

PART 7—CONDUCT AND TRADE PRACTICES

Effective July 1, 2025

Brokerage supervision

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- (a) A broker, or a managing associate broker who has been delegated management responsibilities, must:
- (i) be actively engaged in the management of the brokerage;
 - (ii) ensure that the business of the brokerage is carried out competently and in accordance with the Act, the Regulations, the By-law and the Commission Policies;
 - (iii) ensure that there is an adequate level of supervision for managing associate brokers, associate brokers, salespeople, approved sales corporations, employees, unlicensed assistants, and others who perform duties on behalf of the brokerage (broker-managed persons); and
 - (iv) provide written policies and procedures to all broker-managed persons and by which all broker-managed persons are expected to operate, a copy of which must be made available to the Commission upon request.
- (b) A broker or managing associate broker is accountable for the misconduct of a broker-managed person, if the broker or managing associate broker:
- (i) was not actively involved in the management of the brokerage;
 - (ii) failed to ensure an adequate level of supervision was in place for the broker-managed person;
 - (iii) was willfully blind to the misconduct of the broker-managed person;
 - (iv) was a participant in the misconduct;
 - (v) had knowledge of the misconduct of the broker-managed person and failed to take reasonable steps to stop such misconduct;
 - (vi) upon becoming aware of the misconduct failed to take reasonable steps to correct the misconduct or reduce any harm that may have resulted from the misconduct;
 - (vii) failed to notify the Registrar upon becoming aware of misconduct relating to fraud, deception, theft, or unlawful activities on the part of the broker-managed person;
 - (viii) failed to notify the Registrar upon becoming aware of a broker-managed person being charged with an offence under the Criminal Code of Canada; or
 - (ix) in such other circumstances where the actions or lack of actions by the broker contributed to, or resulted in a violation of the Act, the Regulations, the By-law or the Commission Policies.
- (c) In the case of a designated-agency brokerage with a broker who conducts trades in real estate, the managing associate broker of the brokerage must fulfill the duties of the brokerage per the terms of designated brokerage agreements for trades conducted by the broker. The managing associate broker fulfilling the duties of the brokerage cannot act as the designated agent representing the other party on trades conducted by the broker.

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Scope of practice by licence category

Broker and managing associate broker responsibilities

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A broker or managing associate broker is responsible for:

- (a) being knowledgeable of and complying with the Act, the Regulations, the By-law, and the Commission Policies;
- (b) trading in real estate only in the name of the brokerage with which they are licensed;
- (c) trading in real estate only in the name of the broker or managing associate broker as it appears on their licence;
- (d) in the case of a managing associate broker, advising the broker of any foreseeable interruptions in the managing associate broker's availability to provide trading services;
- (e) ensuring real estate documents are reviewed upon execution to confirm compliance with the Act, the Regulations, the By-law, and the Commission Policies;
- (f) replying promptly and completely to any communication from the Commission including, but not limited to, investigations, audits, and the production of documents;
- (g) ensuring that the trust account, the trust account records, and the transaction files of the brokerage are created, updated, and maintained in accordance with the Act, the Regulations, the By-law and the Commission Policies;
- (h) ensuring adequate control and oversight, using the care and skill that a reasonably prudent broker would use, of the flow of funds in and out of the trust account;
- (i) ensuring that the seller is immediately notified in writing if a deposit to be held by the brokerage is not received per the terms of the agreement of purchase and sale or in the event the deposit cheque has not been honoured and seek the seller's instruction;
- (j) ensuring proper management and control of documents or records related to licensing, registrations and related regulatory requirements;
- (k) ensuring that all trading activities conducted on behalf of the brokerage are performed only by licensed persons and only in accordance with their respective licence classes and any conditions or restrictions placed on their licence;
- (l) reviewing and approving all advertising conducted by the brokerage and its licensees to ensure all advertising is in compliance with the Act, the Regulations, the By-law, and the Commission Policies; and
- (m) approving team names and team logos to ensure compliance with the Act, the Regulations, the By-law, and the Commission Policies.

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Delegation of broker authority

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- (a) A broker may delegate the broker's duties and responsibilities to a managing associate broker of the brokerage if:
 - (i) the particulars of the delegation of responsibilities by the broker to the managing associate broker are clear, in writing, and agreed to and understood by the broker and the managing associate broker;
 - (ii) the particulars of the delegation are communicated to broker-managed persons whose roles are affected by the delegation; and
 - (iii) the broker has a system in place to monitor the managing associate broker and verify that adequate supervision is being maintained.
- (b) In the event a broker delegates the broker's duties and responsibilities to a managing associate broker, the broker remains accountable for the conduct of the managing associate broker and all broker-managed persons.

Managing associate broker, associate broker and salesperson responsibilities

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- (a) A managing associate broker, associate broker or a salesperson is responsible for:
 - (i) being knowledgeable of and complying with the Act, the Regulations, the By-law and the Commission Policies;
 - (ii) trading in real estate only in the name of the brokerage with which they are licensed;
 - (iii) trading in real estate only in the name of the managing associate broker, associate broker or salesperson as it appears on their licence;
 - (iv) ensuring all their advertising complies with the Act, the Regulations, the By-law and the Commission Policies;
 - (v) providing all documentation, trust deposits, and trade record sheets to the broker as required under the By-law and Commission Policies;
 - (vi) keeping the broker informed of all of their activities being performed on behalf of the brokerage;
 - (vii) advising the broker of any foreseeable interruptions in a licensee's availability to provide trading services;
 - (viii) informing the broker of any unlicensed assistant they have engaged; and
 - (ix) notifying the broker upon learning of a possible violation of the Act, the Regulations, the By-law or the Commission Policies by any managing associate broker, associate broker, salesperson, approved sales corporation, employee, or others who perform duties on behalf of a brokerage.

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- (b) All licensees, whether they are employees or independent contractors, associate brokers, salespeople, or approved sales corporations, have the same responsibilities to the broker and to the Commission.

Recruitment and licensing disclosures

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- (a) Brokers are required to provide the following disclosures to prospective individuals who are considering becoming licensed with the brokerage prior to those individuals making any commitment to that brokerage:
 - (i) a copy of the terms of engagement, in its entirety, that the individual would be required to sign;
 - (ii) all expenses the individual would be required to pay or reimburse during the time they are licensed with that brokerage;
 - (iii) all fees, changes in remuneration, or penalties that the individual would be responsible for when the individual's licence terminates with that brokerage; and
 - (iv) in the case where the individual would cease to be licensed with the brokerage, whether the brokerage will release consumers subject to service agreements that were entered into by the individual or team on behalf of the brokerage while licensed with the brokerage.
- (b) The disclosures must be made in writing and receipt thereof acknowledged in writing, prior to engagement of the prospective individual by the brokerage. The brokerage is responsible for maintaining copies of the signed disclosures and must provide a copy of the signed disclosures to the individual.

