



Criminal Record Policy

BOD Approval: September 10, 2020

Licenses for Salespersons or Brokers will be issued only if the Registrar determines it is in the Public Interest, in accordance with Bylaw 344.

Any criminal record of an applicant may be relevant to this determination. As such, Bylaw 312 requires that all applicants provide a Criminal Record Check that has been completed within the previous six months.

In addition, applicants for a Salesperson or Broker license or those applying for a license renewal must disclose all charges and convictions, including any conditional discharges. An applicant must demonstrate that their past conduct provides reasonable grounds for believing that they will conduct themselves in accordance with the *Act*, regulations, and By-law (RETA, section 12).

A criminal conviction is not necessarily a bar to licensing or relicensing but will be considered by the Registrar when determining if the granting or renewal of a license is in the public interest.

Information regarding a criminal record that is relevant to the public interest may include:

- the nature of the offence, or offences;
- sanctions imposed;
- any information provided by the applicant around the circumstances of the offence;
- time that has elapsed since the offence;
- whether any sentence and related probationary period has been completed;
- whether there is a continued history of convictions, charges or other actions relating to unlawful activity; and
- Such other information regarding the applicant's past conduct that would provide the Registrar reasonable grounds for denying the license under section 12 of the *Act*, and Section 344 of the Bylaw.

A minimum of one year must have elapsed from the completion of a sentence and probationary period, before an application will be considered.

A failure to disclose a criminal record will result in the application being rejected, or may result in disciplinary proceedings, if a license has been granted.