

(Consolidated up to 132/2008)

**ALBERTA REGULATION 111/96**

**Real Estate Act**

**REAL ESTATE EXEMPTION REGULATION**

**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Real Estate 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.

**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).

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

#### **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, 2018.

AR 111/96 s3;80/2001;60/2006;132/2008

#### **Coming into force**

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