Terms of licensee engagement

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- (a) The terms of engagement between the brokerage and the prospective individual must be set out in writing and agreed to by both the broker and the individual who is becoming licensed with the brokerage.
- (b) A prospective individual must have a seven-day period after execution of the terms of engagement to withdraw, without penalty, by giving written notice of the withdrawal to the brokerage.

Duty to act honestly

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A licensee is expected to act honestly and with integrity in carrying out business with clients, unrepresented parties, other licensees, the Commission, and members of the public.

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Duty to act with reasonable care and skill

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- (a) In carrying out business, a licensee must:
 - (i) be courteous and responsive to clients, unrepresented parties, and other persons; and
 - (ii) be competent, meaning that they must possess and demonstrate the necessary level of skill and judgment required with respect to any matter on which they are representing a party, or in which they are asked to provide information to unrepresented parties.
- (b) A licensee must not, in respect of a trade in real estate, provide opinions or advice to an unrepresented party.

Duty to be available and disclose availability

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- (a) Licensees must provide conscientious, diligent, and effective service to clients, unrepresented parties, and other parties in relation to trades in real estate.
- (b) The requirement of conscientious, diligent and effective service means that a licensee makes every effort to provide timely service to clients and other parties in relation to trades in real estate. If the licensee can reasonably foresee undue delay in providing services, clients and other parties must be so informed.

Duty to operate within skillsets

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- (a) A licensee must advise a person to obtain services from another person if the licensee is not able to provide the services with reasonable knowledge, skill, judgment, and competence or is not authorized by law to provide the services.
- (b) A licensee must not discourage a person from seeking a particular kind of service from another person if the licensee is not able to provide the service with reasonable knowledge, skill, judgment and competence or is not authorized by law to provide the service.
- (c) When the licensee is unable to render such service, either alone or with the aid of other licensees, the licensee must not accept the assignment or otherwise provide assistance in connection with the transaction.

Licensee's duty to discover

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- (a) A licensee in an agency relationship with a seller has a fiduciary obligation to discover facts about the seller's property that a reasonably prudent licensee would discover to fulfill the licensee's obligation to protect the seller's interests and to avoid error, misrepresentation, omission or concealment of pertinent facts and ensure that any representations of the property that the licensee makes to the public are factual and accurate.

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- (b) A licensee in an agency relationship with a buyer has a fiduciary obligation to make sufficient inquiries of the buyer to determine the buyer's needs and to discover facts about a property in which the buyer is interested that a reasonably prudent licensee would discover to fulfill the licensee's obligation to avoid error, misrepresentation, omission or concealment of pertinent facts that if known, might reasonably affect the buyer's decision to purchase the property.

Opinions of value

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- (a) When asked to give an opinion of value of real property, the licensee must advise the client only after careful and thorough analysis and interpretation of all factors affecting the value of the property.
- (b) A licensee must not provide an opinion or advice about the value of real estate to any person unless the licensee has education and experience related to the valuation of real estate.
- (c) A licensee must not provide an opinion of value on a property for which the licensee has a present or contemplated interest.
- (d) Fees charged for providing an opinion of value must not be based on the amount of value reported.

Do not discourage expert advice

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A licensee must not discourage a client, an unrepresented person, or a party to a trade in real estate from seeking legal counsel or expert advice.

Care and protection of property

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- (a) A licensee must have written authorization from a seller or seller's licensee to access the seller's property.
- (b) A licensee who accesses, provides access to or arranges to provide access to property that is the subject of a trade in real estate must take reasonable steps to secure and protect the property and its contents from any form of damage, loss or destruction.
- (c) A licensee must not knowingly permit any property to which they have access or arrange access to be used for unlawful or unintended purposes.
- (d) In carrying on business, a licensee must not provide any person with access to a property unless:
 - (i) a licensee is present with the person; or
 - (ii) the seller has consented in writing to a licensee not attending the property with the person.

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Do not discriminate

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In carrying on business, a licensee must not discriminate against any person on the basis of a prohibited ground set out in the *Nova Scotia Human Rights Act*.

Do not abuse

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In carrying on business, a licensee must not physically, sexually, emotionally or verbally abuse or harass any person.

Intimidation, coercion, etc.

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In carrying on business, a licensee must not intimidate or coerce any person or subject any person to undue pressure.

Unprofessional conduct

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A licensee must not violate the Act, the Regulations, the By-law, the Commission policies, or a direction of the Commission and must not otherwise engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as:

- (a) being disgraceful, dishonourable, unprofessional or unbecoming of a licensee; and/or
- (b) likely to bring the profession into disrepute or to undermine public confidence in the regulation of licensees under the Act.

Conduct unbecoming

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- (a) Unprofessional conduct includes conduct unbecoming a licensee. Conduct unbecoming is conduct of a licensee that occurs outside the carrying on of business, but:
 - (i) brings into question the integrity of the licensee;
 - (ii) is contrary to the public interest; or
 - (iii) is likely to undermine public confidence in the real estate industry.
- (b) A brokerage that is a partnership or corporation may be found to have committed unprofessional conduct or conduct unbecoming a licensee if a partner, an officer, a director or a controlling shareholder of the brokerage does one or more of the things referred to in subsection (a) or by-law 718.

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Maintaining professional integrity and judgment

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A licensee who engages in another profession, business or occupation concurrently with the practice of real estate must not allow such outside interest to jeopardize the licensee's professional integrity, independence or competence.

Do not interfere in the contracts of others

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- (a) The agency relationship of a brokerage or a licensee must be respected by all licensees. Communications concerning listed property or with any party who is solely represented must be carried on with the client's licensee and not with the client directly, except with the written consent of the client's licensee.
- (b) A licensee must not knowingly approach a seller whose property is currently listed for the purpose of soliciting a listing for their brokerage or a buyer that is under contract.

No unlawful conduct

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A licensee must not counsel, advise or knowingly assist a person to contravene the Act, the Regulations, the By-law, the Commission Policies or any other law that:

- (a) is applicable to a trade in real estate; or
- (b) is relevant to carrying on a licensee's business with integrity and honesty.

