

TRUST IN REAL ESTATE SERVICES ACT

SELF-REPRESENTATED 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 these two terms were confusing for the public, so the term customer was removed entirely from TRESA. **Under TRESA, there are 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® is not permitted to provide any advice, otherwise you have created unintended agency by the SRP relying on your skill and judgment.



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 acknowledgement form prepared by RECO has been provided.
- It is the responsibility of the REALTOR® to provide and explain 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 the SRP seek independent professional advice before receiving assistance from the agent.
- Once the form is signed and executed, REALTORS® are required to return a copy of the form to the SRP.

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