

RE: NON FACE-TO-FACE IDENTIFICATION

If an agent is not dealing with a client face-to-face and therefore cannot personally verify the client's identity, agents have to either:

- i. Enter into an agreement with a mandatary/agent and have them verify your client's identity on your behalf, or
- ii. Use two of the five possible identification methods.

The five different identification options are:

- 1) *Identification product method* - Refer to an independent and reliable identification product. It must be based on personal information as well as Canadian credit history about the individual of at least six months duration. This type of product can use a series of specific questions, based on an individual's credit file, to enable verification of client identity
- 2) *Credit file method* – Confirming, after obtaining authorization from the person, their name, address and date of birth by referring to a credit file in respect of that person in Canada that has been in existence for at least six months
- 3) *Attestation method* – Obtain attestation of ID from a Commissioner of Oaths or guarantor
- 4) *Cleared cheque method* – Confirm that cheque drawn on a deposit account from a Canadian financial entity has cleared
- 5) *Confirmation of deposit account method* – Confirm existence of a deposit account from a Canadian financial entity. You could do this by viewing an original bank statement.

If using a combination of identification methods, it must be kept in mind that method 1 cannot be used with method 2, and method 4 cannot be used with method 5.

Please note that the five methods may not apply to all clients. For example, when a client has no deposit account from a Canadian entity, methods (4) and (5) cannot be used. In some circumstances, the only way to identify a client may be to use an agent or mandatary. For more information, see FINTRAC's Guideline 6B: Record Keeping and Client Identification for Real Estate: <http://www.fintrac.gc.ca/publications/guide/Guide6/6B-eng.asp#s446>.

The records that you have to keep for the above methods vary according to the method used:

- If you use a cleared cheque to confirm the individual's identity, the record has to include the name of the financial entity and the account number of the deposit account on which the cheque is drawn;
- If you confirm that the individual holds a deposit account with a financial entity, the record has to include the date on which you made the confirmation as well as the name of the financial entity where the account is held and the number of the account;

- If you use an identification product, the record has to include the name of the identification product, the name of the entity offering it, the search reference number and the date you used the product to identify the individual;
- If you consult a credit file, the record has to include the name of the entity keeping the credit file and the date you consulted it; and
- If you use an attestation signed by a commissioner of oaths in Canada or a guarantor in Canada, you have to keep the attestation.

Frequently Asked Questions Regarding the Use of an Agent or Mandatary for Identification Purposes

Q1: If I use an agent or mandatary for identification purposes, what information needs to be in the contract with the agent/mandatary?

A: You have to enter into a written agreement or arrangement with the agent or mandatary outlining what you expect them to do for you. In addition, you have to obtain from the agent or mandatary the customer information that was obtained according to the agreement or arrangement. CREA has prepared a template agreement for members to use when contracting the services of an agent or mandatary for the purposes of compliance. The template is available on REALTOR LINK®.

Q2. Do I have to offer compensation to the mandatary/agent?

A: Whether or not there is compensation is up to you. You may amend the template agreement depending on how your arrangement is constructed.

Q3: Can a real estate broker or a sales representative be an agent or mandatary for the purpose of client identification? Can anyone be an agent or a mandatary (as long as an agreement is in place with the sales representative or real estate broker)?

A: A real estate broker, a sales representative or any person can be an “agent” or a “mandatary” to identify a client in domestic or international real estate transaction, as long as there is a written agreement in place to that effect with the sales representative expects the agent or mandatary to do for him. The written agreement with the “agent” or “mandatary” needs to be in place prior to identifying the client. The sales representative or real estate broker must also obtain from that agent or mandatary the customer identification information for his records: type of identification, identifier number of identification document, issuing jurisdiction.

Q4: The Identification Mandatary/Agent Agreement states: “the agent will obtain Broker’s prior written approval for all Services it performs on the Broker’s behalf”. Is this done through the use of this form?

A: The identification Mandatary/Agent Agreement on REALTOR LINK® consists of two parts: an agreement between the broker and mandatary/agent (pages 1 and 2); and the identification form that the mandatary/agent fills out (Schedule A or B). When the broker signs the agreement portion of the form, the obligation to obtain prior written authorization before verifying the client’s identity in the second part of the form is fulfilled.

Q5: Can a client who is not physically present be ID’ed by having him/her mail a photocopy of his/her driver’s licence to my agent/mandatary?

A: If the client is not present, an agent must use either an agent/mandatary to identify the client on his/her behalf, or a combination of two of the five non-face-to-face identification methods. When using a mandatary to identify a client, you can NOT use a photocopy of a driver’s licence – the agent/manadatary must see a valid driver’s licence, and record that information.

