

# IPI

# THE PROFESSIONAL INSTITUTE OF REAL ESTATE AGENTS



# 1993

IPI

## A PROFESSIONAL ORDER

Until 1993, anyone in Belgium could work as an estate agent. This meant that they could exercise the activities and use the title without any training, insurance cover, ethical control, etc. This could prove detrimental to the consumer as well as the reputation of the sector.

In order to regulate and control the profession of real estate agent in Belgium, in **1993** the authorities created the *Institut Professionnel des Agents Immobiliers* (IPI), i.e. the Professional Institute of Real Estate Agents.



# 1993

# Both the profession itself and the professional title of real estate agent have been regulated since 1993.

## The title of real estate agent covers three legally protected activities:

1. the activities of intermediary in the sale, purchase, exchange, lease or disposal of real estate property, real estate rights or goodwill on behalf of third parties
  - ► **BROKER**
2. the activities involved in managing the common parts of a co-ownership real estate property
  - ► **PROPERTY MANAGER**
3. the activities involved in managing real estate assets other than those of a property manager
  - ► **ADMINISTRATOR**

**NB: certain activities, such as those of property dealer, providing assessments, estimates, inventories and development promotion are not restricted exclusively to real estate agents.**

**These activities are not protected by law. A person does not need to be a real estate agent to be entitled to exercise these activities.**

I decide to seek the help of a broker or call on a property manager or administrator. Is the person concerned an accredited agent? I can check on the IPI website :



He/she is authorized to act as a **real estate agent** and use the title



**LEGAL**

He/she is not authorized to act as a real estate agent or use the title, but he/she may be

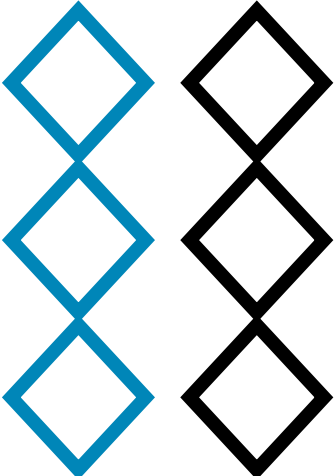


- an employee or trainee from IFAPME/EFP/Baccalauréat Hautes Ecoles, or
- ◇
- a co-owner (in the case of property management activities), or
- ◇
- the holder of a qualification for another regulated profession (see page 9)



**ILLEGAL**

He/she is not authorized to act as a real estate agent or use the title. He/she is a bogus real estate agent (see section on investigations)





# IPI A PROFESSIONAL ORDER

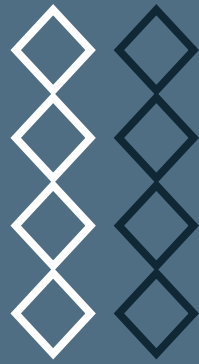
The added value  
of a real estate agent

Thanks to the constant professionalization of real estate agents and the control ensured by the IPI, calling on the services of a real estate agent constitutes an undeniable added value in most real estate transactions:

**purchase, sale, rental, management.**

## Why call on a real estate agent?

- He/she has the knowledge and skills required to exercise the profession properly
- He/she is required to undergo continuous training
- He/she has professional insurance cover and a financial guarantee
- He/she uses a legally protected third-party account
- He/she must respect a code of ethics



# IPI

## A PROFESSIONAL ORDER

### Its purposes

#### 1. Controlling access to the profession



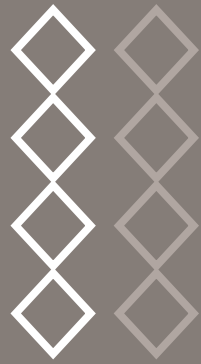
### Real estate agent

The profession of real estate agent is a regulated profession: no one may carry out activities as a self-employed real estate agent\* or use the title without being registered with the IPI.

One of the IPI's tasks is to decide on registration applications by checking that candidates meet all the requirements for accessing the profession. For example, a candidate must at least be a holder of a bachelor's degree or have successfully completed an entrepreneurial traineeship relevant to the profession of real estate agent.

