



Standing Committee on Government Operations

Report on the Review of Bill 41: *An Act to Amend the Real Estate Agents' Licensing Act*

20th Northwest Territories Legislative Assembly

Chair: Mr. Julian Morse

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STANDING COMMITTEE ON GOVERNMENT OPERATIONS

**REPORT ON THE REVIEW OF BILL 41: *AN ACT TO AMEND THE
REAL ESTATE AGENTS' LICENSING ACT***

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STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF BILL 41: *AN ACT TO AMEND THE REAL ESTATE AGENTS' LICENSING ACT*

INTRODUCTION AND BACKGROUND

Bill 41: *An Act to Amend the Real Estate Agents' Licensing Act* received second reading on February 11, 2026, and was referred to the Standing Committee on Government Operations (Committee) for review.¹

Bill 41 modernizes the *Real Estate Agents' Licensing Act* (the Act) to strengthen consumer protection and enhance regulatory oversight across real estate-related professions.² The amendments rename the statute as the *Real Estate Professions' Licensing Act* and introduce new licensing categories, update definitions, and expand regulatory powers to support professional standards.³

Key changes include:

- New definitions for “home inspection” and “home inspector”.
- Separate licences for home inspectors and property managers, along with the authority to establish future training and eligibility requirements.
- Training and education requirements enabled for both home inspectors and property managers to ensure qualified practice.
- Expanded regulatory powers for the Commissioner to set eligibility requirements for home inspectors.
- Authority for a Code of Conduct applicable to agents, salespersons, property managers, and home inspectors.
- Approval of standardized forms for real estate trades and home inspections, with mandatory use by licensees.
- Gender-neutral language updates throughout the Act.

Together, these amendments aim to enhance consumer confidence in real estate transactions, ensure home inspections and property management services are delivered by trained and qualified professionals, and promote fairness, consistency, and professionalism across the real estate sector. These changes are aligned with best practices in other jurisdictions, such as Alberta and Newfoundland and Labrador.

The coming-into-force date will be set by the Commissioner to allow for an orderly implementation of the new regulatory framework. Government confirmed that a transition period will be provided to adequately engage with affected professionals, which will include clear timelines and guidance to support compliance.

COMMITTEE CONSIDERED PUBLIC INPUT

Committee sought public input on Bill 41: *An Act to Amend the Real Estate Agents' Licensing Act* between February and April 2026 through a call for public input on the Legislative Assembly website and on social media. Committee also undertook targeted engagement with real estate industry professionals, including real estate agents, property inspectors, property managers, and related organizations.

Committee received six (6) submissions from industry stakeholders and members of the public. The submissions broadly expressed support for Bill 41 and the proposed expansion of regulation for additional real estate professionals such as home inspectors and property managers. Comments, suggestions and requests for clarification were received on specific topics, ultimately reflecting an interest in how the proposed legislative changes would function in practice. Topics of Committee interest and analysis have been grouped into key themes.

Committee extends its sincere appreciation to those who took the time to share their important views on Bill 41.

COMMITTEE CONCERNS

1. Superintendent's authority over approved forms

Stakeholders shared concerns regarding whether limiting approved forms to those "used in trade" might exclude documents used in buyer interactions where no purchase may occur. Committee examined the issue in detail and is satisfied that the Act defines "trade" broadly enough to include offers, negotiations, and buyer engagement, regardless of whether a transaction is ultimately completed. Committee is confident that any additional clarity to reflect real-world practices and ensure consumer protection can be addressed through the Superintendent's approval of forms, as noted through correspondence with Government. As such, Committee was satisfied with the approach taken in Bill 41.

2. Real estate transaction practices

Stakeholder submissions to Committee largely supported the intent and goal of Bill 41. However, several questions were raised with respect to commissions, inducements, referral practices, and potential conflicts of interest within real estate transactions. Committee correspondence with Government confirmed that existing fiduciary duties and disclosure requirements already prohibit conduct that is contrary to a client's best interests. Committee is satisfied that Bill 41 provides sufficient flexibility, particularly through the forthcoming Code of Conduct, to address evolving industry practices in a flexible and responsive manner, informed by engagement with industry rather than through prescriptive statutory amendments.

Committee also notes that internal referrals within real estate brokerages, when properly disclosed, are generally permitted in other jurisdictions. Bill 41 neither expressly authorizes nor prohibits these practices. Broader issues such as dual agency, where one agent or brokerage represents both the buyer and the seller in the same transaction, were mostly supported during public engagement on the review of the Act, provided there are strong transparency requirements.⁴

Committee is confident that these practices will be appropriately addressed through the Code of Conduct, in conjunction with the use of standardized forms to ensure clear expectations and consistent protections for consumers.

