

LAL/IL/2008-01

INFORMATION LETTER

January 21, 2008

LAND AGENTS LICENSING REGULATION AMENDMENTS

On November 30, 2007 several amendments to the Land Agents Licensing Regulation (Regulation) came into effect. Enclosed is a consolidated copy of the Regulation, which includes the amendments.

The amendments were a result of an extensive public review of the Regulation over the past few years. Valuable input from land agents, interest groups, associations and other government departments was considered in the development of the amendments. The Land Agents Advisory Committee was very instrumental in analyzing the input and providing recommendations to the Registrar.

The changes to the Regulation and related policies will improve the professionalism of land agents, make them more accountable, enhance their training, and ensure their continuous development. Please visit the Land Agents Licensing website at www.employment.gov.ab.ca/lal for updated forms and information. Some of the more significant changes are outlined below:

Two Years Post Secondary Education

1. Applicants for interim land agent licenses are now required to have satisfactorily completed at least 2 years of post secondary education relevant to the activities of a land agent before their application will be considered. The enclosed document "How to Become a Land Agent" outlines the new process for the licensing of land agents.
2. Applicants are not required to have a post secondary diploma or degree but must have successfully completed 2 years of a certificate, diploma or degree program, even though the program may have been longer than 2 years.
3. The post secondary education must be relevant to the activities of a land agent. This could include any post secondary education related to the oil and gas, utility or transportation industries, agriculture, environment, law, management, business or resource development and conservation.
4. The Registrar may waive the 2 years of post secondary education if the applicant satisfies the Registrar that the applicant has the equivalent competence and is suitable to be trained as a land agent. This could include significant experience in a field related to the activities of a land agent, other education, etc.

5. Any request to waive the 2 years post secondary education requirement must be in writing and contain sufficient detail to properly assess the applicant's suitability. All requests will be reviewed by a panel which will make recommendations to the Registrar. This process could take several weeks.
6. If the 2 years post secondary education requirement is waived, the Registrar may impose conditions on the waiver, which may delay the approval of an individual's application until all conditions have been met.

Training Agreement

1. People wishing to obtain an interim land agent licence are now required to enter into a written training agreement with a corporation or individual (trainer) that will be responsible for training the person while they are an interim land agent.
2. Although the training agreement is meant to be flexible and reflect the training plan between the interim land agent and the trainer, section 3.1 of the Regulation outlines the minimum requirements of an agreement. A template for the agreement is on the Land Agents Licensing website under "Forms".
3. The trainer does not necessarily have to be a licensed land agent, however the trainer must ensure the interim land agent is supervised by permanent land agent licensees who have been actively involved in land agent work for at least 3 years preceding the date of the interim land agent's application for a licence.
4. If a training agreement is terminated the interim land agent's licence may be suspended until the interim land agent enters into a new training agreement. An interim land agent must not conduct any land agent work unless they are in a valid training agreement with a trainer.
5. The party that gives notice of termination to the other party to the agreement must give a copy of the notice to the Registrar within 7 days of serving the notice on the other party.
6. The trainer has 14 days after the training agreement is terminated or after the interim land agent has met all the eligibility requirements for a permanent land agent license to file with the Registrar a performance evaluation of the interim land agent.

25 Negotiations

1. The interim land agent is still required to complete 25 negotiations for interests in land during the 12 month training period.
2. However, the initial 5 negotiations that an interim land agent conducts must be accompanied and observed by one of their supervising permanent land agent licensees.
3. In total, on at least 10 of the 25 negotiations the interim land agent's supervisor must be present and observe the interim land agent's performance. The remaining 15 must be reviewed by one or more of the interim land agent's supervisors.

Performance Evaluation

1. The performance evaluation (Schedule 1.1 of the Regulation) is now completed by the person or representative of the corporation named as the “trainer” on the training agreement.
2. The trainer must certify on the performance evaluation that the interim land agent has met all the requirements on the form.
3. The trainer’s evaluation comments must be based in part on the input received from the permanent land agents who supervised the interim land agent during the training period.
4. All the permanent land agent licensees who supervised the interim land agent must be listed in the performance evaluation.
5. The trainer has 14 days after the training agreement is terminated or after the interim land agent has met all the eligibility requirements for a permanent land agent license to file with the Registrar the performance evaluation of the interim land agent.

Permanent Land Agent Licence Renewal Qualifications

1. Before a permanent land agent licence is renewed the applicant must have spent at least 14 hours in the previous 2 years attending courses or seminars related to land agent work or participated as a member on a board or committee that carries out activities related to land agent work.
2. A completed “Renewal Qualification” form will be required along with the permanent land agent’s application for renewal of their licence.

Expired Permanent Land Agent Licenses

1. If a person applies for a new permanent land agent licence after 36 months from the date the old licence expired, the applicant may have to fulfill additional qualifications set by the Registrar before a new licence is issued.
2. The additional qualifications could include training courses, field experience, and possibly redoing all the requirements for obtaining a permanent land agent licence.

Obligations Respecting a Proposed Agreement

1. Section 7 of the Regulation outlines certain obligations a land agent must do with respect to a proposed agreement.
2. In addition to the obligations in the previous Regulation, a land agent is now required to offer to explain to the landowner the terms of the proposed agreement.
3. It is recommended that land agents use the “Receipt of Proposed Agreement” form to document their compliance to Section 17 of the *Land Agents Licensing Act* and this new requirement.

Standards of Conduct

1. Land agents must conduct themselves in a professional and ethical manner at all times. The standards of conduct expected of a land agent are now established by the Registrar.

2. Enclosed is a copy of the current standards of conduct that land agents must adhere to. The Registrar may enhance these standards at anytime, therefore land agents should periodically check the land agents licensing website or with the land agents licensing office for any updates.

Transition

1. A person who held an interim land agent licence on November 30, 2007 and fails to renew their licence before it expires will not be required to have completed the 2 years of post secondary education if they apply for a new interim land agent license within 30 days of the old license expiry date.
2. A person who applies for a new interim land agent license after 30 days of their old interim land agent license expiring will be required to have completed at least 2 years of post secondary education before their application for a new interim land agent license will be considered.
3. Section 5(1) of the Regulation before it was amended still applies to a person who held an interim land agent licence on November 30, 2007 instead of section 5(1) of the Regulation after it was amended on November 30, 2007.
4. A person who held a permanent land agent license on November 30, 2007 will only have to meet the renewal qualifications as set out in section 5(3.1) of the Regulation after their first renewal following November 30, 2007.

This letter has been provided for information purposes only. The Land Agents Licensing Regulation should be reviewed as its provisions supersede anything written in this letter.

For more information visit the Land Agents Licensing website at www.employment.gov.ab.ca/lal or contact the Land Agents Licensing office at:

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Enclosures