Once the application file is in order, the candidate takes a non-eliminatory skills test. The candidate then completes at least 200 days of training over a one-year period with an IPI training supervisor. Finally, the candidate sits a written and oral exam.

\* Except for certain other regulated professions (lawyers and accountants for property management activities, notaries for brokerage activities, architects and surveyors for both of these activities).



# IPI

## A PROFESSIONAL ORDER

### Its purposes

## 2. Tracking and punishing illegal exercise of the profession



**Any doubt? [depistage@ipi.be](mailto:depistage@ipi.be)**

The IPI's Screening Service, which removes false real estate agents from the market, is responsible for opening a file on the basis of a complaint from a consumer or a recognized estate agent, or following the proactive work of its investigators.

In the event of illegal practice, the person concerned can either regularize his or her situation and begin the training course or immediately cease the illegal activity.

Otherwise, pursuing activities as an estate agent constitutes an offence under both commercial law (commercial court) and criminal law (criminal court).

The commercial court can order the cessation of activities, possibly under penalty of a fine. The criminal court can demand a prison sentence.

Brokerage, property management or administration contracts concluded with a false estate agent are against the law. A check on the IPI website will ensure that the contact person is an authorized agent.



# IPI A PROFESSIONAL ORDER

## Its purposes

3.

Ethical control

Real estate agents are subject to a set of ethical rules, as are lawyers, doctors, architects, etc.

The IPI's task is to monitor the estate agents' compliance with the ethical rules governing the profession (code of ethics). In the event of non-compliance, the real estate agent is liable to disciplinary action, which may even lead to a temporary or permanent ban on engaging in real estate activities.

**The code of ethics contains various provisions.  
Here are some examples.  
The real estate agent must :**

- Be insured (professional liability insurance and guarantees)
- Have a third-party account (except for property managers)
- Satisfy an annual training requirement
- Verify the information he/she provides (request the necessary documents and information, carry out the required checks, ensure the identity of the parties concerned, etc.).

The full text of the code of ethics is available at [www.ipi.be](http://www.ipi.be)



**IPI**

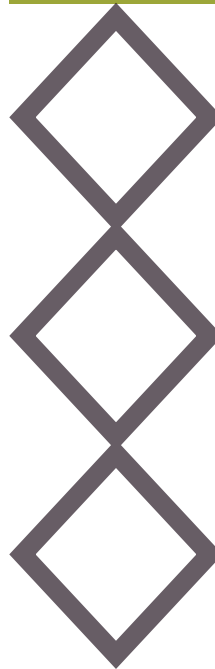
# A PROFESSIONAL ORDER

## Complaint procedure

Anyone who believes that the real estate agent has committed an ethical error can file a complaint with the IPI.



[www.ipi.be](http://www.ipi.be)



