

Registrants Trading in Their Own Real Estate

Registrants are generally required to carry out all trades in real estate, including personal purchases or sales of real estate, through the brokerage with which they are registered.

However, in May of 2020, ss. 29(4) was added to The Real Estate Regulations to create a limited exemption from the requirements of the legislation for registrants trading in their own real estate:

“Notwithstanding subsections 53(2) and 61(1) of the Act, a registrant may trade in real estate other than for or on behalf of the brokerage with which that registrant is registered if:

(a) the registrant:

- (i) is an owner of the real estate;
- (ii) has an interest in the real estate; or
- (iii) is submitting an offer for an interest in the real estate;

(b) the trade in real estate is done through a brokerage;

(c) the registrant does not accept a commission for the trade in real estate; and

(d) the brokerage does not act on behalf of another party to the trade in real estate.”

This exclusion allows registrants to list properties they own or in which they have a material interest with another brokerage or to engage another brokerage to assist them in the purchase of real estate.

Registrants should note that:

- the exclusion does not allow for a “private” transaction – the trade must go through a brokerage;
- the registrant buying or selling the real estate cannot accept commission for the trade in real estate;
- the brokerage representing the registrant cannot also represent another party to the transaction as a limited dual agent; and
- the registrant who is buying or selling real estate on his or her own behalf must still complete the mandatory Disclosure of Interest in Trade form.