3. Regulation of home inspectors

Bill 41 establishes authority to regulate home inspectors through future regulations covering training, examinations, licensing, standards, and professional conduct. Committee notes that early public engagement showed strong support for regulating the home inspection profession.

Stakeholders raised concerns with Committee about ensuring home inspectors are properly qualified. They emphasized the need for robust certification and training, along with clarity on how equivalencies will be assessed, what competency guidelines will apply, and whether an oversight body will be established to support consistent professional standards.

Through correspondence with Government, Committee is aware that these regulations will come into force only after further consultation with territorial home inspectors, relevant professional organizations, and national associations, including the Canadian Association of Home and Property Inspectors.⁵ Committee believes this will ensure the regulatory

framework aligns with recognized industry standards, supports consumer protection, and remains practical and proportionate for the NWT.

4. Regulation of property managers

Bill 41 introduces authority to regulate property managers within the real estate licensing framework. Committee heard from a member of the public who supported the Bill but recommended that licensing recognize certification through the Real Estate Institute of Canada, avoid a brokerage-dependent model, and require proof of insurance. They also noted potential operational challenges for government and local housing agencies if licensed managers become mandatory.

Committee's review confirmed that brokerage-based licensing is the national standard and remains unchanged by Bill 41. The Act already requires licensees to carry a bond for public protection. Committee also clarified that Local Housing Organizations, which operate under Housing NWT policies, are not subject to external property management licensing requirements, addressing concerns about their ability to continue operating under the new framework.

RECOMMENDATIONS

Committee believes that meaningful engagement with local industry professionals and national certification bodies will be essential to developing an effective regulatory approach. As such, Committee recommends the following:

Recommendation 1: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories direct the Department of Municipal and Community Affairs to proceed expeditiously and efficiently in finalizing the regulations to ensure that the full suite of improvements can be implemented for the benefit of the public.

CONCLUSION

On Wednesday, May 27, 2026, Committee held a clause-by-clause review, at which time Committee approved Bill 41 without any amendments.

Committee agrees that Bill 41 provides a necessary and timely modernization of the territory's real-estate regulatory framework while remaining proportionate and practical for the NWT context. Bill 41 strengthens consumer protection, clarifies professional

responsibilities, and creates clearer pathways for education and training, which ultimately enhances professionalism and public confidence in real-estate transactions.

This concludes the Standing Committee on Government Operations' review of Bill 41: *An Act to Amend the Real Estate Agents' Licensing Act*. Committee would like to thank the Minister and departmental officials in Committee's review of the Bill.

Recommendation 2: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendation contained in this report within 120 days.

ENDNOTES

¹ [Bill 41: An Act to Amend the Real Estate Agents' Licensing Act](#)

² [Real Estate Agents' Licensing Act](#)

³ [Plain Language Summary of Bill 41: An Act to Amend the Real Estate Agents' Licensing Act](#)

⁴ Department of Municipal and Community Affairs, Government of the Northwest Territories "[What We Heard Report: Real Estate Agents' Licensing Act – Public Engagement](#) (September 2023)

⁵ [Canadian Association of Home & Property Inspectors](#)

Appendix A:

Presentations and Submissions



Bill 41 – An Act to Amend the Real Estate Agents’ Licensing Act

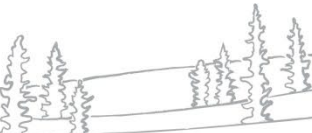
Presentation to the Standing Committee on Government Operations

March 3, 2026



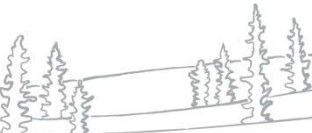
Overview

- The *Real Estate Agents' Licensing Act (REALA)* outlines the requirements for obtaining and renewing real estate licences, the duties and responsibilities of licensed individuals, and the procedures for handling complaints and disciplinary actions.



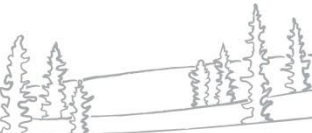
Background

- REALA came into force on January 1, 1991 and the accompanying Regulations came into force in 1992.
- Other than minor amendments, neither REALA nor its Regulations have been comprehensively updated since its enactment.



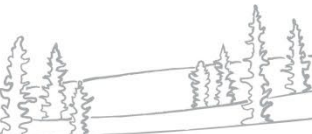
Review

- Specific concerns regarding REALA have been raised by Members of the Legislative Assembly, industry professionals and residents of the NWT over the past decade.
- In response to these concerns, MACA initiated a preliminary legislative review of REALA in 2022 to determine how it should be prioritized among the department's broader efforts to review and update other legislation under its administration.



