

TRUST IN REAL ESTATE SERVICES ACT

SELF-REPRESENTED PARTY

Definition of Self-Represented Party (SRP)

Under REBBA, there were two definitions which REALTORS® had to know - client and customer.

The Ministry felt that the terms client and customer were confusing for the public, **so the term customer will be removed entirely from TRESA. Moving forward, there will be two terms – client and self-represented party (SRP). An SRP is simply a party who is not a client of any brokerage.**

Example

There are two instances where a self-represented party (SRP) could interact with the REALTOR® without the interaction giving rise to an implied agreement between the REALTOR® and the SRP.

First, an SRP can receive general information relating to the business of trading and real estate, like general real estate market statistics.

Second, a REALTOR® could provide assistance to an SRP if that assistance is a service to their client, for example, as the seller's representative showing that listing to an SRP. However, the SRP has engaged for services only, not a duty of care. Should the SRP wish to purchase the property, **the REALTOR® may assist the SRP with the mechanics of filling out an Agreement of Purchase and Sale, but would not be able to provide any advice,** otherwise you have created



unintended agency by relying on your skills and judgement decision to the SRP.

Key Points

How to engage with a Self-Represented Party

Per Section 10 of the Code of Ethics, REALTORS® will be prohibited from providing services, opinions or advice to an SRP.

However, as a service to the REALTORS® client, **assistance may be provided to an SRP after**

- The self-represented party has received the mandatory RECO information guide;
- **And** the self-represented party acknowledgment form prepared by RECO has been signed.
- It will be the responsibility of the REALTOR® representing the brokerage to provide an explanation of the documents to an SRP.

What is the SRP acknowledgement form and how do I execute this form?

- The SRP Acknowledgement Form is a disclosure that the brokerage will be representing a client with respect to the trade. For instance, if there is an SRP that is the buyer for a client's listing, the form will disclose that relationship.
- The form outlines the risks that may arise after an SRP receives assistance from the brokerage and the types of assistance that the brokerage will be permitted to provide an SRP.
- The form recommends that the SRP seek professional advice from another real estate brokerage or lawyer and **requires the self-represented party's signature.**
- Once the form is signed and executed, REALTORS® are required to return a copy of the form to the SRP.

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