



Province of Alberta

REAL ESTATE ACT

REAL ESTATE EXEMPTION REGULATION

Alberta Regulation 111/1996

With amendments up to and including Alberta Regulation 198/2021

Current as of December 1, 2021

Office Consolidation

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Note

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(Consolidated up to 198/2021)

ALBERTA REGULATION 111/96

Real Estate Act

REAL ESTATE EXEMPTION REGULATION

Definitions

1 In this Regulation,

- (a) “Act” means the *Real Estate Act*;
- (a.1) “Administrator” means a person appointed by the court as an administrator under section 58 of the *Condominium Property Act*;
- (b) “management body” means a management body that is established under section 5 of the *Alberta Housing Act* and is operating and administering housing accommodation under that Act;
- (c) “non-profit organization” means
 - (i) an organization constituted exclusively for charitable or benevolent purposes where no part of its income is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder, and
 - (ii) a management body;
- (d) “subsidized residential premises” means residential premises rented to a tenant of low income who pays rent
 - (i) that is reduced by reason of public funding provided by the Government of Canada or Alberta or a municipality, or by their agents, under the *National Housing Act* (Canada) or the *Alberta Housing Act*, and
 - (ii) that is determined by the tenant’s income.

AR 111/1996 s1;198/2021

Exemption from Act

2(1) The following persons are exempt from the Act as it relates to acting as a real estate broker, except Part 2, Division 2:

- (a) an on-site manager who, on behalf of a real estate broker or an owner of residential property,
 - (i) maintains residential property,
 - (ii) collects rent on behalf of the broker or owner in respect of residential property,
 - (iii) shows residential property to prospective tenants, or
 - (iv) receives applications in respect of residential property from prospective tenants,

but who does not negotiate or approve leases or rental agreements or hold rental or other money in respect of residential property on behalf of the broker or owner;

- (b) a person who is licensed under the *Retail Home Sales Business Licensing Regulation* (AR 197/99) and is carrying on business in accordance with that Regulation;
- (c) a non-profit organization, or an employee, official or member of the organization, with respect to its or his
 - (i) leasing or renting of subsidized residential premises,
 - (ii) collecting or offering or attempting to collect money payable as
 - (A) rent for the use of subsidized residential premises, or
 - (B) contributions for the control, management or administration of subsidized residential premises,

or

- (iii) acting, advertising, conducting or negotiating directly or indirectly in furtherance of any activity referred to in subclauses (i) and (ii)

on behalf of the owner or other person in charge of the subsidized residential premises.

(2) The following persons and classes of persons are exempt from the provisions of the Act as it relates to acting as a mortgage broker:

- (a) a corporation, in respect of mortgages given to it in conjunction with a scheme or arrangement to provide

housing for its own employees or the employees of a parent, subsidiary or affiliated corporation;

(b)-(e) repealed AR 132/2008 s3;

(f) Agriculture Financial Services Corporation.

(3) The following persons are exempt from the Act as it relates to acting as a real estate appraiser:

(a) repealed AR 132/2008 s3;

(b) an accredited municipal assessor of Alberta or a candidate member as defined in the *Municipal Assessor Regulation* (AR 84/94), when the accredited municipal assessor or candidate member is involved in the practice of assessment as defined in the *Municipal Assessor Regulation* (AR 84/94).

(4) Where all the condominium units of a condominium corporation are owned by the same person, group of persons or entity, the provision of condominium management services to that condominium corporation is exempt from the provisions of the Act.

(5) Where the only condominium management service engaged in is collecting, or offering or attempting to collect, on behalf of the condominium corporation, money payable as

(a) rent for the use of corporation-owned units or property, or

(b) contributions levied by the condominium corporation or other amounts levied by or due to the corporation under the *Condominium Property Act*,

the provision of that condominium management service is exempt from the provisions of the Act.

(6) An Administrator is exempt from the Act as it relates to the provision of condominium management services.

AR 111/96 s2;80/2001;205/2004;132/2008;198/2021

2.1 Repealed AR 198/2021 s4.

Expiry

3 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2028.

AR 111/96 s3;80/2001;60/2006;132/2008;34/2018;198/2021

Coming into force

- 4** This Regulation comes into force on July 1, 1996.



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