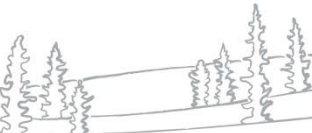
Engagement

- The Department conducted engagement with residents and stakeholders to understand the areas of the Act that needed review and to ensure there was a sound basis for the amendments.



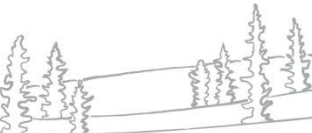
Purpose

- The purpose of the Bill is to strengthen consumer protection, modernize the legislation to reflect today's real estate industry, and improve the regulation of real estate professionals.



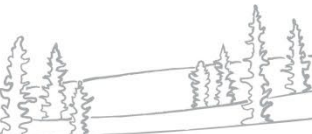
Amendments

- The Bill includes the following amendments:
 - Changes the name of the Act to the Real Estate Professions' Licensing Act.
 - Creates a separate licence for property managers
 - Creates a separate licence for home inspectors
 - Expands the Superintendent's authority to create a Code of Conduct and approve standardized forms to enhance public protection; and
 - Department of Justice recommended, non-substantive language updates, including gender-neutral wording.



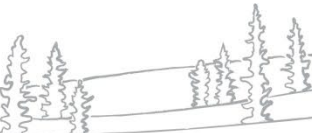
Property Managers

- Under the current legislation, property managers are classified as salespersons. This Bill will establish a distinct licensing class to recognize the specific responsibilities of property managers and allow for the future development of training or education requirements.



Home Inspectors

- This Bill will also establish a separate licensing class for home inspectors, a profession not currently regulated by any territorial legislation.
- Prior to bringing into force provisions related to the home inspectors and developing home inspector regulations, the Department will engage with NWT home inspectors to determine the necessary qualifications and ensure consumer protection without overburdening the industry.



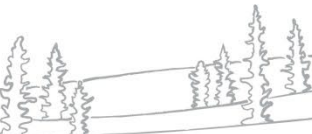
Superintendent's Authority

- This Bill will expand the Superintendent's authority by allowing the creation of a Code of Conduct that outlines the ethical obligations and expectations for licensees in a clear, accessible, and understandable way for both the public and licensees.
- It will also allow the Superintendent to approve standardized forms that must be used in real estate transactions. MACA will engage with the industry before adopting either to ensure alignment with industry standards and to enhance consumer protection.



Renaming Legislation

- Finally, the Act would be renamed the *Real Estate Professions' Licensing Act* to better reflect the inclusion of additional real estate professions, such as property managers and home inspectors.



Thank you



From: [Adrian Bell](#)
To: [DST LEG Committees](#)
Cc: [Angus Wilson](#)
Subject: Feedback on Bill 41
Date: February 24, 2026 14:59:59

Hi there,

I just wanted to provide some initial feedback on Bill 41, *An Act to Amend the Real Estate Agents' Licensing Act*.

It's great that you're proposing to empower the Superintendent to impose a code of conduct. A lot of the concerns that I raised in 2023 during your original public engagement can be addressed in that code of conduct.

With respect to standard forms, I don't think you want to limit the Superintendent to approving forms for "use in trade". "Trade" is pretty narrowly defined in the Act and would not include interactions with buyers who may or may not proceed with a purchase of real estate. For example, a buyer agency agreement is entered into whether or not a trade ever happens. Forms that are used to disclose the nature of the agency role also might not qualify as being used "in trade".

I also think you may want to tighten up the wording of clause 56. It currently reads:

"56. No salesperson shall

- (a) trade on behalf of an agent other than the agent who, according to the records of the superintendent, is the employer of the salesperson;
- (b) pay a commission or other fee to any person for services rendered in connection with a trade; and
- (c) accept a commission or other remuneration for a trade from any person except the agent who, according to the records of the superintendent, is the employer of the salesperson."

There are a couple of current practices that may violate the spirit and intent of clause 56. For example, mortgage brokers offer loyalty points, gifts (e.g. paid vacations), and in some cases even cash, in exchange for mortgage referrals. The remuneration is not for the "trade", it is for the mortgage. Is this allowed? Also, even if these types of incentives are considered remuneration and are considered to be "for a trade", a workaround exists - the mortgage broker could simply make the payment to the Agent who then transfers it to the Salesperson, and the rule has not been broken. In some provinces these arrangements are banned outright. In other provinces they are allowed but they have to be disclosed to all parties in advance of the trade.