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如果经纪与客户无法见面从而无法进行身份验证，那么经纪必须选择以下方法中的任何一种进行身份验证：

1. 与一个 **mandatary/agent** 签订协议，让他们代表你验证客户身份
2. 使用下列五种方法中其中两种。

这五种方法是：

- (1) **Identification product method**——指使用一个独立并可信任的身份验证产品。它必须是基于个人信息，以及有关至少六个月的加拿大个人信用记录。这些身份验证产品，可以根据个别人士的信用档案，通过一系列的针对性问题，验证客人的身份。
- (2) **Credit file method**——在获得客人授权后，你可以参照客人在加拿大的，及已存在最少六个月的信用档案，来确认客人的姓名，住址及出生日期。
- (3) **Attestation method**——从宣誓委员 或 **guarantor** 处获得身份认证。
- (4) **Cleared cheque method**——确认客户从一个加拿大金融机构的存款账户中所开出支票，顺利完成结算。
- (5) **Confirmation of deposit account method**——确认客户存在一个加拿大金融机构的存款账户。你可以查阅原始的银行对账单，核实客户身份。

如果使用多种方法，请注意方法（1）不能与方法（2）一起使用，方法（4）不能与方法（5）方法一起使用。

请注意这五种方法并不适用于所有客户。例如，如果客户没有在加拿大金融机构设有存款账户，那么第（4）和（5）种方法就不能适用。在某些情况下，只能通过 **mandatary/agent** 验证客户身份。如果了解更多信息，请查阅 **FINTRAC'S Guideline 6B: Record Keeping and Client Identification for Real Estate:**

<http://www.fintrac.gc.ca/publications/guide6/Guide6/6B-eng.asp#s446>

你所需要保存的记录，因你使用的方法而异：

- 如果你使用 **Cleared cheque** 验证个人信息，记录必须包括金融机构的名称，写出支票的存款账户号码；
- 如果你是通过确认客户拥有一个加拿大金融机构的存款账户来验证客人身份，你必须记录你确认的日期、金融机构的名称、存款账户号码；
- 如果你使用 **Identification product** 方法，记录必须包括身份验证产品名称，提供身份验证产品机构名称，查询参考号码和你验证客人身份信息的日期；

- 如果你参考 **Credit file** 来验证身份，记录必须包括持有这些信用档案机构的名称和你进行验证的日期；
- 如果你使用 **Attestation method**，你必须保留这些有关的验证文件。

常见问题问答

Q1 如果我使用 agent 或 mandatary 验证客户身份，在与 mandatary/agent 的合同中什么信息是必须的？

A: 你与 mandatary/agent 必须有一个书面协议，列明你对他们的工作的要求。另外，你必须能够从 mandatary/agent 处得到协议中所列明需要获得的客户信息。CREA 已经为会员准备了 **Template agreement**，你可以浏览 **REALTOR LINK**。

Q2 我必须付费给 mandatary/agent 吗？

A: 是否付费由双方协议而定，你可以根据你们所定协议内容修订 **Template agreement**。

Q3 Real Estate Broker 或地产经纪可以是 mandatary 或 agent 为客户进行身份验证吗？任何人都可以是 mandatary 或 agent 吗？

A: 只要有一个签订好的书面协议，订定好对客户进行身份验证的内容，**Real Estate Broker** 或地产经纪或任何人都可以是 **mandatary** 或 **agent**，为国内或国际的地产交易进行客户身份验证。与 “agent” or “mandatary” 的书面协议必须在进行客户身份验证之前签订。**Real Estate Broker** 或地产经纪必须从 “agent” or “mandatary” 处获得如下信息并记录：身份证明文件类别、身份证明文件号码，签发机构。

Q4 “Identification Mandatary/Agent Agreement “ 里规定：“agent 将获得经纪提前批准，代表经纪执行所有服务事项。这代表在使用表格的过程中生效吗？

A: 在 “**REALTOR LINK**” 上的身份验证协议包括两部分：地产经纪与 **Mandatary/Agent** 之间的协议（第 1、2 页）；**Mandatary/Agent** 填写的身份验证表（**Schedule A or B**）。当经纪在没有开始核实客户的身份之前，把表格协议部分签署，那就表示 “agent 获得经纪提前批准” 这个条件完成。

Q5 当客户无法亲自出示身份证明，是否可以邮寄 他们的驾驶执照的复印件给 Mandatary/Agent 验证？

A: 如果客户不能亲自到场，经纪必须通过 **Mandatary/Agent** 对客户亲自进行身份验证，或者联合使用五种身份验证方法中的两种。**Mandatary/Agent** 对客户进行身份验证时，你不能使用驾驶执照的复印件——**Mandatary/Agent** 必须亲眼看到一个有效的驾驶执照，并记录。