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<b>BULLETIN NUMBER:</b>	<b>RESA-16-001</b>
<b>TITLE:</b>	<b>UNLICENSED AND NON-EXEMPT REAL ESTATE SERVICES</b>
<b>LEGISLATION:</b>	<b><i>REAL ESTATE SERVICES ACT</i></b>
<b>DATE:</b>	<b>SEPTEMBER 2016</b>
<b>DISTRIBUTION:</b>	<b>REAL ESTATE CONSUMERS AND DEVELOPERS IN BRITISH COLUMBIA</b>

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## PURPOSE

In order to protect consumers, the Office of the Superintendent of Real Estate investigates and takes enforcement action against unlicensed and non-exempt real estate services in British Columbia, which are prohibited under the *Real Estate Services Act*.

This Information Bulletin explains key real estate services that require licensing and key exemptions. Further details of those services and exemptions are set out in the *Real Estate Services Act* and related regulations, which are available on the website links provided below.

## BACKGROUND INFORMATION

### Licensing Requirement

Under the *Real Estate Services Act*, a person must not provide “real estate services” to or for someone else, for any fee or reward, unless the person is licensed or exempt from licensing.

Real estate services are defined in the Act to mean “trading services”, “rental property management services”, and “strata management services”. For example, a person must be licensed or exempt to provide the following services for a fee:

- trading services such as finding homes for buyers, or finding buyers for home sellers;
- rental property management services such as finding homes for tenants to lease, or finding tenants for landlords; and
- strata management services such as acting for a strata corporation to collect strata fees from owners of units at a condominium development.

## Licensing Exemptions

Under the *Real Estate Services Act*, a person does not require a real estate licence to provide any of the defined real estate services to or for themselves. For example, a homeowner could offer their own home for sale, or for rent, without a licence.

A real estate licence is not required to provide any of the defined real estate services to someone else for free. For example, assisting a friend or relative for free with the sale or lease of their home would not require a licence.

Additionally, the Real Estate Services Regulation provides licensing exemptions for individuals who are employees and provide real estate services to or for their employer. For example, an individual may provide trading services as an employee of a developer, or provide any of the defined real estate services for an employer who is not a developer.

The Act and Regulation also provide other licensing exemptions, for some or all of the defined real estate services, and those exemptions include:

- executors or administrators acting for a deceased person's estate;
- trustees acting under a will or a marriage settlement;
- persons acting under court orders, bankruptcy trustees, and receivers; and
- practising lawyers, notaries, accountants acting in the sale of a business, appraisers, and property inspectors.

Any conditions specified in an exemption must be met in order to rely on that exemption.

## MORE INFORMATION

Further details of real estate services and all exemptions are set out in the *Real Estate Services Act* and Real Estate Services Regulation, which are available on the Queen's Printer BC website at <http://www.bclaws.ca/civix/content/complete/?xsl=/templates/browse.xsl>.

This bulletin and further information about how the Superintendent of Real Estate protects consumers, in relation to unlicensed and non-exempt real estate services, is available on the Financial Institutions Commission's website at:

[http://www.fic.gov.bc.ca/index.aspx?p=real\\_estate/index](http://www.fic.gov.bc.ca/index.aspx?p=real_estate/index).

At the Office of the Superintendent of Real Estate, we issue information bulletins to provide technical interpretations and positions regarding certain provisions contained in the *Real Estate Services Act*, Regulations and other pertinent legislation. While the comments in a particular part of an information bulletin may relate to provisions of the law in force at the time they were made, these comments are not a substitute for the law. The reader should consider the comments in light of the relevant provisions of the law in force at the time, taking into account the effect of any relevant amendments to those provisions or relevant court decisions occurring after the date on which the comments were made. Subject to the above, an interpretation or position contained in an information bulletin generally applies as of the date on which it was published, unless otherwise specified.