There is also a relatively new practice that may be a violation of 56b). Listing salespeople are sending buyer referrals to other salespeople within their offices in exchange for a percentage of the commission. This results in two different conflicts of interest. The buyer is being "steered" towards one particular purchase - which is a violation of the buyer's agent's

fiduciary duty to look out solely for the buyer's best interests. And it also creates an incentive for the Listing Agent to give preferential treatment to that particular buyer over others in a multiple-offer situation, because they stand to make an extra profit. This violates the Listing Agent's fiduciary duty to the home owner. And, as with the mortgage loyalty points issue, although the payment can technically be transferred through the Agent, in effect the salesperson is paying another salesperson for services rendered in connection to a trade.

The same practice also applies to buyer's agents who have more than one buyer client interested in a property. They might refer the second buyer to a colleague in exchange for a percentage of the commission.

I may come up with some more comments once I've reviewed the changes in greater depth.

Thanks very much for moving this forward!

Best regards,

Adrian Bell, Broker of Record

CENTURY 21 PROSPECT REALTY

C: (867) 446-9800

E: adrian.bell@century21.ca

5124 48th Street, Yellowknife, NT, X1A 1N6

From: [Dave Earle](#)
To: [DST LEG Committees](#); [Angus Wilson](#)
Subject: Feedback - Bill 41
Date: February 25, 2026 19:22:31

Good evening,

I would like to provide my input and offer any assistance requested with the section of Bill 41 related to Home Inspectors. I am the only Nationally Certified Home Inspector in the NWT and have completed the requirements set out by CAHPI (Canadian Association of Home and Property Inspectors) to attain a Registered Home Inspector designation. I have been in business in the NWT for the past five years serving all communities.

I welcome the addition of Home Inspectors to the Bill and feel it is necessary to ensure that any Home Inspector is properly trained and qualified to perform the duties.

My Feedback is as follows:

Section 10 Addition

10.1 An individual is eligible to be licensed as a home inspector if the individual

- (a) has attained 19 years of age; and
- (b) has the prescribed education, training and examination requirements required of a home inspector.

Question: What are the prescribed education, training and examination requirements? Who will determine this criteria?

As an example, Provincial Licensing is required in Alberta and British Columbia, all other provinces are unregulated for licensing requirements. It is important to determine which accredited associations can provide the required training referred to above. Nationally recognized certification programs are CAHPI (<https://www.cahpi.ca/en/>) and InterNACHI (<https://www.nachi.org/>). Training is available through Carson Dunlop (<https://www.carsondunlop.com/>) which is recognized as the top standard in Canada, however there are several other training programs out there, some that can be completed in 8 hours online and generate a certificate. Completing meaningful certification/training is the only way to ensure that all Inspectors are looking at the same items and in the same manner, taking a quick online course from USA does not qualify anyone to assess the condition of a property in the NWT.

Equivalencies will need to be considered and specific guidelines set towards accepting them. A Red Seal Electrician may claim their experience qualifies them; however just because they know one trade, it does not show they understand Plumbing, HVAC or Structural Systems. Will an oversight board or committee be established to review equivalencies?

I am happy to offer any assistance as you revise and complete this bill and look forward to regulations being established.

Dave Earle (RHI)
Registered Home Inspector
Home Safe Inspection Services
(867) 447-4663





CANADIAN ASSOCIATION OF HOME & PROPERTY INSPECTORS
ASSOCIATION CANADIENNE DES INSPECTEURS DE BIENS IMMOBILIERS



March 2, 2026

Canadian Association of Home & Property Inspectors (CAHPI)
832 March Road, Morgan's Grant PO, Box 76065,
Ottawa, ON K2W 0E1

Angus Wilson

Committee Clerk

Legislative Assembly of the Northwest Territories

Committees@ntassembly.ca Angus_Wilson@ntassembly.ca

Dear Mr. Wilson,

On behalf of the Canadian Association of Home & Property Inspectors (CAHPI), I am writing to express our support for the Northwest Territories' current efforts to implement a licensing framework for home inspectors and to respectfully request that CAHPI be formally recognized as a key stakeholder and professional body within this initiative.

CAHPI is Canada's longest-established national home inspection association, representing inspectors across multiple provinces and territories. For decades, CAHPI has developed and maintained rigorous standards of practice, codes of ethics, education pathways, and continuing professional development requirements designed to protect consumers and elevate professionalism within the home inspection industry.