Consumer relationships/obligations to consumers

Common-law agency brokerages

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For brokerages practicing common-law agency:

- (a) The brokerage agreement is between the client and the brokerage;
- (b) Representation and the agency relationship is between the client of the brokerage and all licensees of the brokerage; and
- (c) The broker and managing associate broker(s), where applicable, is responsible for:
 - (i) establishing written policies and procedures governing the activities of the brokerage and its licensees; and
 - (ii) supervising licensees to ensure that they fulfill their duties under the By-law.

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Designated agency brokerages

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For brokerages practicing designated agency:

- (a) The brokerage agreement is between the client and the brokerage;
- (b) Representation and the agency relationship is only between the client and the licensee(s) designated by the broker in the brokerage agreement as the designated agent;
- (c) The brokerage, the broker, and any licensee not designated in the brokerage agreement does not represent the client and no agency obligations are owed; and
- (d) The broker, and managing associate broker(s), where applicable, is responsible for:
 - (i) establishing written policies and procedures to ensure clients' confidential information is available only to the licensee(s) designated as the designated agent(s);
 - (ii) establishing written policies and procedures governing the activities of the brokerage and designated agents licensed with the brokerage;
 - (iii) supervising the designated agent or agents to ensure that they fulfill their duties under the By-law.
 - (iv) communicating to clients its policies and procedures that ensure that a designated agent does not communicate any information prejudicial to the interests of the client to other members of the brokerage, including other designated agents;
 - (v) ensuring any confidential information respecting a client is not disclosed to any other person unless authorized by that client or required by law; and
 - (vi) treating the interests of all clients in an even-handed, objective, and impartial manner unless otherwise stated in the brokerage agreement.

Working with the Real Estate Industry form

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When working with real estate consumers, at the earliest opportunity licensees must explain the Working with the Real Estate Industry form and have it signed by the consumer.

General disclosure requirements

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Licensees have a professional responsibility to ensure that consumers have all the information necessary to make informed decisions regarding real estate services and transactions to which they are a party. Licensees must ensure that they provide and explain disclosures in accordance with the By-law, and in accordance with any agreement/acknowledgement with a client or an unrepresented party. In no case, may a licensee contract to provide fewer disclosures than set out in the By-law.

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Disclosures when working with a prospective seller client

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- (a) Before entering into an agency representation agreement with a seller, a licensee must confirm the seller's authority to sell the property and explain the agency relationship, the contents of the representation agreement, and the services that will be provided to the seller.
- (b) The explanations provided in subsection (a) must include:
 - (i) a description of the services the brokerage and/or the designated agent will provide;
 - (ii) the remuneration that will be owed to the brokerage, when the remuneration will be owed, and under what circumstances;
 - (iii) the obligations of the brokerage, the licensee, and the seller;
 - (iv) addressing the seller's financial ability to sell the subject property;
 - (v) the duration of the contract; and
 - (vi) the reasons and manner in which the contract may be terminated.
- (c) If the seller agrees to enter into an agency representation agreement with the brokerage, any releases, promises or guarantees of specific service(s) that are not captured in the standard wording of the agreement must be written into the contract and be acknowledged by the seller in writing.
- (d) Any conflicts of interest, whether real or potential, must be addressed in accordance with by-law 733.

Disclosures when working with a prospective buyer client

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- (a) Before entering into an agency representation agreement with a buyer, a licensee must explain the agency relationship, the contents of the representation agreement, and the services that will be provided to the buyer.
- (b) The explanations provided in subsection (a) must include:
 - (i) a description of the services the brokerage and/or the designated agent will provide;
 - (ii) any remuneration that will be owed to the brokerage and under what circumstances;
 - (iii) the obligations of the brokerage, the licensee, and the buyer;
 - (iv) addressing the buyer's financial ability to purchase real estate;
 - (v) the duration of the contract; and
 - (vi) the reasons and manner in which the contract may be terminated.
- (c) If the buyer agrees to enter an agency representation agreement with the brokerage, any releases, promises or guarantees of specific service(s) that are not captured in the standard

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wording of the agreement must be written into the contract and be acknowledged by the buyer in writing.

- (d) Any conflicts of interest, whether real or potential, must be addressed in accordance with by-law 733.

Obligations to clients

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- (a) The obligations of a common-law brokerage or a designated agent in an agency relationship with a seller are:
 - (i) to act in the best interests of the seller;
 - (ii) to act in accordance with the lawful instructions of the seller;
 - (iii) to maintain the confidentiality of information respecting the seller;
 - (iv) to take reasonable steps to avoid any conflict of interest;
 - (v) to disclose, in accordance with by-law 733, a conflict of interest if it exists to the seller, promptly and fully;
 - (vi) to disclose, in a timely manner, to the seller all relevant information, material facts, and defects affecting the property or the transaction known to the brokerage or the designated agent;
 - (vii) to account for all money or property belonging to the seller that is entrusted to the brokerage or the designated agent;
 - (viii) to exercise reasonable care and skill in the performance of their duties and obligations to the seller;
 - (ix) to act only within the scope of the authority given by the seller;
 - (x) to act only as the seller's agent;
 - (xi) to advise the seller to seek independent professional advice on matters outside of the expertise of the brokerage or the designated agent;
 - (xii) to only sign on behalf of a seller if the brokerage or the designated agent has a written power of attorney;
 - (xiii) to explain all forms and documents to the seller prior to execution;
 - (xiv) to not appoint another brokerage or designated agent to act on behalf of the seller as sub-agent without the seller's prior written consent;
 - (xv) to use best efforts to market the property and to promote the interests of the seller;
 - (xvi) at the earliest reasonable opportunity, to advise any buyer interested in the property that the brokerage or designated agent is the seller's agent;

