



COMMERCIAL REAL ESTATE BROKER & COMMERCIAL PROPERTY MANAGER INDUSTRY COUNCIL

1:00 p.m., Monday, March 13, 2023

Virtual Teams Meeting

MINUTES

In Attendance: Terry Engen, *Chair*
Brittanee Laverdure
Cheri Long, *Vice-Chair*
Ben Van Dyk

Resources: Russ Morrow
Janice Harrington
Warren Martinson
Stacy Paquin
Rina Hawkins

Recording Secretary: Christina Harrington

Absent: Laura Sharen

1. Call to Order

The meeting of the Commercial Real Estate Broker & Commercial Property Manager Industry Council ("Industry Council") was called to order at 12:59 p.m.

2. Approval of Agenda

The Chair presented the agenda of March 13, 2023.

***MOTION:** The Commercial Real Estate Broker and Commercial Property Manager Industry Council approves the March 13, 2023, meeting agenda as presented.*

Moved by Brittanee Laverdure,

Seconded by Ben Van Dyk

Carried

3. Conflict(s) of Interest Declared

No conflicts of interest were declared.

4. Chair's Opening Remarks

The Chair welcomed participants to the meeting.

5. Consent Agenda

The Industry Council reviewed the Consent Agenda, which included the minutes of the December 13, 2022 meeting, the Action Register Update, and the Regulatory Activity Scorecard.

ACTION: Industry Council will monitor learner success rates and may revisit core competencies to ensure the needs of industry, and the public, are met. Management will add Credentialing Report as a standing item on agenda.

MOTION: *The Commercial Real Estate Broker and Commercial Property Manager Industry Council approves the consent agenda, including the December 13, 2022 meeting minutes, as amended, and accepts for information purposes the Action Register Update, and the Regulatory Activity Scorecard, as presented within the meeting package.*

*Moved by Cheri Long,
Seconded by Ben Van Dyk
Carried*

6. RECA Board of Directors Report

The Chair provided a report on the activities of the RECA Board of Directors ("Board").

7. Industry Council Annual Evaluation Results

The Chair presented the results of the annual self-assessment of the Industry Council required by s. 4.4 of the *Real Estate Act* ("REA") Bylaws. The results of the assessment were discussed by the Industry Council.

8. Staggered Board and Industry Council Member Terms

Management reported that, under *REA* Bylaws, the terms of elected and appointed Industry Council members will expire simultaneously on November 30, 2023. To ensure greater stability and retention of knowledge on the Board and Industry Councils, the Board is recommending an amendment to the *REA* Bylaws to allow for staggered Board and Industry Council member terms.

The Industry Council discussed the Board's proposal to stagger the terms of the Board and Industry Councils. The Industry Council supported the Board's proposed amendments to the *REA* Bylaws.

9. Rules Review Steering Committee Update

Management reintroduced the Rules Review Steering Committee ("RRSC") consultation plan. As a stakeholder, the Industry Council is encouraged to compile proposed amendments to the *REA* Rule during

the first phase of consultation and submit to the RRSC for review and consideration.

The Industry Council recessed at 2:10 p.m. and reconvened at 2:20 p.m.

10. REA Rule Amendments

a) REA Bylaws & REA Rules Concerning Real Estate Insurance Exchange ("REIX")

Management presented that pursuant to the REA and REA Bylaws, the Board has the authority to establish and administer an insurance or indemnity plan for licensees. Through the REA Rules, the Industry Councils have the authority to require licensees to acquire, maintain or provide insurance against their liability for errors and omissions, and may set the amount and form of insurance, and terms and conditions.

The Industry Council reviewed and discussed the proposed amendments to the REA Rules with respect to REIX.

***MOTION:** The Commercial Real Estate Broker and Commercial Property Manager Industry Council approves the proposed amended Real Estate Act Rules with respect to REIX as presented in "TAB 12(A)" of the meeting materials and requests the RECA Board of Directors transmit the proposed amended Real Estate Act Rules to the Minister of Service Alberta and Red Tape Reduction for final approval.*

***Moved by Brittane Laverdure,
Seconded by Cheri Long
Carried***

b) REA Rule 20(1)(d) Criminal Record Check

Management presented a proposed amendment to REA Rule 20(1)(d) to digitize criminal record checks as part of RECA's efforts toward red tape reduction. The amendment would eliminate the need for a cumbersome mail-in or drop-off process currently required with certified criminal record checks. In addition, the new process would accelerate eligibility review, be more forgery-proof, convenient and discreet for licensees and applicants.

