

## Bill 20 & 62 Comparison Chart

Before	After
<p>Real Estate Council of Alberta (Council). The Council is composed of 2 public members and 10 industry members. The purposes of Council include:</p> <ul style="list-style-type: none"> <li>Set and enforce the standards of conduct for industry members to promote the integrity of the industry; protect against, investigate, detect, and suppress mortgage fraud; and protect consumers.</li> <li>To provide services and other things that enhance and improve the industry and business of industry members</li> <li>To administer the <i>Real Estate Act</i>, the Regulations, the Bylaws, and the Rules</li> </ul>	<p>Board of Directors of the Council (Board). The Board is composed of 3 public members appointed by the Minister of Service Alberta and 4 licensees, one appointed from each of the four Industry Councils from among their members.</p> <p>The purposes of the Board include:</p> <ul style="list-style-type: none"> <li>To set the strategic direction and ensure the effective operation of Council</li> <li>To protect against, investigate, detect, and suppress fraud as it relates to the business of licensees and to protect consumers</li> <li>To provide, or support the provision of, services and other things that facilitate the business of licensees, as provided for in the <i>Real Estate Act</i> Regulations</li> <li>To administer the <i>Real Estate Act</i>, the Regulations, the Bylaws, and the Rules</li> </ul>
<p>Industry Advisory Committees and Consumer Advisory Committee. The composition and purpose of each committee is based on the terms of reference approved by Council.</p>	<p>There are 4 Industry Councils:</p> <ul style="list-style-type: none"> <li>Commercial Real Estate Broker and Commercial Property Manager Industry Council (includes rural/agri-business)</li> <li>Residential Real Estate Broker Industry Council</li> <li>Residential Property Management Industry Council (includes condominium management)</li> <li>Mortgage Broker Industry Council</li> </ul> <p>Each Industry Council is comprised of 2 public members appointed by the Minister of Service Alberta and 3 licensees from the applicable industry, elected by licensees in that industry.</p> <p>The purposes of the Industry Councils include:</p> <ul style="list-style-type: none"> <li>To set and enforce standards of conduct for licensees and the business of licensees to protect consumers and promote the integrity of the industry</li> <li>To administer the <i>Real Estate Act</i>, the Regulations, the Bylaws, and the Rules</li> <li>To establish Rules setting out the conditions for a person to become and remain a licensee, including education requirements</li> </ul>
Industry Professional, Industry Member	Licensee
Authorization	Licence
Industries regulated under the <i>Real Estate Act</i> : Real Estate Mortgage Brokerage Real Estate Appraisal	Industries regulated under the <i>Real Estate Act</i> : Real Estate Property Management Mortgage Brokerage

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N/A	Condominium Management is a subsector of Property Management
N/A	<p>"condominium management service" means the exercising of a power or the performing of a duty of a condominium corporation on behalf of the condominium corporation including, but not limited to,</p> <ul style="list-style-type: none"> <li>(i) collecting, holding or disbursing, or attempting to collect, hold or disburse, contributions levied by the condominium corporation or other amounts levied by or due to the corporation under the <i>Condominium Property Act</i>,</li> <li>(ii) enforcing the bylaws or rules of the corporation,</li> <li>(iii) negotiating or entering into contracts on behalf of the corporation, and</li> <li>(iv) supervising employees or contractors hired or engaged by the corporation, but does not include any activity excluded by the <i>Condominium Property Act</i>, this Act or the regulations under either Act</li> </ul>
<p>"property management" includes any of the following:</p> <ul style="list-style-type: none"> <li>(i) leasing or offering to lease real estate or negotiating or approving, or offering to negotiate or approve, a lease or rental of real estate;</li> <li>(ii) holding money received in connection with an activity referred to in subclause (i);</li> <li>(iii) advertising, negotiating or carrying out any other activity, directly or indirectly, for the purpose of furthering an activity referred to in subclause (i) or (ii)</li> </ul>	<p>Add:</p> <ul style="list-style-type: none"> <li>(iv) engaging in a condominium management service;</li> <li>(v) collecting, or offering or attempting to collect, on behalf of the owner or other person in charge of real estate, money payable as <ul style="list-style-type: none"> <li>(A) Rent for the use of real estate, or</li> <li>(B) Contributions for the control, management or administration of real estate.</li> </ul> </li> </ul>
<p>"trade" includes any of the following:</p> <ul style="list-style-type: none"> <li>(i) a disposition or acquisition of, or transaction in, real estate by purchase or sale;</li> <li>(ii) an offer to purchase or sell real estate;</li> <li>(iii) an offering, advertisement, listing or showing of real estate for purchase or sale;</li> <li>(iv) property management;</li> <li>(v) holding oneself out as trading in real estate;</li> <li>(vi) the solicitation, negotiation or obtaining of a contract, agreement or any arrangement for an activity referred to in subclauses (i) to (v);</li> <li>(vii) collecting, or offering or attempting to collect, on behalf of the owner or other person in charge of real estate, money payable as <ul style="list-style-type: none"> <li>(A) Rent for the use of the real estate, or</li> </ul> </li> </ul>	<p>Remove:</p> <ul style="list-style-type: none"> <li>(iv) property management;</li> <li>(vii) collecting, or offering or attempting to collect, on behalf of the owner or other person in charge of real estate, money payable as <ul style="list-style-type: none"> <li>(A) Rent for the use of the real estate, or</li> <li>(B) Contributions for the control, management or administration of the real estate.</li> </ul> </li> </ul>

