

Advertising Sold Property

Saskatchewan Real Estate Commission Bylaw 727 reads as follows:

A registrant shall only advertise properties for sale or lease, or properties sold or leased when written authorization has been obtained from the owner or the owner's lawful representative. The advertisement shall be in accordance with the lawful instructions of the owner or his or her lawful representative.

This Bylaw seems rather straightforward in its application. When listing a property, the agreement between the owner of a property and the brokerage should serve to authorize the brokerage to advertise the property for sale or lease. Using the Association of Saskatchewan REALTORS® standard form contracts will generally satisfy the requirements of Bylaw 727.

What happens once the property has been sold or leased? Can the brokerage continue to advertise the property as sold or leased?

There is a distinction between a sale and a lease in terms of how Bylaw 727 applies. A new tenant is different from a new owner of property in terms of the right or interest created in the property itself. That distinction becomes important when a brokerage wishes to continue to advertise a property once it has been sold or leased.

Sale:

Once the title to the property has transferred to a new owner, the brokerage should cease its advertising of the property. Further advertising may be found to be in contravention of Bylaw 727 unless an agreement is in place with the new owner of the property. Advertising a property as sold without written authorization from the new owner of the property may be a violation of the new owner's privacy and the rights pertaining to the collection, use, and disclosure of what is now their personal information.

Lease:

Commencing with a new lease and/or tenant is different from a sale as title to the property has not changed. Written authorization from the owner would still exist for the term established by way of the original agreement between the brokerage and the owner of the property to list the property as available to prospective tenants. Simply put, a registrant should only advertise a property for sale or lease when they have written authorization from the current property owner.