

Electronic Banking and Trust Accounts

Although banks have remained open during the pandemic, changes in banking hours may impact a brokerage's ability to make timely deposits into its trust account.

According to s. 71(1)(b) of The Real Estate Act, a brokerage must deposit into a trust account all money received by the brokerage in trust for other persons in connection with a trade in real estate within two business days after the later of: the day on which the offer to purchase is accepted; and the day on which the money is received by the brokerage.

As this requirement is set out in the Act, the Saskatchewan Real Estate Commission cannot waive the requirement or extend the time in which the brokerage must deposit the trust money it receives. Although we cannot waive the requirement, the bylaws do allow for electronic transfers in and out of trust accounts provided the appropriate records are kept. More specifically:

Bylaw 623.1 allows for deposits into a trust account using an ABM card;
Bylaw 624.1 permits electronic deposits into a trust account using the internet; and
Bylaws 623.2 and 624.2 allow for transfers of money out of a trust account using an ABM card and the internet, respectively.

The details of the records to be kept in each situation are set out in these bylaws. The bylaws are posted on the Commission website under "Our Legislation".