

Dealing with Difficult Clients

As in any profession, registrants are sometimes confronted with clients who are difficult to work with or hard to please. In some cases, the client's behaviour escalates to the point that the registrant tasked with representing that client feels harassed and abused. A toxic registrant-client relationship can have significant negative impacts on both parties and should not simply be tolerated until the listing expires or the transaction is completed.

A registrant having trouble with a difficult client should make his or her broker or branch manager aware of the situation. The broker or branch manager has the ultimate authority regarding the brokerage's handling of a client or listing and may be able to offer advice or assistance to the registrant.

Where there is no written agency agreement between an abusive client and a brokerage, the brokerage may decide to terminate the agency relationship immediately. The brokerage must ensure that the client is notified of the termination and provide the client with copies of any documents he or she may need to proceed with a trade in real estate. Keeping in mind the brokerage's obligation to protect and promote the interests of the client, the broker or branch manager should consider the impact immediate termination of the agency relationship might have on the client and whether or not it would be prudent to maintain the agency relationship until an ongoing transaction is complete.

The situation becomes more complicated where the brokerage has entered into an agency agreement with a buyer or seller.

In order to dissolve a contract, the consent of all parties is required. As such, a brokerage cannot cancel an agency agreement if the client with whom the agreement was signed does not agree.

Additionally, a registrant is obligated to protect and promote the interests of the client. As a result of this obligation, barring truly exceptional circumstances, a brokerage cannot simply refuse to provide service to an abusive client so long as the brokerage contract continues to be effective.

Where the broker or branch manager has decided that cancellation of the contract is the best option, the broker or branch manager or the agent who has been handling the file can contact the client and request that the client sign a form cancelling the agency agreement.

If the client will not agree to a cancellation, there are other measures that can be put in place to try to de-escalate the situation.

A registrant is entitled to refuse to communicate with an abusive client by telephone and to insist that all communication be carried out in writing, e.g. by email, through text messages, etc. A registrant can also take steps to minimize in-person contact with the client or insist that the broker, branch manager or another registrant of the brokerage be present during in-person meetings with the client.

The agency agreement exists between the client and the brokerage; it does not rest with the individual agent handling the file. As such, the client could be reassigned to another registrant of the brokerage, or the broker or branch manager could take over management of the file.

Registrants are required to protect and promote the interest of their clients, but they are not required to tolerate harassment or abuse by the client. While a contract between the brokerage and a difficult client may restrict the brokerage's options, there are steps that can be taken to minimize the impact an abusive client can have on the registrant tasked with his or her representation.