### How to file a complaint ?

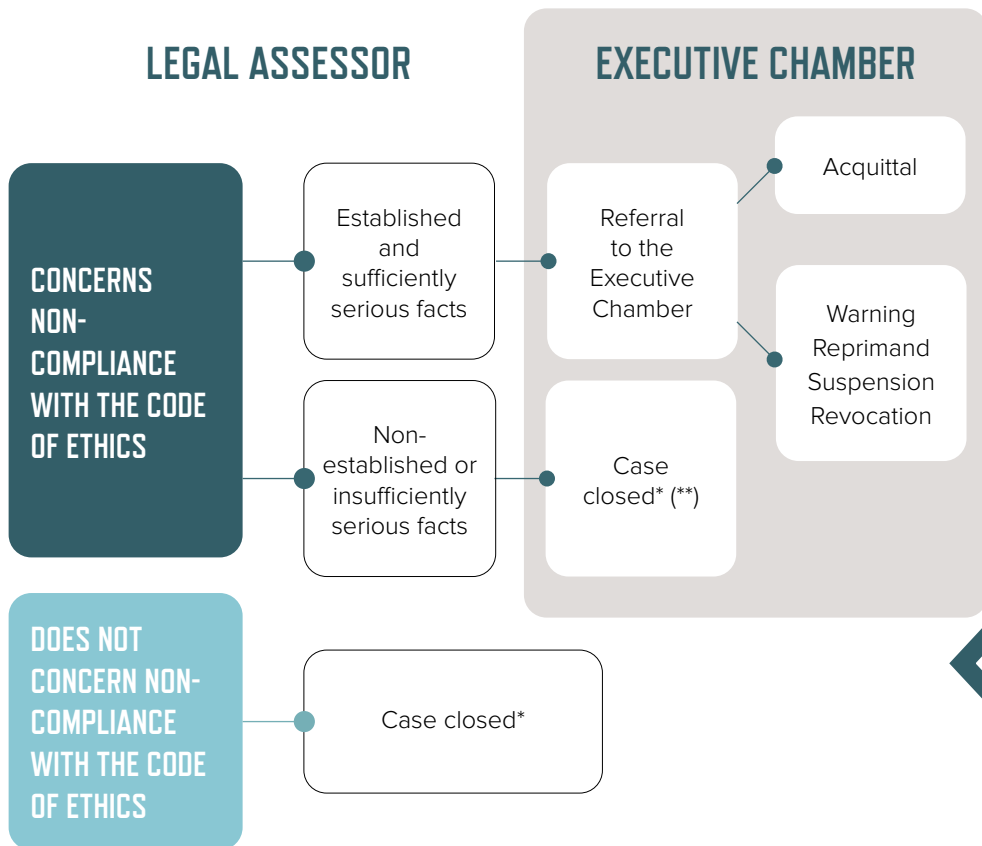
Complaints must always be submitted in writing (by post to Rue du Luxembourg 16B, 1000 Brussels or by e-mail to **ce@ipi.be**). A form is available on our website.

The complaint must be accompanied by documentary evidence (copy of e-mail exchanges, copy of the brokerage contract, copy of the lease, proof of payment, minutes of a general meeting, etc.).

A file is opened and examined by a legal assessor. He/she is an independent lawyer appointed by the Minister for the Middle Classes.



## What is the procedure once the complaint has been lodged?



\* When a complaint is closed, the complainant has the possibility of requesting a review of this decision. The complaint will then be reexamined.

\*\* The legal assessor may deliver any reprimand he or she considers useful in the event of a case being closed without further action. He/she may therefore close the case with or without a reprimand.

## What does the IPI do?

The IPI is responsible only for complaints relating **to non-compliance with the code of ethics.**

The complainant will be **informed** of all developments with the complaint, both in the case of dismissal with no further action and that of referral to the Executive Chamber. The final disciplinary decision is also automatically communicated to the complainant.

## What does the IPI not do?

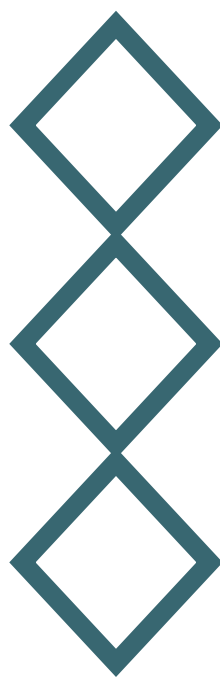
- It does not reimburse sums of money and cannot oblige the real estate agent to reimburse / compensate the complainant.
- It may not provide the consumer with legal advice or opinions.
- It does not replace the relevant courts. If the real estate agent commits a non-ethical offence, then the traditional courts and tribunals are fully competent.
- It may not terminate the contract with the real estate agent broker/property manager, nor intervene in the civil aspects of a dispute (e.g. is the commission payable, is the sale agreement valid, can the lease agreement be broken? Etc.)
- It may not act as a mediator in disputes between real estate agents and consumers.