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- (xvii) to assist the seller in negotiating favourable terms and conditions with a buyer and in preparing and complying with a legally binding agreement for the property;
 - (xviii) to disclose to buyers all material latent defects affecting the property known to the brokerage or the designated agent;
 - (xix) to present, in a timely, objective and unbiased manner, all offers, counter-offers, and backup offers to and from the seller even when the property is already subject to an agreement;
 - (xx) to keep the seller fully informed regarding the progress of the transaction; and
 - (xxi) to be honest with the seller on all matters related to the transaction.
- (b) The obligations of a common-law brokerage or a designated agent in an agency relationship with a buyer are:
- (i) to act in the best interests of the buyer;
 - (ii) to act in accordance with the lawful instructions of the buyer;
 - (iii) to maintain the confidentiality of information respecting the buyer;
 - (iv) to take reasonable steps to avoid any conflict of interest;
 - (v) to, in accordance with by-law 733, disclose a conflict of interest if it exists to the buyer, promptly and fully;
 - (vi) to disclose, in a timely manner, to the buyer all relevant information and material facts affecting a property or the transaction known to the licensee;
 - (vii) to account for all money or property belonging to the buyer that is entrusted to the brokerage or the designated agent;
 - (viii) to exercise reasonable care and skill and act honestly in the performance of their duties and obligations to the buyer;
 - (ix) to act only within the scope of the authority given by the buyer;
 - (x) to act only as the buyer's agent;
 - (xi) to advise the buyer to seek independent professional advice on matters outside of the expertise of the brokerage or designated agent;
 - (xii) to only sign on behalf of a buyer if the brokerage or the designated agent has a written power of attorney;
 - (xiii) to explain all forms and documents to the buyer prior to execution;
 - (xiv) not to appoint another brokerage or designated agent to act on behalf of the buyer as sub-agent without the buyer's prior written consent;

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- (xv) to use best efforts in locating a property in the specified market area that meets the material requirements identified by the buyer and to promote the interests of the buyer;
- (xvi) at the earliest reasonable opportunity, advise any seller in whose property the buyer is interested that the brokerage or the designated agent is the buyer's agent;
- (xvii) to seek out and advise the buyer, in a timely manner, of available properties in the market area which may meet the buyer's requirements, including those listed with other brokerages and other available properties known to the brokerage or the designated agent;
- (xviii) to take reasonable steps to discover material facts pertaining to any property for which the buyer is considering making an offer;
- (xix) to disclose to the buyer the existence and terms of any competing offers known to the brokerage or designated agent for a property in which the buyer is interested;
- (xx) to assist the buyer in negotiating favourable terms and conditions with a seller and in preparing and complying with a legally binding agreement;
- (xxi) to disclose to buyers all defects affecting the property known to the brokerage or designated agent;
- (xxii) to convey, in a timely, objective, and unbiased manner, all offers, counter-offers, and backup offers to and from the buyer even when the property is already the subject of an agreement;
- (xxiii) to keep the buyer fully informed regarding the progress of the transaction; and
- (xxiv) to be honest with the buyer on all matters relating to the transaction.

Disclosures to Unrepresented Parties

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- (a) If a brokerage or a designated agent represents a client in respect of a trade in real estate that includes an unrepresented party in respect of the same trade, the brokerage or designated agent must provide the following information in writing to the unrepresented party and obtain signed acknowledgement:
 - (i) a recommendation that the unrepresented party seek independent professional advice;
 - (ii) a disclosure that the brokerage or the designated agent represents a client in respect of the trade, and that notwithstanding any assistance the brokerage or the designated agent may provide to the unrepresented party, they:
 - 1) are not representing the unrepresented party in the transaction;
 - 2) have a duty to act in the best interest of their client and not the unrepresented party;
 - 3) have no obligation to the unrepresented party with respect to avoiding conflicts of interest or negotiation of favourable terms; and

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- 4) are not providing advice to the unrepresented party;
 - (iii) a description of the type of assistance that the brokerage or designated agent is permitted to provide to the unrepresented party;
 - (iv) an explanation of the risks to the unrepresented party that may arise from continuing as an unrepresented party, including the benefits of client representation that cannot be offered to the unrepresented party by the brokerage or the designated agent;
 - (v) that choosing to obtain agency representation later in the transaction may obligate the unrepresented party to pay remuneration for that representation.
 - (vi) an outline of any direct or indirect costs to the unrepresented party related to the transaction.
- (b) If the unrepresented party has been provided the disclosure set out in this section, including the recommendation they seek independent professional advice, but decides to proceed with the transaction without representation, the licensee shall obtain a written acknowledgement from the unrepresented party that:
- (i) they have been provided the disclosures set out in subsection (a);
 - (ii) independent professional advice has been recommended to them; and
 - (iii) they have either chosen not to obtain such advice, or having obtained such advice, have decided to proceed with the transaction without representation.

Agency conflicts and alternatives—referring to another brokerage or designated agent, unrepresented parties, and transaction brokerage

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- (a) If a brokerage or a designated agent has an agency relationship with a seller and a buyer and the buyer is interested in the seller's property, the brokerage or the designated agent may offer to continue to represent the party, be it the seller or the buyer, with whom it first entered into an agency relationship, subject to any conflicts of interest, and the brokerage or the designated agent will offer the option:
- (i) If a designated agency brokerage, to designate another licensee of the brokerage to represent the other party in an agency relationship or to recommend the other party to another brokerage where the other party can receive the benefit of an agency representation.
 - (ii) If a common-law brokerage, to refer the other party to another brokerage where the party can receive the benefit agency representation or treat the other party as an unrepresented party.
- (b) If the buyer and a seller have been presented with the options in subsection (a)(i) or (ii) and still wish to continue the transaction with the same brokerage or designated agent, the buyer and the seller may be offered the option of entering into a transaction brokerage relationship to facilitate the sale or lease of the property.

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- (c) If the parties wish to continue with transaction brokerage, the brokerage or the designated agent must disclose the differences between the obligations the brokerage or the designated agent would have if it represented only one client in respect of the trade and the obligations the brokerage or the designated agent would have if the parties were in a transaction brokerage including that the brokerage or designated agent will no longer:
- (i) act in the best interest of the client;
 - (ii) act only on behalf of the client;
 - (iii) provide advice to the client;
 - (iv) use best efforts to protect and promote the client's negotiating position at all times;
 - (v) avoid the conflict of interest between clients;
 - (vi) negotiate favourable terms for the client; and
 - (vii) advocate on behalf of either party.
- (d) The brokerage or the designated agent must disclose to the parties the total remuneration the brokerage will receive from the transaction.
- (e) After making the disclosures in subsection (c) and (d) the brokerage or the designated agent will provide both the buyer and the seller with the opportunity to review the transaction brokerage agreement and to request further information concerning the transaction brokerage agreement and transaction brokerage relationship described in it.
- (f) If the parties authorize the brokerage or the designated agent to enter into a transaction brokerage relationship by signing the transaction brokerage agreement, the brokerage or the designated agent is now acting in the capacity of a transaction facilitator and will:
- (i) treat the interests of both the buyer and the seller in an even-handed, objective, and impartial manner;
 - (ii) exercise reasonable care and skill in the performance of its mandate under the agreement;
 - (iii) obey the instructions of the buyer or the seller in so far as they are consistent with other terms of the agreement;
 - (iv) perform for the buyer and the seller the following facilitation services:
 - 1) provide real estate statistics and information on property including all comparable property information available through the listing services or other local databases;
 - 2) provide agreements of purchase and sale, lease or other relevant documents and act as a scribe in their preparation in accordance with the instructions of the buyer or the seller;
 - 3) provide the names of real estate service providers, but the brokerage will not recommend any particular service provider to the buyer or the seller;