The introduction of licensing in the Northwest Territories represents an important step toward strengthening consumer protection and ensuring consistent inspection practices in a unique and challenging built environment. Climatic conditions, construction methods, and remote community contexts in the North require inspectors to meet high levels of competency and professional accountability. CAHPI's nationally recognized training standards and technical resources can help ensure that inspectors operating in the NWT are properly qualified to serve the public with confidence and integrity.

CAHPI already maintains systems for member qualification, continuing education, complaints handling, and professional discipline. These established frameworks could be leveraged to support or complement a territorial licensing model, reducing the need to create entirely new structures while ensuring that public safety and consumer interests remain paramount.

Our association has extensive experience working with governments, regulators, and consumer stakeholders across Canada on matters of professional recognition and regulatory development. CAHPI's members include experienced inspectors, educators, and industry leaders who are well positioned to contribute practical insight into entry-to-practice requirements, ongoing competency standards, and fair enforcement mechanisms for a licensing regime in the Northwest Territories.

We respectfully urge the Standing Committee to support the recognition of CAHPI as a professional partner in the Northwest Territories' home inspector licensing initiative. Meaningful engagement with established national associations will help ensure that the framework is balanced, enforceable, and focused on public protection rather than unnecessary administrative complexity.

CAHPI would welcome the opportunity to provide further information, submit written materials, or participate in consultations related to this important work. We are committed to collaborating constructively with

governments to help shape a licensing system that benefits homeowners, buyers, and communities throughout the Northwest Territories.

Thank you for your leadership and your commitment to strengthening professional standards and consumer confidence through regulation. We look forward to contributing to this important initiative.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Weeks', written in a cursive style.

Peter Weeks, CAHPI RHI, NCH
President, Canadian Association of Home & Property Inspectors
president@cahpi.ca
613.290.3697

Cc: Larissa LeMouel, Executive Administrative Coordinator, Northwest Territories Legislative Assembly
Larissa_LeMouel@ntassembly.ca



**Standing Committee on Government Operations
Legislative Assembly of the Northwest Territories**

March 9, 2026

Re: Feedback on Bill 41 – An Act to Amend the Real Estate Agents’ Licensing Act

Dear Chair Morse and Committee Members,

Thank you for the opportunity to provide feedback on Bill 41: *An Act to Amend the Real Estate Agents’ Licensing Act*.

I previously participated in the Department of Municipal and Community Affairs (MACA) engagement in 2023 as a former home inspector operating in Yellowknife. I appreciate that the Government of the Northwest Territories is reviewing and modernizing the legislation governing real estate services. However, I believe there remains an important opportunity to strengthen the regulatory framework surrounding home inspections in the Northwest Territories.

From my experience both as a home inspector and now as a project management professional involved in construction, infrastructure delivery, and housing projects across Northern Canada, I strongly believe the Northwest Territories should adopt a licensing and certification framework similar to what currently exists in Alberta.

In Alberta, individuals seeking to become licensed home inspectors must complete a defined education program, meet competency requirements, and register through a provincially regulated process. This framework includes structured training, examinations, professional standards, and consumer protection mechanisms. These requirements ensure inspectors possess the technical knowledge necessary to assess building systems such as structural elements, building envelopes, electrical and mechanical systems, life safety systems, and overall building performance.

The Northwest Territories currently lacks a similarly robust and clearly defined professional standard for home inspection services. Given the complexity of buildings in the North, this gap becomes even more significant.

Housing and building construction in the Northwest Territories presents unique technical challenges that are not typically encountered in southern jurisdictions. These include extreme cold temperatures, permafrost and shifting soils, long heating seasons, high energy demands, transportation constraints on building materials, and unique construction practices designed to address northern environmental conditions.

For example, northern housing often incorporates specialized foundation systems designed to manage permafrost conditions, including adjustable pile foundations or elevated structural systems intended to prevent ground thaw. Improper assessment of these systems can lead to significant long-term structural issues.

Similarly, mechanical and ventilation systems in northern homes are critical for maintaining indoor air quality and managing moisture in extremely cold climates. Improperly functioning heat recovery ventilators (HRVs), poor vapour barrier installation, or inadequate insulation can lead to condensation, mould growth, or long-term building envelope deterioration.

The building envelope itself—including insulation systems, air barriers, vapour barriers, and roof assemblies—must perform under extreme temperature differentials. Failures in these systems may not be immediately visible to an untrained inspector but can lead to significant structural and health issues over time.

In addition, many northern communities face logistical challenges that can affect construction quality, including limited construction seasons, transportation constraints, and labour shortages. These factors can make it even more important that inspections are carried out by qualified professionals who understand both building science and the realities of northern construction practices.

