsequent to issuing a licence, make it subject to any terms, conditions or restrictions with respect to trading in real estate, dealing in mortgages, providing condominium management services, or real estate appraisal, as the case may be, that the executive director considers appropriate.

Division 5 – Registration Certificates

- 27 (2) The application for a registration certificate shall be accompanied by the following:

(e) for condominium manager brokers and associates, proof of errors and omissions insurance in accordance with s. 118.2 of the Rules.

- 29 (3) An individual who is registered as a broker with a condominium manager brokerage cannot be registered as an associate with the same or a different condominium manager brokerage.
- (4) An individual cannot be registered as a broker, associate broker or associate with more than one real estate brokerage, one mortgage brokerage, and one condominium manager brokerage of the same type in Alberta at any one time.

Division 6 – Licence Requirements for Brokerages

- 30 (1) A person who seeks to be licensed as a real estate, mortgage, or condominium manager brokerage must apply to the executive director in a form prescribed by the executive director.

Division 9 – Information to Be Provided by Industry Members

- 40 (1) An industry member must immediately notify, in writing, the executive director when:

(b) the industry member is disciplined by any real estate board, real estate association, mortgage broker association, condominium manager association, appraiser association, or any professional, occupational or regulatory body;

Part 2
INDUSTRY STANDARDS OF PRACTICE

Division 1 – Standards of Conduct for Industry Members

- 41 Industry members must:
- (g) practice in strict accordance with the Act, Regulations, Rules, Bylaws and any other laws that govern trading in real estate, mortgage transactions, providing condominium management services, or appraisals in Alberta;
- 42 Industry members must not:
- (d) discourage a client, customer or a party to a trade in real estate, deal in mortgages, or condominium management services, from seeking legal counsel or expert advice;
 - (e) deny professional services to, or be a party to any plan or agreement to discriminate against, any client, customer or party to a trade in real estate, deal in mortgages, or condominium management services, for reasons of race, creed, colour, gender, sexual orientation, family status, marital status, age, national origin, or physical disability;
 - (f) physically, sexually, emotionally or verbally abuse a client, customer, industry member or party to a trade in real estate, deal in mortgages, condominium management services, or appraisal services; or
- 43 (1) Subject to these rules, an industry member who establishes a client relationship when trading in residential real estate, property management, when dealing in mortgages, or providing condominium management services, must enter into a written service agreement with that prospective client.
- 44 (2) Each real estate brokerage, mortgage brokerage, condominium manager brokerage, real estate appraiser and candidate will:
- (a) establish adequate policies and procedures for the maintenance and protection of personal and confidential information; and
 - (b) ensure all industry members registered with the brokerage and any staff members are aware of the policies and procedures referred to in (a) above and routinely carry them out in the course of their work.
- 46 (4) An industry member must ensure in any communication, advertising or marketing material there is no suggestion, implication or statement that may suggest or lead the public to believe an unlicensed or unregistered assistant is qualified to trade in real estate, deal in mortgages, provide condominium management services, or perform real estate appraisals, as the case may be.

Division 3.1 – Condominium Manager Brokerage Standards

- 75.1 This Division applies to all classes of condominium managers and a reference to an industry member includes a condominium manager brokerage, condominium manager broker and condominium manager associate.

75.2 (1) A condominium manager brokerage must:

- (a) only provide condominium management services in the name that appears on the brokerage's licence;
 - (b) ensure the name of the brokerage is clearly indicated in the course of providing condominium management services, including any related advertisements;
 - (c) enter into a written service agreement with a condominium corporation prior to providing services;
 - (d) prior to entering into a written service agreement, disclose in writing to the condominium corporation:
 - (i) any conflicts or potential conflicts of interest that may exist and obtain written and informed consent to proceed; and
 - (ii) how it will be compensated;
 - (e) prior to acceptance of any other monies or benefits, disclose in writing to the condominium corporation the nature and extent of any other monies or benefits the condominium manager brokerage may or will receive:
 - (i) from third parties;
 - (ii) from expenditures made on behalf of a condominium corporation;
 - (iii) any factors that influence payment of any monies or benefits including any conflicts or potential conflicts of interest that may exist.
 - (f) prior to entering into a written service agreement, disclose in writing to the condominium corporation, any other facts that may influence the condominium corporation's decision.
- (2) If subsequent to these disclosures, there is any material change in the facts which have been disclosed, the industry member must immediately disclose the change to the condominium corporation.
- (3) The industry member must obtain written acknowledgement of these disclosures and any written consent required pursuant to this section.

