

It is the responsibility of the licensee to ensure their Agent complies with the Code of Professional Conduct and the Agents Regulation.

By-law 2021-2, defines “Agent” or “agent” as a person or company operating **outside of Canada** who:

- (a) represents a licensee in furtherance of the licensee’s practice;
- (b) solicits or facilitates business in connection with the licensee’s practice;
- (c) and for greater certainty, “Agent” does not include an Agent for Service.

The following checklist can be used to help draft an Agent Agreement that complies with the Code of Professional Conduct and the Agents Regulation. A licensee working with an Agent must enter into a written Agent Agreement.

DO:

- ❑ Identify the Agent’s fees for services in the Agent Agreement.
 - Include the date and fee the Agent will be paid by the licensee, including type of currency, payment schedule: (ie. flat fee, by the hour, commission, pro-rated) and method of payment (ie. wire transfer, direct deposit).
 - Agents may collect payments from clients on behalf of the licensee, however the full amount must be deposited by the licensee into the licensee client account as required by the Client Account Regulation.
 - All client fees are paid to the licensee not to the Agent. The licensee is responsible for paying the Agent, not the client.
- ❑ Include a section outlining the licensee’s responsibilities/tasks.
 - List expenses to be covered by the licensee and expenses to be covered by the Agent.
- ❑ Include a section outlining any identified conflict of interest per section 1(2) of the Code of Professional Conduct.
 - Include any steps to remedy the conflict.
 - Include the process to resolve any licensee/Agent dispute.
- ❑ Include a section on the licensee’s planned or unplanned absence.
 - Include the name, business address, telephone number and email address of the authorized representative or responsible person who will take over for the licensee in the event of a planned or unplanned absence.
 - Include how client records/client property will be transferred to the authorized representative or responsible person (ie. courier, standard mail).
 - Include the method of payment for outstanding fees for services (ie. wire transfer, direct deposit).
- ❑ Include a section on terminating the Agent Agreement.
 - Include the specific terms that would lead to an Agent Agreement termination.
 - Upon termination of the Agent Agreement, the responsibility for the client remains with the licensee.
- ❑ Include a section for signatures of the Agent and the licensee.
 - Include Agent and licensee full names, signatures and date the Agent Agreement was signed.
 - Provide the Agent with a copy of the Agent Agreement.

DO NOT:

- ❑ Do not employ anyone who resides in Canada as an Agent. Agents only operate outside of Canada.
- ❑ Do not employ any Agent who has not been registered and approved by the College as an Agent.
- ❑ Do not allow Agents to accept any payment from clients. The licensee is responsible for paying the Agent, not the client.