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- 4) present in a timely, objective, and unbiased manner, all offers, counter-offers, and backup offers to and from the buyer and seller regardless of whether the property is already the subject of an agreement;
 - 5) convey to the buyer and the seller in a timely manner all information that either wishes to have communicated to the other; and
 - 6) keep the buyer and seller fully informed regarding the progress on the transaction;
- (v) disclose:
- 1) to the buyer, all material latent defects affecting the property known to the transaction facilitator;
 - 2) to the seller, all material facts relevant to the buyer's ability to purchase the property known to the transaction facilitator; and
 - 3) to the buyer, a decision by a seller to not proceed with the transaction or to the seller, a decision by the buyer not to proceed with the transaction;
- (vi) not give false or misleading information to the buyer or the seller;
- (vii) not disclose without the informed written consent of the buyer or the seller, as the case may be:
- 1) that the buyer may be prepared to offer a higher price or terms other than those contained in the offer to purchase or the buyer brokerage agreement;
 - 2) that the seller may be prepared to accept a lower price or terms other than those contained in the offer to purchase or the seller brokerage agreement;
 - 3) the motivation of the buyer or seller for wishing respectively to purchase or sell the property; and
 - 4) subject to clause (f)(v)(1) and (2), personal information relating to the buyer or the seller and other information disclosed at any time in confidence by either to the transaction facilitator; and
- (viii) not conduct or influence the selection of:
- 1) an independent inspection of the property for the buyer and will not verify the accuracy or completeness of any information supplied or statements made by the seller concerning the property; or
 - 2) an independent inquiry into the financial status of the buyer for the seller and will not verify the accuracy or completeness of any financial information supplied by the buyer.

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Disclosure to clients of remuneration from other sources

732

(a) If a licensee anticipates receiving remuneration, either directly or indirectly, other than the remuneration paid to the licensee through the brokerage by the client, as a result of the licensee:

(i) Providing real estate services to or on behalf of the client; or

(ii) Recommending to the client:

1) A home inspector, mortgage broker, surveyor, lawyer, or financial institution; or

2) Any other person providing products or services related to real estate; or

(iii) Referring the client to a person referred to in subsection (a) (ii) (1) or (2);

The licensee must promptly disclose the source and amount and obtain their client's written consent to receive the remuneration.

(b) If a licensee recommends a family member to the client as defined in the By-law or as an associate as defined in the Act in relation to the provision of real estate products or services, this relationship must be disclosed to the client in writing at the time the recommendation is made.

(c) A licensee may only receive remuneration per the terms of the service agreement with the client. To receive any remuneration outside the terms of the service agreement, the licensee must obtain the written consent of the client.

Disclosure of conflict of interest

733

Subject to by-law 734, a licensee must not provide real estate services, including representation, to a prospective client or client or continue to provide services to a client where the interests of the licensee conflict or may conflict with the interests of the client unless the licensee has:

(a) disclosed to the client or prospective client any transaction or relationship that gives rise to or could reasonably be expected to give rise to a conflict of interest;

(b) advised the client or prospective client to seek independent professional advice with respect to the disclosure made under subsection (a);

(c) taken all reasonable steps to ensure that the client or prospective client has demonstrated a reasonable understanding of the conflict or prospective conflict of interest; and

(d) obtained informed consent from the client or prospective client, in writing, to the provision of services by the licensee despite the conflict or prospective conflict of interest.

Disclosure of interest in trade

734

(a) A licensee trading in real estate on the licensee's own behalf or on behalf of the licensee's family member, either directly or indirectly, must disclose in writing:

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- (i) to a buyer or a seller who is not represented by a licensee:
 - 1) the name of the licensee and that the licensee is licensed to trade in real estate under the Act;
 - 2) the name of the brokerage with which the licensee is licensed;
 - 3) any interest, direct or indirect, that the licensee or licensee's family member has in the transaction; and
 - 4) if acquiring real estate, the intentions of the licensee or licensee's family member for the real estate, including whether it is for personal use, investment, and/or resale; and
 - 5) any information known to the licensee that could materially affect the value of the real estate.
- (ii) to the licensee representing a buyer or a seller:
 - 1) the name of the licensee and that the licensee is licensed to trade in real estate under the Act;
 - 2) the name of the brokerage with which the licensee is licensed;
 - 3) any interest, direct or indirect, that the licensee or licensee's family member has in the transaction; and
 - 4) if acquiring real estate, the intentions of the licensee or licensee's family member for the real estate, including whether it is for personal use, investment, and/or resale.
- (b) When any individual is employed in a management position or is an owner in all or part of a common law brokerage, and/or licensed with a common law brokerage wishes to directly or indirectly purchase or offer to purchase a property that the brokerage has under contract to sell, before an offer is prepared the brokerage must:
 - (i) disclose to the seller the existence of a conflict of interest;
 - (ii) disclose to the seller the name of the prospective buyer and the nature of their relationship to the brokerage;
 - (iii) disclose to the seller any confidential information of the seller that the prospective buyer may have already received;
 - (iv) disclose to the seller who will be representing the prospective buyer with respect to the transaction;
 - (v) disclose to the seller the intentions of the buyer for the real estate, including whether it is for personal use, investment, and/or resale; and
 - (vi) provide the seller with an opportunity to seek legal and independent advice; and if the seller wishes to receive independent representation from another brokerage, refer the seller to another brokerage. If the seller wishes to proceed with the transaction without representation, the brokerage must treat the seller as an unrepresented party.

