

# OACIQ PROTECTION MECHANISMS

For a better understanding of FICI and FARCIQ

**Have you enlisted the services  
of a real estate broker for your  
real estate transaction?**

You will therefore benefit from  
various protection mechanisms  
offered by the OACIQ.

These mechanisms include **FICI and FARCIQ**, which could allow you to obtain monetary compensation in certain circumstances. Here are the key points to help you choose the appropriate mechanism, between FICI and FARCIQ, before filing your claim.

## TWO MECHANISMS TO ADDRESS VERY DIFFERENT SITUATIONS



Fonds d'indemnisation du courtage  
immobilier

FICI offers financial protection to consumers who are victims of fraud, fraudulent tactics or misappropriation of funds. The allegations against the broker must be **INTENTIONAL**:

- ✓ Fraud
- ✓ Fraudulent tactics
- ✓ Misappropriation of funds in a transaction



Fonds d'assurance responsabilité professionnelle  
du courtage immobilier du Québec

FARCIQ may compensate consumers for the loss resulting from the fault, error or omission committed by a real estate broker or agency, where their professional liability is demonstrated. The allegations must be **UNINTENTIONAL**:

- ✓ Fault
- ✓ Error
- ✓ Omission

**IMPORTANT** : these two protection mechanisms only apply if the alleged act was committed by the broker in the course of his professional activities.

## FICI or FARC IQ – A few questions to understand the difference

- Did the broker **deliberately** conceal a previous adverse inspection report (FICI) or did he **omit** to attach it to his email (FARC IQ)?
- Did the broker **knowingly** conceal the fact that the income property does not comply with municipal zoning (FICI), or did he **forget** to validate this information with the municipality (FARC IQ)?
- Did the broker **illegally** appropriate a deposit for the acquisition of a property (FICI) or did he enter incorrect information on the description sheet and **fail** to verify it (FARC IQ)?

## What should a claim contain?

For your FICI or FARC IQ claim to be complete, you must provide:

- ✓ Your full contact information (name, address, phone, email, etc.)
- ✓ The name of the broker or agency concerned by the claim
- ✓ The address of the immovable covered by the transaction
- ✓ A description of the alleged act and the reasons for your claim
- ✓ A description of the damage sustained, a breakdown of the amounts claimed and the evidence related to this damage

Include all relevant documents to justify your claim (e.g. brokerage contract, description sheet, invoices, etc.). You may submit your claim by completing the **Request for assistance** form available on the **OACIQ** website. As for FARC IQ, you may also complete the form on **FARC IQ's website** or send a formal notice directly to the broker or agency.

## Compensation and limits



Maximum of \$100,000 per claim for an act committed on or after May 10, 2018.

For acts committed before that date, the maximum is \$35,000 per claim.

Your claim to FICI must be filed within a maximum period of 2 years of becoming aware of the alleged act.



Given its status as a professional liability insurer, the maximum indemnity that can be paid by FARCIQ is subject to the terms and conditions of the insurance policy. When analyzing the claim, FARCIQ takes into account fault, damage and causal link, as well as the broker's defences and the potential share of liability of all parties to the transaction.

**Note that violating the ethical rules established by the *Real Estate Brokerage Act* does not necessarily result in monetary compensation being paid by FICI or FARCIQ.**

## Limitation period

This is the period within which legal action must be taken after becoming aware of the problem so that you can retain your rights. This begins when you become aware of the elements of your claim. Filing a claim with FICI or FARCIQ does not interrupt the expiry of the limitation period if you wish to take legal action. We recommend that you consult a legal counsel who can inform you of the extent of your rights and obligations, since neither the OACIQ nor FARCIQ can act on your behalf in this regard.