



October 9, 2025

To all real estate registrants under *The Real Estate Services Act*

Province of Manitoba

Re: Advertising under *The Real Estate Services Act*

The proclamation of *The Real Estate Services Act* ("RESA") on January 1, 2022, brought a number of changes to the requirements that apply to registrants and how they must conduct their real estate business and provide real estate services.

One of the new requirements that Commission staff receive the most questions about from registrants is the new advertising requirement set out in Section 35(2) of the Act that states:

Advertisement must not name or depict non-registrant

35(2) A registrant must ensure that no non-registrant is named or depicted in an advertisement that the registrant makes public in relation to real estate or trades in real estate.

The questions received by Commission staff concerning this section tend to be about whether or not a specific advertisement would be permitted under Section 35(2). The potential application of this provision is broad, and it can apply to a wide range of activities and materials that may be classified as advertising or advertisements. The intention of this notice is not to address every specific question received but rather to provide clarification on the intent of the provision and what considerations Commission staff will make in reviewing specific advertisements.

The intent of Section 35(2) is to ensure that there is no confusion amongst members of the public as to who is a registrant and therefore who is entitled to provide real estate services. As stated above, the words advertisement, real estate, and trades in real estate can be interpreted in a very broad sense. As an overly broad interpretation would not be consistent with the Act's purpose to provide public protection, Commission staff make a distinction between advertisements made in connection with a specific trade in real estate, advertisements intended to identify a registrant as a registrant, and advertisements that are intended to promote a registrant's business in general or provide general information about the real estate market and industry.

While each situation must be determined based on its own facts, the following sets out some general guidance as to the way Commission Staff approach the advertising prohibition set out in Section 35(2) of the Act.

RESA defines a trade in real estate as "a transaction or potential transaction for the purchase or sale of real estate, for the leasing of real estate or for any other form or acquisition or disposition of real estate". Further, RESA stipulates that only a registrant may provide real estate services which include private sales services, property management services, and trading services. Under RESA, real estate services include amongst other things, activities such as advertising a property for sale or lease, finding a person to engage in a trade in real estate, showing real estate, and presenting offers to purchase or lease.

Registrants use different means to advertise their listings, whether a property be for sale or rent, including yard signs, social media posts, and print media advertisements such as newspaper ads with the aim of attracting buyers and renters to engage in a trade in real estate. Considering the stipulations set out in RESA surrounding who may provide real estate services, and to ensure that members of the public looking to purchase or lease a property know with certainty who is entitled to provide services and be involved in a trade, advertisements made in connection with a specific trade in real estate must not name or depict a non-registrant.

Along with advertisements related to a specific property and trade in real estate, registrants may use advertising materials that identify a registrant as someone entitled to provide real estate services. These materials could include items such as business cards, billboards, bus benches, social media posts, and radio and television ads to name a few. As only registrants may provide real estate services, and to ensure that there is no confusion for members of the public interacting with these materials while looking for a registrant to work with on a trade in real estate, these types of materials must not name or depict a non-registrant.

In addition to the types of advertising outlined above, it is common for registrants to use other materials and means to help supplement and build their business. These materials take many forms including items such as client testimonials on websites and social media, interviews posted on different media platforms with professionals and experts in industries that are related to real estate (for example home inspectors or lawyers), registrants displaying their affiliation with a particular charity or charity event and presenting general information about the real estate market and industry. While this list is not exhaustive, it gives a sense of the range of items encountered by Commission staff. In so far as these items are not related to a specific trade in real estate and are not primarily designed to identify a registrant as someone entitled to provide real estate services, Commission staff is of the opinion that it would not be detrimental for these types of items to name or depict a non-registrant.

In any instance where a registrant's advertising material names or depicts a non-registrant, the advertising must clearly identify the non-registrant in a manner that makes it apparent who the person is. In addition, the advertisement must not suggest that the person named or depicted is a registrant.

In some circumstances it may not be immediately apparent if an advertisement is acceptable or not as in some cases an advertisement may have multiple purposes. As stated above, each situation must be determined based on its own facts but as a rule, if there is uncertainty the default is to abide by the prohibition set out in Section 35(2) and avoid naming or depicting a non-registrant.

It is important for registrants to remember that all advertisements must comply with Section 35(1) of the Act and include the name of the registrant's brokerage as well as the name of any individual, i.e., registrant, depicted in the advertisement regardless of the type of advertising involved. Furthermore, it is the responsibility of the engaging brokerage, and of the broker as the managing registrant, to review and approve the advertisements of all registrants engaged with a brokerage.



Keith Schinkel
Registrar

The Real Estate Services Act