75.3 A condominium manager brokerage must not:

- (a) employ, permit or engage a condominium manager broker or associate registered with another brokerage to provide condominium management services in its name or on its behalf, directly or indirectly, as the case may be;
- (b) employ a person to provide condominium management services unless that person meets the requirements of the Act, Regulations, Rules, and Bylaws, and all levies, fees, premiums, fines, administrative penalties and other amounts that are payable under or pursuant to the Act, Regulations, Rules, Bylaws or under any predecessor enactments in respect of that person have been paid;
- (c) pay compensation, directly or indirectly, in connection with condominium management services except to:
 - (i) a condominium manager broker or associate employed by the brokerage or to not more than one corporation of which that condominium manager broker or associate, as the case may be, owns not less than fifty percent (50%) of the shares issued by that corporation; or
 - (ii) to a brokerage that is licensed under these Rules or under similar legislation in a jurisdiction outside of Alberta;
- (d) offer to pay, agree, or allow to be paid a referral fee or any remuneration to a person in relation to providing condominium management services if the person is required to be licensed in relation to those services but is not licensed; or
- (e) pay a commission or other remuneration directly or indirectly in connection with providing condominium management services to a brokerage that is licensed under these Rules or under similar legislation in a jurisdiction outside of Alberta when the brokerage has knowledge that the commission or remuneration will be paid to or shared with a person who is required to be licensed in relation to those services but is not licensed.

- (f) enter into any agreement with a condominium corporation whereby the condominium manager brokerage is relieved from liability for its negligence or other tortious conduct;

75.4 (1) A condominium manager broker must:

- (a) be actively engaged in the management of the condominium manager brokerage with which the broker is registered;
 - (b) provide condominium management services only in the name that appears on the individual's licence and in the name of the brokerage with which the broker is registered;
 - (c) ensure the name of the brokerage is clearly indicated in the course of providing condominium management services, including any related advertisements;
 - (d) provide all industry members of the brokerage and other personnel with written policies and procedures by which they are expected to operate, including written policies and procedures for personal condominium management services;
 - (e) ensure the business of the brokerage is carried out competently and in accordance with the Act, the Bylaws, and these Rules;
 - (f) ensure there is an adequate level of supervision for associates within the brokerage and employees who perform duties on behalf of the brokerage;
 - (g) ensure that for all monies held in trust, the bank records are maintained in accordance with the Act, the Bylaws, these Rules and the law as it relates to trustees;
 - (h) ensure adequate control over any access to an automated bank machine ("ABM") or ABM cards used for electronic deposits and transfers and any access codes used for Internet banking or ABM cards;
 - (i) ensure proper management and control of documents or records related to licensing, registrations and related regulatory requirements;
 - (j) ensure all documents and records related to condominium management services required under the Act and these Rules are maintained or made available by the brokerage for the purposes of a review at the registered business office of the brokerage; and
 - (k) review in a timely manner all condominium management agreements and other condominium corporation contracts supplied by the condominium corporation.
- (2) When a condominium manager broker does not have a controlling interest in the ownership of the condominium manager brokerage, the broker must have a written agreement with the brokerage giving the broker authority to carry out the duties and responsibilities of a broker under these Rules.
- (3) A condominium manager broker is accountable for the conduct of a condominium manager associate or brokerage employee, as the case may be, if the broker:
- (a) was not actively involved in the management of the brokerage;
 - (b) failed to ensure an adequate level of supervision was in place for the associate or employee, as the case may be;
 - (c) was willfully blind to the conduct of the associate or employee, as the case may be;
 - (d) was a participant in the misconduct;
 - (e) had knowledge of the misconduct of the associate or employee, as the case may be, and failed to take reasonable steps to stop such misconduct;
 - (f) upon becoming aware of the misconduct failed to take reasonable steps to correct the misconduct or reduce any harm that may have resulted from the misconduct; or
 - (g) failed to notify the executive director upon becoming aware of misconduct relating to fraud, deception, theft, or unlawful activities on the part of the associate or employee.

75.5 (1) A condominium manager broker may delegate the broker's duties and responsibilities to another industry member associated with the condominium manager brokerage if:

- (a) the delegate is registered with the brokerage and is qualified to carry out the responsibilities;
- (b) the particulars of the delegation of responsibilities by the broker to the delegate are clear and in writing, and are agreed to and understood by the broker and the delegate;
- (c) the particulars of the delegation are communicated to the employees and associates, as the case may be; and
- (d) the broker has a system in place to monitor the delegate and verify that adequate supervision is being maintained.

(2) In the event a condominium manager broker delegates the broker's duties and responsibilities to a delegate, the broker remains accountable for the conduct of the delegate and all associates or employees of the brokerage.

