

Illustrative Guide to Completion 2011/2012 BROKERAGE LICENCE APPLICATION



BROKERAGE LICENCE APPLICATION

2011/2012

Effective August 1, 2011

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SECTION A:

Indicate the appropriate industry and class of licence.

Box 1:

Indicate the brokerage's legal entity type.

SECTION C:

Complete the brokerage information.

Section D:

A trust account must be opened and maintained if the brokerage in the course of its business receives funds on behalf of clients/owners/investors.

THIS APPLICATION IS VALID FOR 30 DAYS FROM THE DATE IT IS SWORN			
A. CLASS OF LICENCE *Select one only			
<input type="checkbox"/> Real estate brokerage		<input type="checkbox"/> Mortgage brokerage	
B. LEGAL ENTITY INFORMATION *All fields must be completed			
1. Brokerage legal entity type: (select one only)		<input type="checkbox"/> Corporation <i>Attach proof of officers, directors and shareholders (including percentage of ownership) for corporation AND any and all corporate shareholders</i> <input type="checkbox"/> Partnership <i>Attach proof of partnership</i> <i>Names of partners: _____</i> <input type="checkbox"/> Sole proprietorship <i>Name of sole proprietor: _____</i>	
2. Full and exact name of corporation, partnership or sole proprietorship <i>As it appears in the articles and certificate of incorporation and/or other legal document(s)</i>			
3. Alberta registration/corporate access number <i>As indicated on the certificate of incorporation/partnership filing/sole proprietorship filing</i>		4. Trade name (if applicable) <i>Provide a copy of the proof of trade name filing from Alberta Corporate Registries, if applicable</i>	
5. Name or partner, director, officer or sole proprietor of the brokerage legal entity who will ensure the business of the brokerage is carried out competently and in accordance with the <i>Real Estate Act, Real Estate Act Rules, Regulations and Bylaws (please print).</i> <i>Ensure the individual named is an OFFICIAL of the corporation. This can be the broker if he/she is an official of the corporation.</i>			
C. BROKERAGE INFORMATION *All fields marked with an asterisk must be completed			
* 6. Type of Brokerage (real estate brokerages only):		<input type="checkbox"/> Common Law <input type="checkbox"/> Designated Agency	
* 7. Business address in Alberta (PO Box not acceptable) <i>Provide confirmation of municipal zoning compliance for brokerage business address</i>		* 8. City	* 9. Postal/Zip code
10. Mailing address (if different than business address)		11. City	12. Prov/State
13. Postal/Zip code		16. Brokerage website	
* 14. Business phone		15. Business fax	
* 17. Primary email address		* 18. Brokerage fiscal year end Month Day	
* 19. The broker has controlling interest in the ownership of the brokerage (51% or greater). <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide copy of the Broker of Record Agreement)			
D. TRUST ACCOUNTING INFORMATION *Must be completed			
20. The brokerage currently maintains/will maintain a trust account(s): <input type="checkbox"/> Yes (provide confirmation of trust account(s) from financial institution) <input type="checkbox"/> No			

*** Proof of legal entity ownership and structure must be provided to RECA.**

Box 6: Applies to real estate brokerages only - indicate the appropriate agency type.

*** The brokerage fiscal year end must be provided even if the brokerage does not maintain a trust account**

Box 21: Indicate whether or not the broker has controlling interest (51% or greater) in the ownership of the brokerage. If the broker does not have controlling interest, a Broker of Record Agreement must be provided to RECA.

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SECTION E:
Clearly indicate either a "yes" or "no" for each question. You must answer "yes" if the sole proprietorship, corporation or partnership or any of its partners, directors, officers or shareholders have **EVER BEEN** subject to the event/situation in question.

Providing false or misleading information may result in refusal of the application and suspension or cancellation of any authorization issued thereupon.