For these reasons, strong professional competency requirements for home inspectors are particularly important in the Northwest Territories.

Implementing a licensing framework comparable to Alberta's would provide several key benefits:

1. Consumer Protection

Home inspections play a critical role in one of the largest financial decisions residents will make. A regulated licensing system would help ensure buyers receive competent, consistent, and professional advice.

2. Professional Standards and Accountability

Mandatory education, examination, and licensing requirements would ensure inspectors possess the technical knowledge required to evaluate homes and report findings responsibly.

3. Alignment with Other Canadian Jurisdictions

Aligning with established provincial frameworks would provide clarity for inspectors operating across jurisdictions and help maintain consistent national standards.

4. Confidence in the Real Estate Market

Buyers, lenders, insurers, and sellers benefit from confidence that inspections are conducted by qualified professionals operating under regulated standards.

As the Committee reviews Bill 41, I recommend that the legislation or its associated regulations establish clear minimum requirements for home inspector licensing, including:

- Mandatory education and training requirements;
- Successful completion of a recognized home inspection certification program;
- Proof of insurance and professional liability coverage;
- Adherence to a recognized standard of practice and code of ethics; and
- Continuing professional development requirements.

Adopting a structured licensing model similar to Alberta's would help ensure that home inspection services in the Northwest Territories are delivered by qualified professionals and would strengthen protection for consumers in our housing market.

Given the unique technical challenges associated with northern construction and housing, it is particularly important that the individuals responsible for evaluating homes possess the training and competency required to properly assess building systems in Arctic and sub-Arctic environments.

Thank you again for the opportunity to provide input. I would be pleased to expand on these comments or appear before the Committee if that would be helpful during your review of the legislation.

Respectfully submitted,



Cory Vanthuyne AAB, CPM, PMI Member

Former Home Inspector – Yellowknife Home Inspections
Northern Construction, Subject Matter Expert – CORVAN Consultants Ltd



April 7, 2026

Julian Morse, Chair
Standing Committee on Government Operations
Northwest Territories Legislative Assembly

Dear Mr. Morse,

Re: Standing Committee Call for Feedback on Bill 41: *An Act to Amend the Real Estate Agents' Licensing Act*

On behalf of the Northwest Territories Association of REALTORS® (NWTAR) Board of Directors, thank you for the opportunity to provide feedback on the proposed changes to Bill 41.

The NWTAR Board is supportive of the proposed amendments and appreciates the work that has gone into their development.

As part of our own ongoing governance and modernization efforts, NWTAR has been working toward the creation of standardized territorial forms. These forms will be provided to our members to protect the interests of all parties involved—buyers, sellers, and REALTORS®—by ensuring clarity and compliance with regulatory requirements. Real estate forms are essential documents that facilitate various transactions within the industry, providing a standardized way to convey agreements, disclosures, and legal obligations.

NWTAR's forms are based on the real estate forms utilized by Alberta's real estate community and have been adapted to align with local legislation. This work is well underway, and we would be pleased to share copies of the forms later in the spring once they are finalized and ready for distribution. We believe these efforts align with your objectives.

The Board would also like to express its sincere thanks to you and your team for the time, effort, and collaboration involved in this initiative. We recognize the importance of this work and appreciate being included in the process.

Please do not hesitate to reach out should you require any additional information.

Regards,

DocuSigned by:

8196A73AEF6E437...
Nathan Round, 2026 Chair
NWT Association of REALTORS®
nwtar@albertarealtor.ca

From: [Charles Wyman](#)
To: [DST LEG Committees](#)
Subject: Bill 41 comments
Date: April 8, 2026 15:06:42

Good afternoon

I support bill 41 in theory my only comments are related to property managers.

1. I think you should grant licenses based on certification with the REIC (REIC.ca).
2. I hope you don't follow the provinces in creating a monopoly for brokerage owners. In Alberta for example you cannot be licensed without working for a brokerage. I feel like presenting your education to MACA for a license should be sufficient without having to work for a brokerage.
3. providing proof of insurance would be a good requirement as well.

Further to these points I feel the government itself will be impacted the most by this change as there are maybe 4 CPM's in the Northwest Territories and I'm not sure how all the local housing agencies would continue to operate without a licensed manager.

Charles Wyman
867 688 2125

Appendix B:

Committee Correspondence

April 7, 2026

THE HONOURABLE JAY MACDONALD
GOVERNMENT HOUSE LEADER

Concerns Raised by Stakeholders on Bill 41

The Standing Committee on Government Operations (Committee) recently received several submissions on Bill 41: *An Act to Amend the Real Estate Agents' Licensing Act* from stakeholders.

