



# Proposed Bylaw Changes

2024 AGM

**Proposal A: AREA's Proposed Amendment to Bylaw 8**

Current Bylaw	Proposed Bylaw	Rationale
<p><b>BYLAW 8 – ETHICS, CODE OF CONDUCT AND STANDARDS OF BUSINESS PRACTICE</b></p> <p>1. The Board of Directors may appoint as required a professional standards panel ("Hearing Panel") whose function shall be to investigate and consider the conduct of any Member, where:</p> <p>(a) a complaint is brought by a Member;</p> <p>or</p> <p>(b) the board of directors of an REB asks the Association to handle a complaint against the Member.</p> <p>2. The Board of Directors and the Hearing Panel shall be governed by Rules and Regulations established by the Association.</p>	<p><b>BYLAW 8 – ETHICS, CODE OF CONDUCT AND STANDARDS OF BUSINESS PRACTICE</b></p> <p>1. The Board of Directors may appoint as required a professional standards panel ("Hearing Panel") whose function shall be to investigate and consider the conduct of any Member, where:</p> <p>(a) a complaint is brought by a Member <b>as per AREA's Administrative Justice Program Policy;</b></p> <p>or</p> <p>(b) the board of directors of an REB asks the Association to handle a complaint against the Member <b>either on a case-by-case basis or part of a contractual agreement.</b></p> <p>2. The Board of Directors and the Hearing Panel shall be governed by Rules and Regulations established by the Association.</p>	<p>AREA's Administrative Justice Policy provides additional levels of clarity regarding the delineation of responsibility between local Boards/Associations. The policy allows Members of local Boards/Associations that maintain their own Administrative Justice Programs to request that their case be adjudicated by AREA's Administrative Justice Program.</p> <p>Acknowledges the different ways a local Board/Association may choose to delegate Administrative Justice cases to AREA's Provincial Administrative Justice Program.</p>

## AREA's Administrative Justice Program Policy

### 1. Overview

AREA's Administrative Justice Program, as outlined in AREA's Bylaws, is designed to address commission disputes, violations of the REALTOR® Code, Provincial Practice Rules and conduct issues that originate from violations of Provincial Practice Rules. This provincial wide program will allow for a consistent experience for all members, regardless of geography.

### 2. Local Board/Association Delegation

Local Boards/Associations may choose to maintain their own Administrative Justice Program or delegate their administrative justice cases to AREA's Administrative Justice Program on a case-by-case basis or by way of a contractual agreement.

### 3. Administrative Justice Complaint Intake Process

#### *a) Boards/Associations with Delegated Authority to AREA*

Members of local Boards/Associations that have delegated authority to AREA to manage administrative justice complaints are to submit complaints directly to AREA's Administrative Justice Program.

#### *b) Boards/Associations without Delegated Authority to AREA*

Members of local Boards/Associations that have not delegated authority to AREA to manage administrative justice complaints are to submit complaints directly to their local Board/Association. Members may request to have their case adjudicated by AREA's Administrative Justice Program.

#### *c) File Management*

Once a complaint has been filed, the file will remain with the Administrative Justice Program that completed the intake. A member may not appeal or file the same complaint with a different Administrative Justice Program.

### 4. AREA's Administrative Justice Program Scope

The scope of AREA's Administrative Justice Program is outlined as follows:

a) REALTOR® Code

Enforcement of *REALTOR® Code* infractions fall under the jurisdiction of AREA's Administrative Justice Program.

b) MLS® System Rules

Management and enforcement of *MLS® System Rules* infractions fall under the jurisdiction of the local Boards/Associations or their designate. Local Boards/Associations may refer cases to AREA's Administrative Justice Program involving members that repeatedly break *MLS® System Rules* as a breach of professional standards.

c) Provincial Practice Rules for Alberta REALTORS®

Enforcement of *Provincial Practice Rules for Alberta REALTORS®* infractions fall under the jurisdiction of AREA's Administrative Justice Program.

d) Summary Offenses

Management and enforcement of infractions identified on the CMG approved *Provincial Practice Rules for Alberta REALTORS®* and *MLS® System Rules* Summary Offenses list fall under the jurisdiction of the local Boards/Associations or their designate. *Provincial Practice Rules for Alberta REALTORS®* and *MLS® System Rules* that are not identified on a Summary Offenses list infractions fall under the jurisdiction of AREA's Administrative Justice Program.

e) Commission Disputes

Management and enforcement of commission disputes falls under the jurisdiction of AREA's Administrative Justice Program.

f) Public Complaints

AREA's Administrative Justice Program will not address complaints from members of the public. Members of the public will be encouraged to file complaints directly with RECA.

## Proposal B: CREB's® Proposed Amendment to Bylaw 8

Current Bylaw	Proposed Bylaw
<p><b>BYLAW 8 – ETHICS, CODE OF CONDUCT AND STANDARDS OF BUSINESS PRACTICE</b></p> <p>1. The Board of Directors may appoint as required a professional standards panel ("Hearing Panel") whose function shall be to investigate and consider the conduct of any Member, where:</p> <p>(a) a complaint is brought by a Member;</p> <p style="text-align: center;">or</p> <p>(b) the board of directors of an REB asks the Association to handle a complaint against the Member.</p> <p>2. The Board of Directors and the Hearing Panel shall be governed by Rules and Regulations established by the Association.</p>	<p><b>BYLAW 8 – ETHICS, CODE OF CONDUCT AND STANDARDS OF BUSINESS PRACTICE</b></p> <p>1. The Board of Directors may appoint as required a professional standards panel ("Hearing Panel") whose function shall be to investigate and consider the conduct of any Member, where:</p> <p>(a) a complaint is brought by a Member <b>who is not a member of the same REB;</b></p> <p style="text-align: center;">or</p> <p>(b) the board of directors of an REB asks the Association to handle a complaint against the Member <b>either on a one-time basis or as part of a contractual agreement.</b></p> <p>2. The Board of Directors and the Hearing Panel shall be governed by Rules and Regulations established by the Association.</p>