E. INFORMATION RESPECTING SUITABILITY <i>*Must be completed</i>	
These questions apply to any and all situations and/or events preceding the date of this application.	
Please read each of the following questions carefully and answer truthfully:	
21.	Has the sole proprietorship, corporation, or partnership or any of its partners, directors, officers or shareholders (only applicable if a non-publicly traded legal entity) ever been refused a registration, denied authorization in any capacity, withdrawn from an industry and received a lifetime ban, or had any registration, licence, or authorization suspended or revoked by any association, professional or occupational body, any securities commission or any regulatory body of any kind in any jurisdiction other than RECA? <input type="checkbox"/> yes <input type="checkbox"/> no
22.	Has the sole proprietorship, corporation, or partnership or any of its partners, directors, officers or shareholders (only applicable if a non-publicly traded legal entity) ever been disciplined by any real estate board, real estate association, mortgage broker association, or appraiser association, or any professional or occupational body, or any regulatory body of any kind in any jurisdiction other than RECA? <input type="checkbox"/> yes <input type="checkbox"/> no
23.	Is the sole proprietorship, corporation, or partnership or any of its partners, directors, officers or shareholders (only applicable if a non-publicly traded legal entity) currently the subject of a suspension, investigation, licensing conditions, statement of claim relating to the business of an industry member or similar process including, but not limited to, conduct, audit, practice review or competence-related proceedings in any jurisdiction other than RECA? <input type="checkbox"/> yes <input type="checkbox"/> no
24.	Has the sole proprietorship, corporation, or partnership or any of its partners, directors, officers or shareholders (only applicable if a non-publicly traded legal entity) ever had any judgments rendered against them or the business? <input type="checkbox"/> yes <input type="checkbox"/> no
25.	Has the sole proprietorship, corporation, or partnership or any of its partners, directors, officers or shareholders (only applicable if a non-publicly traded legal entity) ever been in bankruptcy or ever been the subject of any bankruptcy, insolvency or receivership proceedings? <input type="checkbox"/> yes <input type="checkbox"/> no
26.	Has the sole proprietorship, corporation, or partnership or any of its partners, directors, officers or shareholders (only applicable if a non-publicly traded legal entity) ever been found guilty or convicted of any criminal offence or any other offence under any law of any country, province or state, excluding offences for which a pardon has been granted or provincial or municipal highway traffic offences? <input type="checkbox"/> yes <input type="checkbox"/> no
27.	Has the sole proprietorship, corporation, or partnership or any of its partners, directors, officers or shareholders (only applicable if a non-publicly traded legal entity) ever had any proceedings pursuant to the Criminal Code of Canada commenced against them? <input type="checkbox"/> yes <input type="checkbox"/> no
If any of the questions above are answered 'YES' an original sworn statement in the concerned party's(ies)' own words regarding the event(s) must be forwarded to RECA along with this original application. Copies of all relevant documentation must also be forwarded to RECA unless previously provided. The executive director may require further information be submitted within a specified time and may require verification by affidavit or otherwise of any information submitted then or previously.	
F. AUTHORIZATION & ACKNOWLEDGEMENT	
I authorize the Real Estate Council of Alberta to verify any information pursuant to this application from any source. I acknowledge that I am responsible for any costs incurred for such verification.	
In making this application to the Real Estate Council of Alberta, I hereby consent to the Real Estate Council of Alberta's collection, use, and disclosure of my personal information for licensing and other regulatory purposes under the <i>Real Estate Act</i> and in accordance with the <i>Personal Information Protection Act</i> .	
G. SUBSCRIPTION STATEMENT – ERRORS & OMISSIONS INSURANCE <i>*Real estate brokerages only</i>	
I acknowledge an application for a real estate brokerage licence will require that the brokerage subscribe to the Real Estate Insurance Exchange (REIX) and become a party to the REIX Subscription Agreement. I acknowledge that I am aware there are rights and obligations created by this Subscription Agreement, and I agree the brokerage will be bound by the terms of the Agreement and the Insurance Policy issued by REIX. I appoint my attorney and grant the attorney powers as set out in Appendix A to the REIX Subscription Agreement.	
H. SUBSCRIPTION STATEMENT – ERRORS & OMISSIONS INSURANCE <i>*Mortgage brokerages only</i>	
I acknowledge an application for a mortgage brokerage licence requires that the brokerage has obtained professional errors and omissions liability insurance. I further acknowledge the professional liability policy must also include a "fraud endorsement" in accordance with RECA's <i>Errors and Omissions Insurance Guidelines</i> and must be obtained from a RECA approved supplier.	

* If a YES answer is indicated provide copies of all relevant documentation to support the YES answer.

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SECTION I:
Complete the Brokerage Acknowledgement, if required **BEFORE** the application is sworn by affidavit.

SECTION J:
The affidavit must be completed **AFTER** the Brokerage Acknowledgment has been completed if required, in the broker's **Legal Name** in the presence of, and sworn by, a Commissioner of Oaths, Notary Public or Solicitor.

Making a false statement on this affidavit constitutes a criminal offence and is punishable by law and may be considered conduct deserving of sanction by the Real Estate Council of Alberta.

SECTION K:
Include payment details.

I. BROKERAGE ACKNOWLEDGEMENT <small><i>*To be completed only if the broker has less than 51% controlling interest (share ownership) in the brokerage legal entity</i></small>	
Name of partner; director or officer; sole proprietor (other than the broker) - <i>please print</i>	Contact information for partner; director or officer; sole proprietor (other than the broker) - <i>phone number/email address</i>
Signature of partner; director or officer; sole proprietor	Date * Must be signed and dated on or before the date the affidavit is sworn below.
J. AFFIDAVIT <small><i>*Must be completed by the broker; AFTER the brokerage acknowledgement has been completed, if required</i></small>	
Making a false statement on this affidavit may constitute a criminal offence punishable by law, result in the refusal, suspension or cancellation of an authorization and/or be considered conduct deserving of sanction pursuant to the <i>Real Estate Act</i> or Rules.	
CANADA PROVINCE OF _____ TO WIT:	AFFIDAVIT In the Matter of the <i>Real Estate Act</i>
I, _____ of the City of _____ in the Province of _____. (Legal Name)	
DO SOLEMNLY SWEAR I have read and understand all questions and statements contained in this application. All responses and information provided by me to RECA in this application are true and accurate.	
SWORN BEFORE ME AT THE _____ OF _____ IN THE PROVINCE OF _____.	
THIS _____ DAY OF _____ A.D., _____ (year)	_____ Broker Signature
_____ Commissioner for Oaths/Notary Public/Solicitor Signature	
Print name: _____	
My appointment expires _____ (print or stamp here)	
K. FEES AND PAYMENT	
Please indicate method of payment:	
<input type="checkbox"/> VISA	<input type="checkbox"/> Cheque Cheque Number _____
<small>Amount (Fees for all classes of licences are available at www.reca.ca)</small>	
Credit card number	Credit card expiry date
Name on card	Authorized signature

*** If the broker has less than 51% controlling interest in the ownership of the brokerage, a partner or director/officer other than the broker must complete Section I.**

*** The affidavit must be sworn AFTER the brokerage acknowledgment has been completed, if required. The application is valid for 30 days from this date.**