75.6 A condominium manager associate must:

- (a) provide condominium management services only in the name that appears on that individual's licence and in the name of the condominium manager brokerage with which that individual is registered;
- (b) ensure that all condominium management services and the relevant documentation meet legislative requirements found under the Act, Regulations, Rules, and Bylaws;
- (c) provide to the broker in a timely manner all original documentation and copies of original documents:
 - (i) related to providing condominium management services; and
 - (ii) required under the Act and these Rules;
- (d) keep the broker informed of the activities being performed by the condominium manager associate on behalf of the brokerage;
- (e) ensure there is an adequate level of supervision for his employees and others who perform duties on his behalf;
- (f) respond promptly to any inquiry that is addressed to him by the broker; and
- (g) notify the broker upon learning of a violation of the Act, Regulations, Rules, or Bylaws by any broker, condominium manager associate or employee associated with a brokerage.

75.7 (1) A condominium manager broker or condominium manager associate, as the case may be, must not:

- (a) provide condominium management services on behalf of a brokerage other than the brokerage with which he is registered;
- (b) promise to pay or pay a commission or other remuneration, directly or indirectly, to any person resulting from or in connection with providing condominium management services except through the brokerage with which he is registered;
- (c) accept a commission, referral fee or other remuneration, directly or indirectly, for providing condominium management services from any person except the brokerage with which he is registered; or
- (d) directly or indirectly, advertise, communicate or offer to any person an incentive except an incentive that is provided by and on behalf of the brokerage with which he is registered.

(2) A condominium manager broker or condominium manager associate, as the case may be, must not directly or indirectly, provide an inducement unless the inducement is provided by and on behalf of the brokerage with which the condominium manager broker or condominium manager associate is registered, details of the inducement are provided in writing and the broker has provided written approval.

(3) A condominium manager broker or condominium manager associate shall not provide any condominium management services to the condominium corporation if the condominium manager broker or condominium

manager associate has, or will have, a conflict of interest unless before providing the services the condominium manager broker or condominium manager associate receives the written and informed consent of the condominium corporation.

75.8 The basic obligations of an industry member to the condominium corporation are:

- (a) to use best efforts to manage the condominium corporation;
- (b) to obey all lawful instructions of the condominium corporation;
- (c) to exercise reasonable care and skill in the performance of the service agreement;
- (d) to assist the condominium corporation in negotiating favourable terms and conditions with third party contractors;
- (e) to provide, in a timely manner, all reports to the condominium corporation;
- (f) to advise the condominium corporation to obtain expert advice on matters of importance to the condominium corporation;
- (g) before signing a contract on behalf of a condominium corporation, the industry member must obtain written authorization for this from the condominium corporation or its authorized agent. This authorization may be provided in a written service agreement or separate document; and
- (h) to comply with the provisions of the Act, Regulations, Rules and Bylaws.

75.9 An industry member providing condominium management services to a condominium corporation where the industry member owns a unit in the condominium corporation, must disclose in writing to the condominium corporation:

- (a) any interest or conflicts, direct or indirect, that the industry member has in providing services to the condominium corporation;
- (b) that the industry member is authorized under the Act;
- (c) the name of the brokerage with which the industry member is registered;
- (d) any information within the knowledge of the industry member that could materially affect the provision of condominium management services to the condominium corporation.

75.91 (1) When an industry member who owns a unit in the condominium corporation is exempt under the Act Exemption Regulation in relation to condominium management services provided to or on behalf of the condominium, all of the following must be met:

- (a) the industry member must only provide condominium management services to no more than two condominium corporations;
- (b) before providing services, the industry member must disclose in writing to the condominium corporation, that:
 - (i) even though the industry member holds a licence under the Real Estate Act, they are not acting as an industry member in this case;
 - (ii) the industry member is not regulated under the Real Estate Act in relation to the particular condominium management services; and
 - (iii) the condominium corporation is not entitled to the same protections available under the Real Estate Act to condominium corporations who obtain condominium management services from industry members who are not acting under this section of the rules;
- (c) the industry member must provide a copy of the written disclosure under paragraph (b) to the broker of the condominium manager brokerage with which he is registered;

- (d) the industry member does not have sole signing authority for withdrawals of any condominium corporation funds and does not otherwise have sole authority for expenditures of any condominium corporation funds; and
 - (e) the industry member must not receive compensation or other benefits for providing condominium management services.
- (2) On receipt of any fees, contributions, levies or other amounts levied by, or due to, the condominium corporation under the Condominium Property Act, the industry member must promptly deliver the money to the condominium corporation.