The comments received to date generally fall into two categories: concerns around real estate transaction practices and potential loopholes that are not currently addressed by Bill 41, and questions and suggestions on topics related to home inspectors that will be prescribed in regulations. On the latter category, Committee notes that the coming into force of Bill 41 will depend on the development of accompanying regulations. Committee accordingly requests clarification on the anticipated timeline for the drafting of regulations following the adoption of Bill 41, and encourages their swift development.

Committee requests your feedback on the concerns outlined below, including whether these issues were considered during the drafting of Bill 41 and whether any amendments may be warranted:

Forms for “use in trade” in subsection 70.2(1)

A concern was expressed regarding “use in trade” in subsection 70.2(1) of the *Real Estate Agents' Licensing Act* (REALA), added by clause 9 of Bill 41. The concern is that “trade” is narrowly defined and may not capture interactions with prospective buyers who ultimately do not complete a real estate transaction. For example, a buyer representation agreement may be entered into regardless of whether a trade is finalized.

.../2

Language of section 56

A concern was expressed regarding the wording of section 56(c) of the REALA, which is not amended by Bill 41. Some current practices may violate the spirit and intent of section 56. For example, mortgage brokers sometimes offer gifts or money in exchange for mortgage referrals, sometimes through workarounds (payments by brokers to agents that are transferred to the salesperson) that are not expressly prohibited. These practices are often restricted and must be disclosed in other Canadian jurisdictions.

Buyer referrals and commission-sharing

A concern was expressed regarding a developing practice that may violate section 56 of the REALA, where listing salespeople are sending buyer referrals to other salespeople within their offices in exchange for a percentage of the commission. This may be perceived as a conflict of interest and may violate the buyer agent's fiduciary duty to look out solely for the buyer's best interests.

Committee notes, however, that a review of Canadian regulatory practices shows that an internal referral between two salespeople within the same brokerage is generally not treated as a conflict of interest. A conflict may arise if the referring agent pressures the client to choose a specific colleague, fails to disclose the referral fee (if required), or refers the client to someone who is not suitably qualified.

A related concern was expressed regarding buyer's agents who represent multiple buyers interested in the same property referring one buyer to a colleague in exchange for a commission share. However, a review of other Canadian jurisdictions notes that this practice within the same brokerage is legally permitted, provided disclosure is made.

Regulations: prescribed requirements for home inspectors

A question was received regarding the prescribed education, training, and examination requirements for home inspectors, and who will determine these criteria. This submission noted that provincial licensing is only required in Alberta and British Columbia; nationally recognized certification programs are offered by the Canadian Association of Home and Property Inspectors (CAHPI) and the International Association of Certified Home Inspectors (InterNACHI), with training through Carson Dunlop being recognized as the top standard in Canada. The submission emphasized that robust certification and training are essential to ensure inspectors are qualified to assess the condition of homes and properties in the NWT.

The submission also asked how equivalencies will be assessed, what guidelines will ensure inspectors are competent across all inspection elements (electrical, plumbing, HVAC, structural systems, etc.), and whether an oversight body will be established to review these matters. Committee notes that these issues are to be addressed through regulations.

Regulations: licensing and certification framework

A submission recommended that the NWT adopt a licensing and certification framework similar to Alberta's Home Inspection Business Regulation to strengthen consumer protection and confidence in the real estate market, align with other Canadian jurisdictions, and ensure inspectors possess the necessary technical expertise. It further recommended that the regulations set clear minimum licensing requirements, including mandatory education and training, completion of a recognized certification program, proof of insurance and professional liability coverage, adherence to a standard of practice and code of ethics, and ongoing professional development requirements. Committee notes that many of these matters can be addressed through regulations per subsections 78(c) to (f) and section 70.1 of the REALA as amended by Bill 41.

Regulations: incorporation of CAHPI guidelines and standards

CAHPI contacted Committee to support the NWT's efforts to implement a licensing framework for home inspectors and highlight the standards of practice, codes of ethics, education pathways, and professional development requirements it has developed. It proposed that its existing systems for member qualification, complaints handling, and professional discipline could support or complement a licensing model for the NWT, reducing the need to create new systems from scratch.

Committee notes that several NWT statutes, particularly those governing health and social services professions, rely on external professional association licensing or certification requirements. Committee further notes that Alberta's Home Inspection Business Regulation recognizes CAHPI as a certification provider for the Registered Home Inspection designation, as well as the Certified Master Inspector designation granted by the Master Inspector Certification Board. Committee requests information on whether future home inspector regulations developed following the adoption of Bill 41 will similarly use external bodies such as CAHPI for certification standards or criteria.

