



BRITISH COLUMBIA
REAL ESTATE
ASSOCIATION

the bulletin

Privacy: What a REALTOR Needs to Do



Protecting your clients' privacy is just good business.

Recent surveys indicate consumers are more likely to do business with people whose privacy practices they trust. Having transparent and effective privacy policies is a good marketing tool that can increase customer satisfaction and enhance your reputation and image.

On January 1, 2004, the provincial *Personal Information Protection Act* (PIPA) comes into force. The Act is intended to protect personal and employee information within BC's private sector.

Tips for preparing for privacy:

1. Inventory your personal information assets and destroy what is not absolutely necessary for your business.
2. Develop and implement good privacy policies that reflect the ten principles of CREA's Privacy Code.
3. Educate your staff and contractors.
4. Be transparent in your dealings with your clients. Tell them how you will use the information you are collecting and who you will disclose it to.
5. Ensure security is in place for your personal information assets. Keep your filing cabinets locked and make sure your computer passwords are secure.
6. Address all complaints and concerns, and modify your practices when necessary.

Compliance is legally required. Everyone in the profession—including individual REALTORS—must become familiar with PIPA and update their policies and practices for collecting, using and disclosing personal information, before the legislation takes effect.

What do you need to do? The first step is to understand what constitutes personal information. Under PIPA, that means information about an identifiable individual, such as race, age, marital status, employment history, home address, home telephone number, financial history, consumer preferences and personal opinions. It might also include information about a person's home, including list price, sale price and presence of a security system—if it can be linked with a name or a specific address.

The next step is to determine how you use the information; that is, where you keep it, what you do with it and who you give it to. Under PIPA, any individual can request to see the information you have about them, and an explanation of how it has been used and to whom it has been given. That is why it is important to start thinking about your practices and procedures today.

Your livelihood depends on knowing your clients and the market, and complying with PIPA means you now need to obtain consent before collecting and using personal information. The Act contains a grandfather clause, allowing the reasonable use and disclosure of personal information collected before January 1, 2004.

To make this easier for you, privacy clauses have been added to applicable standard forms and the *Working with a Real Estate Agent* brochure. WEBForms have also been updated.

You now need to obtain consent before collecting and using personal information

BCREA's Spirit of Cooperation in Education Task Force created a website to help you comply. Access it via BCREA's REALTOR Link™ homepage under News and Announcements.

The site provides resources to help you understand the Act, including a preparedness checklist, frequently asked questions and a personal information inventory form, designed specifically for REALTORS.

Read the December issue of *Timely Issues for REALTORS*, which features privacy tips for brokerages.

I N S I D E

President's Report Page 2
Live by the Code

Government Relations Page 3
Multiple offers on 24 Sussex Drive

Practical Points Page 4
Accurate rental rates critical

Trends Page 5
Your wireless wish list

Practical Points Page 6
WEBForms hugely popular

I S S N 1 1 9 5 - 4 4 0 X

President's Report

Live by the Code

I take a lot of pride in my work. On the one hand, I feel sincerely privileged to help my customers achieve the goal of homeownership. On the other hand, I am very pleased to be counted among such an esteemed group of professionals.

Nothing reflects the spirit of our profession better than the Code of Ethics. It recognizes the importance of real estate and the role of REALTORS:

Through the REALTOR, the land resource of the nation reaches its highest use and private land ownership its widest distribution. The REALTOR is instrumental in moulding the form of his or her community and the living and working conditions of its people.

Those are very powerful words, and we take them seriously. In recent consultations, The Canadian Real Estate Association (CREA) has found promoting ethics to be among the top concerns of REALTORS, boards and associations.

Earlier this year, CREA created a task force to consider regulatory requirements, see how they apply to professional practices and compare

them to CREA's policies. The review began with intense discussions among task force members, a passionate group including BCREA Past President Dennis Wilson and led by CREA director David Gagnon, who believe the Code of Ethics is a living document and must be adapted to the times.

In focus groups across the country, CREA found huge differences in the way the Code of Ethics is viewed and ethics are enforced. For example, in Ontario, it is the responsibility of the regulator.

The focus group results also found some common threads. Even though a strong Code of Ethics is a great tool to promote our professionalism with clients, it seems the public is not aware that we have a Code. It also seems many REALTORS are unfamiliar with the Code because they are preoccupied with provincial regulations.

How can one Code be meaningfully enforced at the national level? This is the ultimate question for the task force. More input was sought in Edmonton in October, as volunteers



President *David Herman*

from all over Canada discussed several potential changes during CREA's Open Forum.

In the next phase, the task force will submit recommendations to the CREA directors for their consideration. Dennis Wilson expects them to be in the form of a new Code of Ethics, and that CREA will once again ask for member input.

I commend CREA for taking on this important task. I believe the result will be a relevant Code of Ethics that will set clear expectations for what our customers can expect—no matter where they live in Canada—and it will build pride among REALTORS.

