

Telephone Solicitation: Who Can, Who Can't

The Commission is aware that telephone solicitation agencies are offering lead generation services to registrants. Can you use these services to bolster your business?

In short, no.

Section II.A. of the *SREC Policy Register* outlines the activities that non-registered registrants' assistants can and cannot perform. The section specifically provides that nonregistered registrants' assistants cannot "solicit a contract to trade in real estate or telephone solicitations designed to procure buyers, listing or appointments for listing presentations". From this it is clear that non-registered assistants are unable to solicit business for registrants. But what about telemarketers and other types of soliciting agencies?

Section II.H. of the *SREC Policy Register* provides that "a person who engages in telephone solicitations of any kind designed to procure buyers, listings or appointments for listing presentations is deemed to be carrying on a conduct, act or negotiation in the furtherance or attempted furtherance of a trade in real estate". Section 18 of *The Real Estate Act* provides that no person shall trade in real estate unless registered to do so. Combined, these two provisions together mean that any type of solicitation, excluding solicitation done directly by a registrant, is forbidden. Any registrant or brokerage that uses a non-registrant for solicitation services is in breach of the legislation and may be subject to disciplinary action.