

Criteria to determine if a member or applicant is fit and proper

An assessment of fit and proper will ordinarily include, where relevant:

- a. The person's character, competence and experience relative to the duties of the real estate Professions, including whether the person:
 - i. possesses the necessary skills, knowledge, expertise, diligence and soundness of judgment has demonstrated the appropriate competence and integrity in fulfilling occupational, managerial or professional responsibilities previously and/or in the conduct of his or her current duties (if applicable);and
- b. Whether the person:
 - i. has demonstrated a lack of willingness to comply with legal obligations, regulatory requirements or professional standards, or been obstructive, misleading or untruthful in dealing with regulatory bodies or a court;
 - ii. has breached a fiduciary obligation;
 - iii. has perpetrated or participated in negligent, deceitful, or otherwise discreditable business or professional practices;
 - iv. has been reprimanded, or disqualified, or removed, by a professional or regulatory body in relation to matters relating to the person's honesty, integrity or business conduct;
 - v. has seriously or persistently failed to manage personal debts or financial affairs satisfactorily in circumstances where such failure caused loss to others;
 - vi. has been substantially involved in the management of a business or company which failed, where that failure has been occasioned in part by deficiencies in that management;
 - vii. is of bad repute in any business or financial community or any market; or
 - viii. was the subject of civil or criminal proceedings or enforcement action, in relation to the management of an entity, or commercial or professional activities, which were determined adversely to the person (including by the person consenting to an order or direction, or giving an undertaking, not to engage in unlawful or improper conduct) and which reflected adversely on that person's competence, diligence, judgment, honesty or integrity.