81 In this part,

- (b) “brokerage” means a real estate brokerage, mortgage brokerage, or condominium manager brokerage, unless stated otherwise.

Division 1 – General Requirements

82 (1) A brokerage and appraiser may convert and store written, printed, or any paper records into electronic format if the following conditions are met:

- (h) the brokerage or appraiser has a system to ensure all electronic documents created in respect to a trade or potential trade, deal or potential deal, condominium management services or potential condominium management services, or appraisal or appraisal services are stored together or are linked so as to create a complete record of all documents or records relating to the trade or potential trade, deal or potential deal, condominium management services or potential condominium management services, or real estate appraisal or appraisal services.

Division 3.1 - Requirements for Condominium Manager Brokerages

109.1 In this Division, a brokerage means a condominium manager brokerage.

109.2 (1) A brokerage shall keep separate and have available at its registered business office in Alberta all records for condominium management services, including signed copies of all contracts, condominium management agreements, and all records, accounts and supporting documentation made in the course of the brokerage’s business in relation to providing condominium management services or potential condominium management services in Alberta.

109.3 (1) A brokerage shall prepare and provide to the condominium corporation each month and keep on file with respect to each condominium corporation:

- (a) a statement of income and expenditures;
- (b) a balance sheet; and
- (c) any other statement the client requires as per the written service agreement.

109.4 In addition to the written service requirements in section 43 of the Rules, every written condominium management service agreement shall include:

- (a) an indication of whether the brokerage will be holding one or more of the following in trust:
 - (i) operating fund money;
 - (ii) reserve fund money;
 - (iii) special levy money; and
 - (iv) other amounts on behalf of the condominium corporation;

- (b) the circumstances by which the agreement may be terminated;
- (c) additional fees for services provided to the condominium corporation;
- (d) any authority the condominium corporation delegates to the condominium manager;
- (e) the scope of the authority of the condominium manager brokerage when acting on behalf of the condominium corporation, including any authority to:
 - (i) sign cheques or make disbursements on behalf of the condominium corporation;
 - (ii) enter into contracts on behalf of the condominium corporation; and
 - (iii) invest money held by the brokerage on behalf of the condominium corporation;
- (f) the timing, frequency and nature of accounting statements and other records to be provided by the brokerage to the condominium corporation.
- (g) a description of the records that are to be kept by the brokerage on behalf of the condominium corporation.
- (h) Interest on trust accounts holding condominium trust money must be paid to the condominium corporation.

109.5 (1) When a brokerage, in the course of providing condominium management services, receives funds on behalf of condominium corporations it shall open and maintain at least one brokerage trust or pooled trust account for the deposit of funds received on behalf of the condominium corporation.

(2) When a brokerage, in the course of providing condominium management services collects, holds or disburses funds on behalf of a condominium corporation from a brokerage trust account, it must:

- (a) for each condominium corporation on behalf of which the brokerage collects, holds or disburses money, maintain the following brokerage trust accounts:
 - (i) at least one separate operating trust account in the name of the condominium corporation;
 - (ii) if the brokerage will collect, hold or disburse reserve fund money, at least one separate trust account in the name of the condominium corporation for the reserve fund money;
- (b) if the brokerage collects, holds or disburses special levy money, deposit the money to the appropriate trust account under subsection 2(a) and if it will be immediately used, deposit the special levy money to the trust account under (2)(a)(i), or if it will be held on reserve, deposit the special levy money to the reserve fund trust account under (2)(a)(ii);
- (c) in respect of money in a brokerage trust account for the condominium management services maintain a separate ledger for each condominium corporation showing all amounts received and disbursed in relation to the condominium corporation and any unexpended balance in relation to the condominium corporation;
- (d) issue a written receipt if money is received in the form of cash;
- (e) account for all cheques, including but not limited to void cheques, as part of the records maintained by the brokerage;
- (f) make every disbursement of money held in trust by cheque or bank transfer and these documents shall be cross-referenced in sufficient detail to permit them to be identified with the corresponding disbursement or disbursements recorded in the brokerage's books required by section 25 of the Act or by these Rules;
- (g) not issue a cheque, allow a bank transfer or present a cheque for payment or collection unless there is in the trust account on which it is drawn, a sufficient credit balance;
- (h) ensure that cheques used to disburse funds from a trust account are numbered and identified with the words "Trust Account"; and
 - (i) ensure that the broker is an authorized signing authority for each trust account and controls the receipts and disbursements on each account.

