

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 representation agreements must clearly outline the circumstances where the payable remuneration may change. In practice, this could occur where the listing brokerage reduces their remuneration if the listing agent also represents a buyer in a transaction. **Any circumstance for a change to remuneration should be clearly identified on a written representation agreement.**



Services provided by a brokerage or designated representative 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 use their best efforts to obtain a written acknowledgement from the client indicating the disclosure has been received.
- Once the written acknowledgement is signed, a copy will then need to be provided to the client.

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