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(B) Contributions for the control, management or administration of the real estate; (viii) any conduct or act in furtherance or attempted furtherance of an activity referred to in subclauses (i) to (vii).	
A property manager is included under the term "real estate broker".	"Property manager" is defined separately as a person engaged in property management.
Real Estate Sectors or Areas of Practice: Residential Real Estate Commercial Real Estate Rural Real Estate Property Management	Real Estate Sectors or Areas of Practice: Residential Real Estate Commercial Real Estate
Real Estate Appraisers	Real Estate Appraisers are no longer regulated under the <i>Real Estate Act</i> .
N/A	The Registrar is appointed by the Board. They cannot be a licensee or the Executive Director. The Registrar reports to the Executive Director and is accountable to the Board for the performance of duties imposed by the <i>Real Estate Act</i> .
<p>The Executive Director is responsible for:</p> <ul style="list-style-type: none"> <li>• Administering the licensing and registration of industry members</li> <li>• Managing public information services</li> <li>• Administering complaints, investigations (conduct reviews), and hearings and appeals (conduct proceedings)</li> <li>• Administering the trust assurance and practice review process</li> <li>• Administering enforcement proceedings</li> <li>• Administering the Real Estate Assurance Fund</li> <li>• Any powers, duties, or responsibilities delegated by the Council in accordance with the <i>Real Estate Act</i></li> </ul>	<p>The Executive Director is responsible for only those duties provided for in the bylaws of the <i>Real Estate Act</i>. The Executive Director reports and is accountable to the Board.</p> <p>The Registrar is responsible for:</p> <ul style="list-style-type: none"> <li>• Managing the publication of information regarding licensing and disciplinary actions</li> <li>• Administering complaints and investigations</li> <li>• Administering the issuance of administrative penalties</li> <li>• Commencing disciplinary decision appeals deemed to be in the public interest</li> <li>• Administering appeals to the Appeal Panel</li> <li>• Administering enforcement proceedings</li> <li>• Administering the trust assurance and practice review process</li> </ul> <p>The Board is responsible for:</p> <ul style="list-style-type: none"> <li>• Managing the publication of information regarding licensing and disciplinary actions</li> <li>• Administering hearings</li> <li>• Administering appeal applications for disciplinary actions and admissions of conduct</li> <li>• Administering the Real Estate Assurance Fund</li> </ul>

