

Unregistered Real Estate Assistants

There was a time when unregistered assistants almost exclusively worked in the brokerage offices, working daily under the direct supervision of the broker. However, in recent years more and more team and even salespersons and associate brokers have their own assistants to help them carry out various tasks related to their real estate activity.

While there is no law prohibiting any registrant from hiring an assistant, it should be remembered that such assistants cannot conduct activity requiring a real estate registration. The Saskatchewan Real Estate Commission ("Commission") has specifically interpreted *The Real Estate Act*, Commission Regulations and Bylaws to enumerate what an unregistered assistant can and cannot do.

Role Disclosure

Assistants are often not registered by the Commission and as such, are not part of our jurisdiction. However, the Commission does hold a registrant responsible for an assistant's activities.

Limited Responsibilities

Registrants cannot assign duties to an unregistered assistant that require a registered professional.

Activities that **CAN** be performed by unregistered persons who, for example, act as personal assistants, clerical support staff, closing secretaries, etc.:

- Answer the phone and forward calls to registrants
- Assemble documents for closings or for forwarding to solicitors
- Have keys made for company listings
- Secure documents such as public information from land title registry, utility and property tax service providers
- Record and deposit earnest money and other trust funds
- Monitor personnel files
- Order items of routine repair as directed by supervising broker and/or supervising registrant
- Act as courier service to deliver documents, pick up keys, etc.
- Hand out objective written information on a listing other than at functions such as open houses, kiosks, home show booths or fairs
- Scheduling of appointments for registrants to show listed property
- Setting up and removing signs and lock boxes
- Contacting registrants for results on showings of listings
- Contacting solicitors on transactions
- Responding to advertising inquiries made by *registrants*
- Witnessing of documents already discussed and presented by a registrant
- Following up on financing commitments after a contract has been negotiated.

Activities that **CANNOT** be performed by unregistered persons include, but are not necessarily limited to:

- Host public open houses, kiosks, home show booths or fairs, or hand out materials at such functions
- Show property
- Present, discuss, or explain to consumers any documentation dealing with a real estate transaction
- Solicit a contract to trade in real estate or telephone solicitations designed to procure buyers, listings, or appointments for listing presentations
- Advertise real estate
- Respond to seller inquiries on the results of registrant showings of the seller's property
- Respond to inquiries from consumers, including advertising inquiries
- Be paid on the basis of real estate activity, such as a lump sum or percentage of commission on a real estate transaction.

It is important to note that consumers dealing with unregistered assistants conducting these types of activities are not protected by *The Real Estate Act*.