- 109.6 (1) When a brokerage, in the course of providing condominium management services collects, deposits, or disburses funds on behalf of a condominium corporation by assisting the condominium corporation in the management of the condominium corporation's trust accounts under the Condominium Property Act, it must:
- (a) for each condominium corporation on behalf of which the brokerage collects, deposits, or disburses money from the condominium corporation trust accounts, ensure the condominium corporation maintains the following trust accounts:
 - (i) at least one separate trust account in the name of the condominium corporation;
 - (ii) at least one separate trust account in the name of the condominium corporation for the reserve fund money, if it collects, deposits, or disburses reserve fund money;
 - (b) if the brokerage collects, deposits, or disburses special levy money from the condominium corporation trust accounts, deposit the funds to the appropriate trust account under subsection (1)(a) and if it will be immediately used, deposit the special levy money to the trust account under (1)(a)(i), or if it will be held on reserve, deposit the special levy money to the reserve fund trust account under (1)(a)(ii);
 - (c) in respect of money in a trust account for the condominium management services maintain a separate ledger for each condominium corporation showing all amounts received and disbursed in relation to the condominium corporation and any unexpended balance in relation to the condominium corporation;
 - (d) issue a written receipt if money is received in the form of cash;
 - (e) account for all cheques, including but not limited to void cheques, as part of the records maintained by the brokerage;
 - (f) make every disbursement of money held in trust by cheque or bank transfer and these documents shall be cross-referenced in sufficient detail to permit them to be identified with the corresponding recorded disbursement or disbursements.
 - (g) Unless authorized by the condominium corporation in the written service agreement, not be the sole signing authority on the condominium corporation trust accounts.

109.7 (1) The brokerage, subject to a resolution of the board as required under the *Condominium Property Act*, may collect and temporarily hold money under 109.5(2) by means of direct electronic deposit into a trust account that receives funds on behalf of more than one condominium corporation.

(2) Any money collected or held pursuant to subsection (1) must be transferred to the applicable account no later than 3 business days after the day on which it was received.

109.8 When making investments on behalf of a condominium corporation, a brokerage providing condominium management services is subject to the same restrictions that apply under the Condominium Property Act to the condominium corporation in relation to its investments.

109.9 (1) After the termination of a condominium management service agreement, the brokerage must, as soon as possible but no later than 30 days:

- (a) (i) transfer control of the condominium corporation's money to the condominium corporation or as directed; or
 - (ii) disburse the funds to the condominium corporation; or
 - (iii) if the condominium corporation engages another brokerage to provide condominium management services, transfer the funds to the other brokerage.
- (b) return, at no charge, all property and documents belonging to the condominium corporation.

- (2) Despite subsection (1), the brokerage may retain sufficient funds to pay outstanding invoices related to expenses on behalf of the condominium corporation incurred before the termination of the service agreement.
- 109.91 If the brokerage keeps in Alberta money received in trust in connection with other business, the brokerage shall keep it separate from money received in trust in connection with providing condominium management services in Alberta.
- 109.92 A brokerage shall not pay any of the brokerage's personal or general office expenses, commission or other remuneration payable to the brokerage's own authorized officials, brokers or associates from the trust accounts under subsection 109.5(2)(a).
- 109.93 If sufficient funds are available, a brokerage shall withdraw all earned management fees from the trust account under 109.5(2)(a)(i) at least once each month.

PART 4 – INSURANCE REQUIREMENTS

Division 2.1 – Requirements for Condominium Managers

- 118.1 This Division applies to all classes of condominium managers and includes a condominium manager brokerage, broker, and associate.
- 118.2 (1) Every condominium manager brokerage, broker, and associate shall have insurance against liability for errors and omissions in the course of providing condominium management services in accordance with these Rules. The errors and omissions insurance must:
- (a) be in a form of insurance and terms and conditions approved by the Executive Director; and
 - (b) is sufficient to pay a minimum of \$1,000,000 with respect to all occurrences during a 365-day period involving the brokerage or any broker or associate authorized to provide condominium management services on behalf of the brokerage.
- (2) Every condominium manager brokerage shall, at all times while it holds an authorization, maintain errors and omissions insurance in the form of insurance and terms and conditions approved by the Executive Director.
- (3) The condominium manager brokerage shall immediately notify the Executive Director in the event its errors and omissions insurance coverage is terminated or cancelled.
- 118.3 (1) Every condominium manager brokerage shall, prior to initiating a service agreement with a condominium corporation, ensure the condominium corporation holds a current insurance policy for “Insurance Against Fraudulent or Dishonest Acts” that covers the condominium manager and other condominium management brokerage employees providing services to the condominium corporation as required by the Condominium Property Act Regulation.
- (2) The condominium management brokerage shall immediately terminate providing services if the insurance coverage is terminated or cancelled.