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# IPI

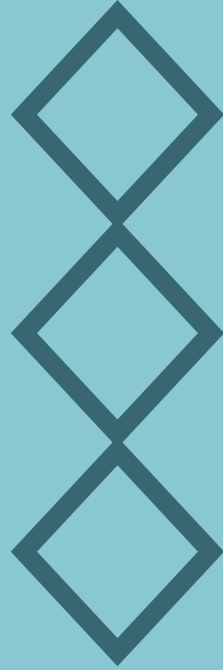
## A PROFESSIONAL ORDER

The added value  
of the IPI



Alongside its control and disciplinary tasks, the IPI also enables real estate agents to develop their professional skills to the full by offering them services such as:

- **A wide range of training courses enabling them to keep abreast of current legislation at all times**
- **Provision of various tools to facilitate their work (e.g. cadastral search)**
- **Availability of a legal helpdesk to which estate agents can turn for front-line legal assistance**
- **Communication and awareness raising on various real estate related topics.**



# FREQUENTLY ASKED QUESTIONS

## PROPERTY MANAGER



### **Can a private individual be appointed as a property manager?**

*Yes, but only if he/she is a co-owner of the building he/she manages.*

### **Can the co-ownership council act in place of the property manager?**

*No, it ensures that the property manager carries out the tasks it designates but cannot act in his/her place.*

### **My neighbour insults me. What should my property manager do?**

*Nothing. The property manager does not have the authority to settle a dispute between neighbours, unless it concerns the co-ownership. The property manager is obliged to remain neutral.*

### **Following the last general meeting, the property manager sent me the minutes (within 30 days). However, I do not agree with these minutes. Who can I turn to?**

*The Justice of the Peace, within 4 months of the general meeting.*

### **What should the property management contract mention in terms of fees for services provided by the property manager?**

*Since 1 January 2019, the property management contract must contain a list of the fixed-price services on the one hand and the additional services on the other, as well as the fees associated with these services. This list must be as complete as possible. If the property manager provides a service that is not listed as a fixed-price or additional service, he/she will not be entitled to any remuneration, unless the general meeting decides otherwise by an absolute majority.*



## **BROKERAGE**

**What in particular must the consumer look out for when he/she signs a contract with a real estate agent - broker?**

- *Fees must be shown inclusive of VAT .*
- *When are the fees due? There are several possibilities:*
  - *As soon as the real estate agent has found a buyer at the minimum price the vendor is asking (even if he/she does not accept the offer)*
  - *As soon as he/she accepts a purchase offer*
  - *At the conclusion of the sale agreement*
  - *At the signing of the deed of sale*
- *How am I informed of the mission's follow-up ?  
In writing, verbally?*
- *When does the contract come to an end?*



### **Is my deposit protected?**

*Yes, if you call on the services of an IPI-registered real estate agent, as he/she is insured and must have a legally protected third-party account.*

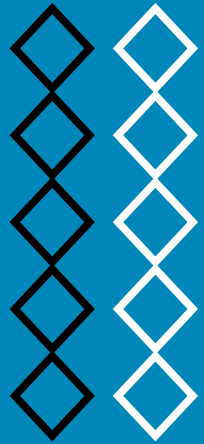
### **During the assignment to sell a property, can I sell my property myself?**

*You need to read the contract you have signed.  
Details will be given in the contract.*

The information provided in this brochure cannot be considered an authentic copy of the laws and regulations.

You will find these texts in full on our website ([ipi.be](http://ipi.be))

Responsible publisher:  
Mr. Nicolas Watillon, President of the IPI, 16B rue du Luxembourg, 1000 Brussels.



The IPI is a body governed by public law (under the supervision of the Minister for the Middle Classes). It is responsible for regulating access to the profession of real estate agent and exercising disciplinary control over its members as well as for prosecuting individuals practising the profession illegally.



Rue du Luxembourg 16B – 1000 Brussels  
[www.ipi.be](http://www.ipi.be) – [info@ipi.be](mailto:info@ipi.be) – 02 505 38 50

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