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	<p>The Industry Councils are responsible for:</p> <ul style="list-style-type: none"> <li>• Administering the licensing of their respective industry members</li> <li>• Managing the publication of information regarding licensing and disciplinary actions</li> </ul>
Council may delegate in writing its powers, duties, or responsibilities as permitted under the Act.	<p>The Board may delegate by bylaw its powers, duties, or responsibilities as permitted under the Act and with any terms or conditions deemed appropriate.</p> <p>An Industry Council may delegate by resolution its powers, duties, or responsibilities as permitted under the Act and with any terms or conditions deemed appropriate.</p> <p>An officer or employee who further delegates a matter delegated by the Board or an Industry Council must do so in writing and with any terms or conditions deemed appropriate.</p>
Council may make rules.	<p>Each Industry Council may make rules with respect to licensees in the related industry. The proposed rule or rule change is submitted to the Board, who must then submit it to the Minister for approval until November 30, 2022.</p>
N/A	<p>If a rule is inconsistent with a bylaw, the bylaw prevails.</p>
Council may make bylaws.	<p>The Board may make bylaws but must first consult first with the Industry Councils. Additional matters for which the Board may make bylaws include:</p> <ul style="list-style-type: none"> <li>• Appeals</li> <li>• Fees and any other assessments</li> <li>• Quorum</li> <li>• Admission of conduct statements</li> <li>• An insurance plan for licensees</li> <li>• Approval and monitoring of licensing education</li> <li>• Who is exempted from the bylaws</li> </ul> <p>The Board may not make bylaws concerning administrative penalties.</p> <p>All new bylaws or bylaw changes except those made under section 67 must be approved by the Minister.</p>
Council must prepare and deliver an annual report on its operations for the previous year-end and a report of all dispositions made from the Real Estate Assurance Fund to the Minister of Service Alberta	<p>The Board prepares and delivers the annual report and report on the Real Estate Assurance Fund.</p> <p>The annual report must also state all compensation paid to Board members, Industry Council members, the Executive Director, and the Registrar.</p> <p>The Board must also prepare and deliver annually a business and financial plan for the next 3 years to the Minister that sets out its goals, annual performance objectives, strategies for achieving the goals and objectives, and the performance measures that will be used to evaluate if the goals and objectives are met.</p> <p>All reports and plans must be made available to the public.</p>

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<p>A Hearing Panel must include at least one Council member.</p> <p>An Appeal Panel must consist entirely of Council members or 2 Council members and 1 member of a law society in any province or territory.</p>	<p>A Hearing Panel or Appeal Panel must include at least one licensee. No member of the Board or an Industry Council may sit on a Hearing Panel or Appeal Panel.</p>
<p>The Minister may review the conduct of Council, any matter relating to the Real Estate Assurance Fund, the Alberta Real Estate Foundation, or any matter affecting the industry or its regulation. After a review, the Minister may direct Council, the Alberta Real Estate Foundation, or any member, officer, or employee to take action that the Minister considers appropriate in the circumstances.</p>	<p>The Minister may also review the conduct of the Board or an Industry Council.</p> <p>After a review, the Minister may also:</p> <ul style="list-style-type: none"> <li>• Appoint a comptroller to oversee management of the affairs of the Board, an Industry Council, or the Foundation or the administration of the Fund and attach terms and conditions to the continued operation of the Board, Industry Council, Foundation, or Fund</li> <li>• Dismiss all or any members of the Board or an Industry Council, the board of governors of the Foundation, or any member, officer, or employee of the Council, the Board, an Industry Council, or the Foundation</li> </ul> <p>The Minister may by order direct the Board, an Industry Council, the Foundation, or any member, officer, or employee of the Council, the Board, an Industry Council, or the Foundation to take any appropriate action without first conducting a review or receiving a report if, in the Minister's opinion, it is in the public interest.</p> <p>If an order is not carried out by the Board, an Industry Council, the Foundation, or any member, officer, or employee of the Council, the Board, an Industry Council, or the Foundation to the Minister's satisfaction, the Minister may order the appointment of a comptroller or dismiss all or any members of the applicable entity.</p>
N/A	<p>The Minister may make policies that must be followed by the Council, the Board, an Industry Council, the Foundation or any officer or employee of these entities.</p>
<p>The Minister may make regulations.</p>	<p>The Minister may make the following additional regulations:</p> <ul style="list-style-type: none"> <li>• Respecting approving bylaws and rules</li> <li>• Prescribing the notice period for administrative penalties</li> <li>• Regarding services and other things provided by the Board that facilitate the business of licensees</li> <li>• Governing the Board's approval of and ongoing monitoring of the delivery of education to licensees</li> </ul>