***MOTION:** The Commercial Real Estate Broker and Commercial Property Manager Industry Council approves the proposed amendment to Real Estate Act Rule 20(1)(d) as presented in "TAB 12(B)" of the meeting materials and requests the RECA Board of Directors transmit this amendment to the Minister of Service Alberta and Red Tape Reduction for final approval.*

***Moved by Ben Van Dyk,
Seconded by Brittane Laverdure
Carried***

c) REA Rule 39 Fair Registration Practices Act ("FRPA") and Labour Mobility

The *Alberta Fair Registration Practices Act* ("FRPA") proclaimed March 1, 2020, and the *Alberta Labour Mobility Act* ("LMA") (not yet in force) require regulatory bodies to carry out registration practices that are transparent, objective, impartial and procedurally fair. FRPA applies to all licence applicants (including internationally educated applicants) and LMA applies specifically to labour mobility applicants licensed in other Canadian jurisdictions. Both the FRPA and the LMA require a process of internal review/appeal of interim registration decisions and decisions to refuse to register a licensing applicant. Management presented an amendment to Rule 39 to comply with LMA & FRPA requirements.

***MOTION:** The Commercial Real Estate Broker and Commercial Property Manager Industry Council approves the proposed amendment to Real Estate Act Rule 39(1) as presented in "TAB 12(C)" of the meeting materials and requests the RECA Board of Directors transmit this amendment to the Minister of Service Alberta and Red Tape Reduction for final approval.*

***Moved by Cheri Long,
Seconded by Brittane Laverdure
Carried***

d) REA Rules 82(1)(f) & 82(2)(f) Electronic Record Storage

REA Rules 82(1)(f) and 82(2)(f) permit a broker to "convert and store written, printed, or any paper records into electronic format if the following conditions are met" and "[...] (f) the electronic records are located in a physical premise, accessible by the broker in Alberta [...]".

Management presented proposed amendments to Rules 82(1)(f) & 82(2)(f) to clarify that digital records may be stored in a cloud-based storage server outside of the registered office, outside of the Province of Alberta, provided the electronic record is accessible by the broker and meets all requirements under 82(1) or 82(2) in its entirety.

***MOTION:** The Commercial Real Estate Broker & Commercial Property Manager Industry Council approves the proposed amendment to Real Estate Act Rules 82(1)(f) and 82(2)(f) as presented in "TAB 12(D)" of the meeting materials and requests the RECA Board of Directors transmit the amendments to the Minister of Service Alberta and Red Tape Reduction for final approval, the remainder of Rule 82 remains unchanged.*

***Moved by Ben Van Dyk,
Seconded by Cheri Long
Carried***

11. Labour Mobility Update

Under the Canadian Free Trade Agreement ("CFTA") and the Alberta Labour Mobility Act ("LMA") and Regulation (unproclaimed), RECA must register an applicant who provides proof of certification in another province/territory regardless of where they are a resident in Canada. Management presented that the "residency" of an applicant is not defined in the REA Rules. As such, no amendment to REA Rules 16(2) or (3) are required. RECA has amended its Labour Mobility Policy to permit applicants licensed and/or educated in another jurisdiction to apply to receive a licence in Alberta, while being an Alberta-based resident.

12. Credentialing Report and Learner Success Rates

Management presented the credentialing report and learner success rates. The report was received as information.

13. Stakeholder Engagement Policy Update

Management presented proposed amendments to the Stakeholder Engagement Policy. The Industry Council endorsed the amended policy and will forward any additional comments to RECA's COO.

14. Stakeholder Groups in Agricultural Communities

The Industry Council received the updated list of stakeholders in agricultural communities. The report was received as information.

15. In-Camera Session with the CEO

The in-camera session with the CEO was dispensed with.

16. In-Camera Session with Industry Council only

The Industry Council moved in-camera.

17. Final Adjournment

***MOTION:** That the Commercial Real Estate Broker and Commercial Property Manager Industry Council adjourned the meeting of March 13, 2023.*

*Moved by Ben Van Dyk
Seconded by Cheri Long
Carried*

18. Next Meeting(s)

June 20, 2023

Approved at Calgary, Alberta on June 20, 2023

Terry Engen
Industry Council Chair