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- (c) If a non-management employee with no material interest in the common-law brokerage wishes to purchase the property of a seller client, the employee's relationship with the brokerage must be disclosed to the seller client before an offer is prepared.
- (d) When any individual employed by, in a management or ownership capacity, of a designated-agency brokerage or the designated agent specified in the seller brokerage agreement wishes to directly or indirectly purchase or offer to purchase a property that the brokerage has under contract to sell, before an offer is prepared the brokerage must:
 - (i) disclose to the seller the existence of a conflict of interest;
 - (ii) disclose to the seller the name of the prospective buyer and the nature of their relationship to the brokerage;
 - (iii) disclose to the seller any confidential information of the seller that the prospective buyer may have already received;
 - (iv) disclose to the seller who will be representing the prospective buyer with respect to the transaction;
 - (v) disclose to the seller the intentions of the buyer for the real estate, including whether it is for personal use, investment, and/or resale; and
 - (vi) provide the seller with an opportunity to seek legal and independent advice; and if the seller wishes to receive independent representation from another brokerage, refer the seller to another brokerage. If the seller wishes to proceed with the transaction without representation, the brokerage must treat the seller as an unrepresented party.
- (e) If a non-management employee with no material interest in the designated agency-brokerage wishes to purchase the property of a seller client, the employee's relationship with the brokerage must be disclosed to the seller client before an offer is prepared.

Disclosure of material latent defects

735

- (a) For the purposes of this by-law, a material latent defect means a defect that cannot be discerned through a reasonable inspection of the property, including, but not limited to, any of the following:
 - (i) a defect that renders the real estate:
 - 1) dangerous or potentially dangerous to the occupants;
 - 2) unfit for habitation; or
 - 3) unfit for the purpose for which a party is acquiring it; if
 - A. the party has made that purpose known to the licensee; or
 - B. the licensee has otherwise become aware of that purpose;

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- (ii) a defect that would involve significant expense to remedy, such that it would reasonably be seen to have impacted the decision of the buyer to purchase the property;
 - (iii) any outstanding notices, directives, or orders with respect to the property, that are not a matter of public record; or
 - (iv) a lack of appropriate municipal building and other permits respecting the real estate.
- (b) A licensee who is providing real estate services to a client who is disposing of real estate must provide written disclosure to all other parties to the trade, promptly and before any agreement for the acquisition or disposition of the real estate is entered into, any material latent defect in the real estate that is known to the licensee.
- (c) A client who instructs a licensee to withhold a disclosure required under subsection (b) is giving an unlawful instruction and the licensee must refuse to provide further trading services to or on behalf of that client in respect of the trade in real estate, unless the client agrees to provide the disclosure.
- (d) Disclosure to a party is not required under subsection (b) if the party has already received written disclosure of the material latent defect from the client who is disposing of the real estate.

Disclosure and lawful instruction

736

Licensees must follow the lawful instruction of their clients, seek clarity of instruction when necessary to carry out the instructions of the client, and to obtain the instruction in writing where possible.

Disclosure of competing offers

737

- (a) If a brokerage or a designated agent in an agency relationship with a seller receives a competing offer or offers, the brokerage or the designated agent must follow the direction of the seller as to whether to disclose to every person who is making one of the offers:
- (i) that there are competing offers; and/or
 - (ii) the number of competing offers.
- (b) The brokerage or designated agent must not disclose the contents of any offer.

Documentation

Residential mandatory forms

738

- (a) The following forms have been approved by the Commission for use in residential transactions by all licensees. The use of these forms, as applicable, in residential transactions is mandatory.

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- (i) Form 100—Working with the Real Estate Industry
- (ii) Form 110—Unrepresented Buyer Acknowledgement
- (iii) Form 112—Unrepresented Seller Acknowledgement and Fee Agreement
- (iv) Form 200—Seller Brokerage Agreement
- (v) Form 201—Seller Designated Brokerage Agreement
- (vi) Form 203—Mere Posting Service Agreement
- (vii) Form 210—Equipment Schedule
- (viii) Form 211—Property Disclosure Statement
- (ix) Form 212—Property Disclosure Statement for Vacant Land
- (x) Form 220—Amendment to Seller Buyer Brokerage/Designated Brokerage Agreement
- (xi) Form 221—Temporary Withdrawal or Termination of Seller Buyer Brokerage Agreement/Designated Brokerage Agreement
- (xii) Form 222—Amendment to Service Agreement
- (xiii) Form 223—Assignment of Seller Buyer Brokerage Agreement/Designated Brokerage Agreement
- (xiv) Form 224—Temporary Withdrawal or Termination of Service Agreement
- (xv) Form 300—Buyer Brokerage Agreement
- (xvi) Form 301—Buyer Designated Brokerage Agreement
- (xvii) Form 400—Agreement of Purchase and Sale
- (xviii) Form 402—Resale Condominium Schedule
- (xix) Form 403—Agreement of Purchase and Sale for New Construction
- (xx) Form 404—Vacant Land Schedule
- (xxi) Form 405—HST Rebate Schedule
- (xxii) Form 406—Mini/Mobile Home Schedule
- (xxiii) Form 407—Multi-Unit Residential Income Properties Schedule
- (xxiv) Form 408—Buyer Waiver of Conditions
- (xxv) Form 410—Counter Offer
- (xxvi) Form 411—Transaction Brokerage Agreement – Common Law
- (xxvii) Form 412—Transaction Brokerage Agreement – Designated Agency

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- (xxviii) Form 420—Addendum Schedule "___"
 - (xxix) Form 421—Amendment to Agreement of Purchase and Sale
 - (xxx) Form 430A—Sale of Buyer’s Property Schedule
 - (xxxi) Form 430B—Sale of Buyer’s Property Seller Notice to Buyer
 - (xxxii) Form 430C—Sale of Buyer’s Property Buyer Notice to Seller
 - (xxxiii) Form 431—Water and Septic Schedule
 - (xxxiv) Form 440—Termination of Agreement of Purchase and Sale and Release of Deposit
 - (xxxv) Form 441—Deposit Disclaimer for New Construction
 - (xxxvi) Form 442—Change Order
 - (xxxvii) Form 443—Deficiencies
- (b) If a licensee receives a document in lieu of one of the mandatory forms that is drafted by the legal counsel or another person of one of the parties to a trade in real estate, the licensee must ensure the document used complies with Act sections 26, 27, 29, and 30, the By-law, and the Brokerage Transaction and Trust Account Policy or the licensee must amend or counter, as appropriate, the document to comply.
- (c) A licensee may revise any form to a trade in real estate by adding or deleting content; however, the additions or deletions must not directly or indirectly conflict with the requirements of subsection (b) or remove the obligations or requirements of licensees set out in the Act, the By-law or the Commission Policies.
- (d) The licensee has a fiduciary obligation to review all real estate documents with their client to ensure that the client’s interests are protected.

