

Expiry of Authorization to Advertise a Property for Sale

In recent years, registrants have turned increasingly to various social media to ensure their advertising is reaching the greatest number of potential buyers. Some online advertising platforms take listing data directly from the MLS® System and, as such, are updated automatically to remove these listings when the listings come off of the MLS® System as a result of a sale or the expiry of the brokerage contract.

Bylaw 727 prohibits registrants from advertising properties for sale or sold unless written authorization has been obtained from the owner or the owner's lawful representative to do so. Unless expressly stipulated in the document, this authorization is not indefinite and will expire alongside the authorizing document or in accordance with the property owner's instructions.

While some online advertising services are automatically updated to remove advertisements that relate to expired listings, other social media, such as YouTube or Facebook, are not. It is up to the registrant who operates each page, site or profile to ensure that advertisements relating to expired listings or properties that have sold are not left up indefinitely, as failing to remove these advertisements could constitute a breach of Bylaw 727. There could also be issues under Bylaw 726 as an advertisement that indicates a property is available for sale when, in fact, it is no longer listed or has already been sold could be deemed to be inaccurate or misleading.

As such, registrants should be reviewing their websites and other social media regularly to ensure that advertisements relating to expired listings or properties that have already been sold are removed within a reasonable period of time.