Committee thanks you for your consideration of these matters and looks forward to your response.



Julian Morse, Chair
Standing Committee on
Government Operations

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April 28, 2026

JULIAN MORSE
CHAIR
STANDING COMMITTEE ON GOVERNMENT OPERATIONS

Committee Review of Bill 41: An Act to Amend the Real Estate Agents' Licensing Act

Thank you for your letter dated April 7, 2026, on behalf of the Standing Committee on Government Operations (Committee), regarding concerns raised by stakeholders in respect of Bill 41, *An Act to Amend the Real Estate Agents' Licensing Act* (the Bill).

With respect to your questions, I offer the following:

1. Forms for “use in trade” in subsection 70.2(1)

The intent of proposed subsection 70.2(1) is to provide the Superintendent of Real Estate with broad authority to approve forms associated with activities that fall within the definition of “trading” under the Act. This includes preliminary agreements, representations, and interactions that further a potential transaction, regardless of whether that transaction is ultimately completed.

The Department of Municipal and Community Affairs (Department) is satisfied that the existing definition of “trade” in subsection 1 of the *Real Estate Agents' Licensing Act* (the Act) already captures offers, attempts, negotiations, and other acts that directly or indirectly further a transaction. Any additional clarity can be appropriately addressed through the Superintendent's approval and application of specific forms that reflect real-world practices and ensure consumer protection.

2. Language of section 56

The Department emphasizes that section 56 operates in conjunction with existing fiduciary duties, disclosure obligations, and the general prohibition on improper inducements. Conduct that compromises a licensee's obligation to act in a client's best interests may already amount to a breach of the Act.

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Bill 41 introduces new tools, including the authority to establish a Code of Conduct. The Code of Conduct is intended to address evolving industry practices, including inducements, referral arrangements, and disclosure expectations, in a flexible and responsive manner. These issues are more appropriately managed through a Code of Conduct informed by engagement with industry, rather than through prescriptive statutory amendments.

3. Buyer referrals and commission-sharing

As noted in your letter, internal referrals between salespersons within the same brokerage are generally permitted in other Canadian jurisdictions, provided appropriate disclosure is made and clients are not improperly influenced. Bill 41 neither expressly authorizes nor prohibits such practices.

Public engagement undertaken by the Department during the review of the Act revealed broader concerns regarding conflicts of interest and disclosure in real estate transactions. These concerns included discussion of dual agency, in which the same agent or brokerage represents both the buyer and the seller in a single transaction. While views varied, most respondents supported allowing dual agency to continue in the Northwest Territories (NWT), provided there are clear disclosure and transparency requirements. The results of the Department's engagement can be found in the [What We Heard Report](#).

Consistent with this feedback, the Department expects that matters related to conflict-of-interest disclosure may be addressed through the Code of Conduct and adopted forms, informed by engagement with industry.

4. Regulations: home inspector licensing, certification and standards

As noted in your letter, Bill 41 establishes the authority to regulate the home inspection profession through future regulations. This includes matters related to education and training requirements, examinations, licensing and certification frameworks, standards of practice, and professional conduct. Provisions relating to home inspectors will not be brought into force until further engagement is undertaken and supporting regulations are developed.

This approach reflects feedback received through public engagement conducted as part of the review of the Act, which demonstrated strong public support for licensing and regulating the home inspection profession, particularly as a means of enhancing transparency, accountability, and consumer confidence in real estate transactions. That engagement informed the decision to include enabling regulatory authority in Bill 41, while reserving the detailed design and implementation of specific requirements for the regulatory development process.

At this stage, no decisions have been made regarding the specific content of future regulations governing home inspectors. As part of the regulatory development process, the Department will undertake in-depth engagement with home inspectors and other interested partners in the NWT. The Department will also engage with relevant professional organizations, both locally and nationally, to better understand existing certification pathways, standards of practice, and oversight models. This will include outreach to organizations such as the Canadian Association of Home and Property Inspectors, as well as consideration of regulatory approaches adopted in other jurisdictions.

The objective of this engagement will be to ensure that any adopted regulatory framework reflects recognized industry standards where appropriate, supports consumer protection and professional accountability, and remains proportionate and practical for the NWT's context without overburdening the profession.

The Department would welcome the opportunity to review any submissions or materials referenced by Committee, should they be shared, to ensure they are fully considered as part of the engagement and regulatory development process.

Thank you to the Committee for its careful review of Bill 41 and for raising these matters for consideration. I look forward to the Committee's continued consideration of this legislation.



Jay Macdonald
Government House Leader

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