Commercial forms

739

Licensees conducting commercial transactions must ensure that the disclosures and contracts used comply with the requirements set out in Act sections 26, 27, 29, and 30, the By-law and the Brokerage Transaction and Trust Account Policy.

Written and legible real estate transaction documentation

740

- (a) Licensees have an obligation to ensure that all real estate transaction documentation, whether prepared by the licensee or received by the licensee, is in writing, in clear and understandable language, expressing the specific terms, conditions, obligations and commitments of all the parties and executed and initialed, if applicable.

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- (b) All real estate transaction documentation must remain legible, regardless of the manner in which the content of the documents are altered and how the documents are shared between the parties.
- (c) A true copy of any real estate transaction document that is signed and/or initialed by a client, an unrepresented party or another person must be provided to that party at the time of signing.

Signing agreements on behalf of others

741

- (a) If a client or an unrepresented party is signing on behalf of another party to the agreement, the client or unrepresented party must be authorized to do so and the licensee must obtain a copy of that authorization for the transaction file.
- (b) To sign on behalf of a client, a licensee must obtain a power of attorney granting the licensee authorization to sign a document on the client's behalf.

Service and representation agreements

742

- (a) Service and representation agreements must be in writing and a licensee must deliver to the client or the unrepresented party a true copy of the agreement upon its signing.
- (b) Licensees must deliver a copy of the agreement to the licensee's brokerage as soon as possible after the agreement is entered into.
- (c) Licensees must confirm that a seller has the authority to market and sell the property.
- (d) A licensee must not knowingly make an inaccurate representation about services provided by the licensee or the licensee's brokerage.
- (e) Any offer of services or other promises made to a client or unrepresented persons that are not contained in the standard wording of a brokerage agreement or an unrepresented acknowledgement form must be added, in writing, to the agreement/acknowledgement prior to execution.

Agreement of purchase and sale, schedules, and addendums

743

- (a) Agreements of purchase and sale and any attached documents, such as schedules and addendums, must be in writing and the schedules and/or addendums must be referenced on the agreement of purchase and sale.
- (b) When a licensee prepares an agreement of purchase and sale for a buyer client or an unrepresented buyer, upon signing and initialing the agreement and any schedules or addendums, the licensee must provide a true copy of that offer to the buyer and the seller's licensee or, if unrepresented, to the seller.

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Presentation of offers

744

Unless otherwise instructed by the licensee's seller client or unrepresented seller, a licensee who receives an offer from a buyer or a buyer's licensee must deliver, as soon as possible, a true copy to the seller.

Acceptance of an agreement of purchase and sale

745

- (a) A licensee who has obtained a signed acceptance of an agreement of purchase and sale from the seller must deliver a true copy of the signed acceptance to:
 - (i) the seller;
 - (ii) the buyer's licensee or buyer; and
 - (iii) the licensee's brokerage.
- (b) A licensee who receives a copy of an accepted agreement of purchase and sale on behalf of a buyer must deliver a true copy to the buyer and the licensee's brokerage.

Submission of documentation to the brokerage

746

All real estate transaction documents related to a trade in real estate, regardless of acceptance, must be submitted to the licensee's brokerage.

Obligations to other licensees and consumers

Sharing opinions on other licensees

747

A licensee must avoid ill-considered or uninformed criticism of the competence, conduct, or advice of other licensees. If a licensee's opinion is sought, it should be rendered with strict professional integrity and courtesy.

Communicate and interact professionally with licensees and consumers

748

- (a) A licensee must not, in the course of business, send correspondence or otherwise communicate to a licensee or a consumer in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a licensee.
- (b) In dealings with licensees and consumers, a licensee must be courteous, civil, and act in good faith.

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Respond in a timely manner to licensees and consumers

749

In the course of business, a licensee must:

- (a) answer with reasonable promptness all communications from licensees or consumers that require an answer; and
- (b) be punctual in fulfilling all commitments.

Inadvertent communications

750

- (a) A licensee who receives a communication relating to the representation of another licensee's client or to a trade in real estate and knows or reasonably should know that the communication was inadvertently sent must promptly notify the sender and destroy or delete the communication.
- (b) A licensee who inadvertently sends a communication related to the representation of their client or to a trade in real estate to the wrong recipient must promptly notify their client of the error.

Obligations to the regulator

Communicate professionally with the regulator

752

Licensees must reply promptly, courteously, and completely to any communication from the Commission in which a response is requested. If a deadline for a response has been specified, the licensee must respond on or before the deadline.

Duty to cooperate with audits and investigations

753

A licensee must cooperate with Commission staff or appointees in regards to investigations and audits, including doing all of the following:

- (a) Responding promptly, truthfully, and completely to communications and requests for information and/or records;
- (b) Compiling and submitting all documents in the format requested by the investigator/auditor;
- (c) Complying with any deadlines for the delivery of documents or statements; and
- (d) Complying with any direction of the Registrar, Commission staff or appointee that is relevant to the investigation or the audit.

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Advertising and promotion

Identification requirements

Brokerage names

755

- (a) The name of the brokerage that licensees use to trade in real estate is the name, exactly as it appears, on the licence issued to the brokerage.
- (b) The name of the brokerage must be clearly and prominently displayed in all advertisements and promotions by the brokerage.
- (c) The brokerage name/logo must be larger than any licensee name/logo or team name/logo or combination thereof in advertising.

Licensee names and nicknames

756

- (a) Subject to subsection (b), the name a broker, a managing associate broker, an associate broker, or a salesperson uses to trade in real estate is the name, exactly as it appears on the licence issued to the broker, managing associate broker, associate broker, or salesperson.
- (b) If a broker, a managing associate broker, an associate broker, or a salesperson has registered a nickname with the Commission to use in place of their first name they may use the nickname and their last name(s) to trade in real estate.
- (c) If a broker, a managing associate broker, an associate broker, or a salesperson uses their name in advertising and promotion, the name used must be the name as specified in subsection (a) or (b).
- (d) The name of the brokerage must be clearly and prominently displayed in all advertisements and promotions by a salesperson, an associate broker, a managing associate broker, or a broker.
- (e) The brokerage name/logo must be larger than any licensee name/logo or team name/logo or combination thereof in advertising.

Approved Sales Corporations

757

- (a) No approved sales corporation shall trade in real estate except through the services of and in the name of its responsible licence holder.
- (b) An approved sales corporation shall not be identified in any advertising unless the advertising indicates the name of the brokerage as advertiser and is approved by the Registrar.

