

OCTOBER 26, 2006

TO ALL REAL ESTATE BROKERS,
AUTHORIZED OFFICIALS AND SALESPERSONS



ADVERTISING IN THE MEDIA

Recently the Winnipeg Free Press commenced publishing in its Sunday Homes section the listing price and selling price of recently sold homes. Apparently this information is being submitted to the newspaper by the listing agent. The MLS Listing Agreement as well as the standard Offer to Purchase form both contain provisions with respect to the collection of information and the publication of that information.

Under paragraph 4 (c) of the **MLS Real Estate Listing Contract** it states, *“the MLS database is the property of the Board/Association and can be licensed, resold, otherwise dealt with by the Board/Association.”*

Under paragraph 12 of the **Residential Form of Offer to Purchase** it reads, *“The Seller and Buyer consent to the collection, use and disclosure of the personal information regarding the Property and this transaction by the Broker(s) for reporting, appraisal and statistical purpose. If the property is listed on the Multiple Listing Service of a real estate board or association, the Seller and the Buyer give the same consent to the board or association.”*

The publication of the property in the Winnipeg Free Press is a form of advertising and is not for “reporting, appraisal or statistical purposes.” It is expected by the Commission that any real estate agent obtain the permission of both the seller and buyer of the property before submitting this information to the newspaper. It is advisable to obtain this permission in writing. Should an agent fail to obtain the proper permission and if the Commission receives a complaint from either party to the transaction the agent may find themselves involved in disciplinary proceedings.

W.D. Baluk
Registrar
The Real Estate Brokers Act