

TRUST IN REAL ESTATE SERVICES ACT

WRITTEN AGREEMENTS AND DISCLOSURES

TRESA implements some changes to the contents of written agreements and outlines new requirements for disclosures.

Listing agreement and the remuneration payable to any other brokerage.

- OREA's existing Standard Form includes a space to insert the cooperating brokers' commission. However, it is the decision of the seller about how much remuneration is payable to any other brokerage and needs to be a conversation that happens between the listing brokerage and the seller.
- The contents of written agreements must clearly outline the circumstances where the payable remuneration may change. In practice, some listing brokerages may reduce their remuneration if the listing agent also represents a buyer in a transaction. **Moving forward, this practice is not allowed and needs to be part of the written requirement.**

Services provided by a brokerage and the expiry date of the agreement.

- Any services promised to a client, for example, professional photography, staging, and open house cadence, must be listed in the written agreement.



- Any terms related to the termination of the agreement must be within the agreement itself. OREA's current Standard Form has an oval for our Members and their clients to initial if the term of the agreement is greater than six months. **Whether the agreement is for one week or one year, it must be outlined and initialled.**

Key Points

TRESA requires disclosures on:

- Multiple representation,
- Material facts and latent defects,
- Conflicts of interest; and,
- The existence of a Seller Property Information Statement (SPIS).

TRESA regulations also **require:**

- Disclosures to be written and in clear and concise language.
- REALTORS® must obtain a written acknowledgment from the client indicating that the disclosure has been received.
- Once the written acknowledgment is signed, a copy will then need to be provided to the client.

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