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Advertising requirements and restrictions

758

- (a) A licensee must have a written agreement with a seller to advertise a property. The advertised price of the property must be as stated in the agreement.
- (b) If real estate advertising includes an office address for the licensee, that address must be the address of the licensee's brokerage office or a licensed branch office.
- (c) Any promotional material distributed, excluding novelty items, must contain a statement whereby it states that it is not intended to solicit a buyer or a seller under contract.
- (d) Licensees must have written authorization to install a lockbox. The lockbox must be removed immediately upon the completion, termination, or expiry of the service agreement.

759

A licensee must not engage in any advertising, promotion, or representation made to the public that is:

- (a) false;
- (b) inaccurate;
- (c) reasonably capable of misleading the recipient or intended recipient;
- (d) in bad taste;
- (e) offensive or harmful to the best interests of the public or harmful to the image of the real estate industry; or
- (f) prohibited by law.

Signage

760

- (a) Licensees must have their for-sale and for-lease signage approved by the Registrar prior to use, in accordance with by-law 313(e).
- (b) A licensee must have a written agreement with a seller authorizing them to place a sign on a property designating it for sale, lease, development or exchange. The sign must be removed upon the request of the seller, the sale or lease of the property or the expiry of the agreement, whichever comes first.
- (c) Only one licensee may place a sign on a property designating it for sale, rent, lease, development or exchange, unless the owner provides written authorization to another licensee to also place a sign on the property.
- (d) A licensee must not place signage at their personal residence unless the location is licensed as a branch office.
- (e) A licensee must have the written authorization of a property owner to install signage promoting the services of the licensee on the property of the owner.

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Real estate teams

Team composition

761

- (a) A team is two or more licensees who are licensed with the same brokerage, including licensed assistants, who:
 - (i) work together to provide real estate brokerage services;
 - (ii) represent themselves to the public as being part of one team; and
 - (iii) designate themselves by a collective name, such as team or group.
- (b) A team member belongs to one team only and does not provide real estate services independently of the team.

Team supervision

762

- (a) In accordance with by-law 702, the trading activity of a team may be supervised only by the broker or a managing associate broker of the brokerage.
- (b) The broker is responsible for ensuring that all real estate teams of the brokerage are conducting themselves in accordance with by-law 761.

Team advertising/identification

763

- (a) Teams must not engage in any advertising, promotion, or representation made to the public that makes it appear as if:
 - (i) the team is a brokerage, including any branch office signage;
 - (ii) unlicensed persons are members of the team, unless identified as unlicensed; or
 - (iii) the team is a business or company with a corporate structure, regardless of corporate registrations.
- (b) Teams must clearly and prominently display the brokerage name in all advertising, promotions, or representations made to the public in such a manner that no recipient or intended recipient would reasonably believe that the team is a brokerage.

Team responsibilities and disclosures under designated agency

764

- (a) Designated agency brokerages must designate all members of a team as the designated agent for any client receiving real estate services from any member of the team.

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- (b) Designated brokerage agreements must indicate the team name and list the names of all team members. If the members of the team change, the designated brokerage agreements must be amended to reflect the change.
- (c) The conflict that arises when a designated agency team represents a buyer client who wishes to purchase the property of the team's seller client must be resolved in accordance with by-law 731.

Team responsibilities and disclosures under common law

765

- (a) Common-law brokerage agreements must indicate the team name and list the names of all team members. If the members of the team change, the common-law brokerage agreements must be amended to reflect the change.
- (b) The conflict that arises when a common-law brokerage, including any teams of the brokerage, represents more than one client in a transaction must be resolved in accordance with by-law 731.

Remuneration

Calculation of remuneration

766

- (a) Remuneration must be calculated by one of the following methods:
 - (i) a percentage of the sale price;
 - (ii) a fixed amount;
 - (iii) fees for specific services; or
 - (iv) a combination of any calculations in (i), (ii) and (iii).
- (b) A consumer must be fully informed, in writing, of the remuneration they will be required to pay before entering into an agreement for brokerage services.

Requirements to make a claim for remuneration

767

A brokerage must only make a claim for remuneration when at least one of the following is/are in place, which specifies the remuneration to be paid:

- (a) a Seller Brokerage Agreement/Seller Designated Brokerage Agreement;
- (b) a Buyer Brokerage Agreement/Buyer Designated Brokerage Agreement;

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- (c) a remuneration sharing agreement; or
- (d) some other form of written agreement.

Remuneration paid by licensing brokerage only

768

- (a) A licensee must not accept remuneration or any other financial payment or benefit directly from any source other than from the brokerage with which they are licensed for trades in real estate.
- (b) If a licensee changes brokerages and is owed remuneration under the terms of the licensee's contract with the previous brokerage, the previous brokerage pays the remuneration owing to the new brokerage and the new brokerage pays the licensee.
- (c) A licensee must not accept remuneration in respect of trades in real estate from any person who is required to be licensed under the Act, but is not licensed.

Trading remuneration to unlicensed persons is prohibited

769

A brokerage must not:

- (a) pay, offer to pay, agree, or allow to be paid a referral fee or any remuneration to a person in relation to real estate services if the person is required to be licensed in relation to those services but is not licensed; or
- (b) pay a remuneration directly or indirectly in connection with a trade in real estate to a brokerage that is licensed under the Act or under similar legislation in a jurisdiction outside of Nova Scotia when the brokerage has knowledge that the remuneration will be paid to or be shared with a person who is required to be licensed in relation to those services but is not licensed.

Remuneration to unlicensed assistants

770

- (a) A licensee may remunerate an unlicensed assistant in any manner that is agreed upon by the licensee and the assistant.
- (b) The method of remuneration must be documented in the employment or self-employment contract of the assistant and signed by the licensee and the assistant.

Incentives, inducements, and remuneration sharing

771

- (a) An incentive or an inducement may be in the form of a remuneration rebate, provided the rebate is being made to a party to the transaction.

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- (b) An associate broker or salesperson must not, directly or indirectly, provide an incentive or inducement unless the details of the incentive or inducement are provided in writing and the broker or managing associate broker has provided written approval.
- (c) An incentive that is directly or indirectly advertised, communicated, or offered to any person must include the details of the incentive and any terms or conditions to which it is subject. The details, terms, and conditions of the incentive must be provided in writing prior to the signing of any contract, acknowledgement, or agreement.
- (d) A licensee may give a gift to a client, an unrepresented party, or any other person provided the gift is not an incentive, an inducement, a referral fee or remuneration sharing.