David Herman
President

Board of Directors 2003-2004

Long-Range Plan Principles

- Building membership relations
- Responding to communication needs
- Leading provincial advocacy efforts on behalf of the profession
- Demonstrating public interest
- Offering excellence in education services
- Providing enhanced service options for member boards
- Maintaining an equitable fee structure

Officers

President
David Herman
604.583.2000
davidherman@remax.net

Vice President
Gordon Maroney
604.590.4888
gmaroney@dccnet.com

Past President
Dennis Wilson
604.590.4888
dennis@denniswilson.net

Executive Officer
Robert Laing
604.742.2787
rlaing@bcrea.bc.ca

Regional Directors

Region I	Dave Barclay	250.847.5999	ds@bulkley.net
Region II	Carolyn Boles Scott Veitch	250.374.1461 250.428.9331	carolynboles@royalalpage.ca scott@c21creston.com
Region III	Gary McInnis John Tillie	250.384.8124 800.976.5566	gary@garymcinnis.com john@johntillie.com
Region IV	Stephanie Corcoran Georges Pahud Don Pearce	604.263.2823 604.437.9431 604.467.5131	scorcora@rebgv.bc.ca georges@georgespahud.com don@donpearce.com
Region V	Patti Flostrand Kelly Lerigny	604.535.5553 604.792.7175	patflost@dowco.com lerigny@shaw.ca

Multiple Offers on 24 Sussex Drive

Forget rugged recreational properties and trendy downtown condos. The hottest property in the land is 24 Sussex Drive in Ottawa, and next spring voters are expected to be asked to decide who moves in. Considering this change in the political landscape, REALTORS should start thinking about how the shift affects them.

Since winning the federal Liberal leadership, Paul Martin has positioned health care, western alienation and federal-provincial relations as key national issues. As Prime Minister, Mr. Martin might also address politically valuable legislation that was not passed before Parliament adjourned in November.

However, Mr. Martin's agenda is not the only one in town. Federal New Democrats and Conservatives alike are positioning their new party leaders and policies as viable alternatives to the federal Liberals. This will provide REALTORS and all Canadians with several voting options when they go to the polls.

"We expect a federal budget will be tabled in February," explains David Humphreys, a public policy consultant to The Canadian Real Estate Association (CREA). "Therefore, in the short term we'll be busy reinforcing with government the budget recommendations REALTORS made this fall."



CREA's recommended tax treatments and housing affordability measures are important. More significant, however, is the extent to which the next Prime Minister deals with Parliamentary reform. Giving Members of Parliament more free votes and power will help resolve the "democratic deficit" in Parliament. This will determine how REALTORS' lobby voice is received and acted upon in the years ahead.

Species at Risk Act Compensation

Public concern over the loss of wildlife and habitat is not new, but the federal *Species at Risk Act* (SARA) is a novel approach to conservation. SARA emphasizes public stewardship and acknowledges the need to compensate people who are negatively affected by the law.

"The success of this law depends on the willingness of people to act and make sure that endangered species survive," noted Federal Environment Minister David Anderson upon introducing the bill in Parliament in 2002. The Act's phased-in approach and compensation provision are expected to motivate people to adopt this willingness.

SARA was passed in Parliament in December 2002 and is coming into force in three stages. The first two stages, which are now complete, focused on administration, legal and public consultation matters. The final stage takes place next June when prohibition and enforcement measures will be introduced. Provinces and territories will introduce compliance programs and penalty measures in support of the Act.

"If provinces and territories are unable to introduce and manage the appropriate policies and laws, the federal government will step in and do the job," explains Rick McKelvey of the Canadian Wildlife Service.

The public compensation component will be adopted in this last stage.

BCREA advocates the protection of private property rights and agrees that fair compensation to affected land owners is appropriate. BCREA will monitor the development of this next phase and provide information to member boards and REALTORS as it becomes available.

Background information on SARA is available online at www.sararegistry.gc.ca.



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Send questions and comments about *The Bulletin* to:

Editor: Norma Miller
Assistants: Kim Mason
Steve Olmstead

600 – 2695 Granville Street
Vancouver, BC V6H 3H4

Phone: 604-683-7702
Fax: 604-683-8601
Email: bcrea@bcrea.bc.ca

www.bcrea.bc.ca

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Accurate Rental Rates Critical by Kim Spencer



Rental properties can provide an attractive investment alternative to buyer-investors. Investors often make their buying decision based on potential revenue, and REALTORS should be mindful that providing inaccurate information about rental rates can result in problems. Rental rates fluctuate the same way property prices do. Providing solid information about rents to investors requires keeping a close eye on local rates and trends.

According to the *Licensee Practice Manual*, published by the Real Estate Council of British Columbia, “a licensee who is listing or selling a tenanted property should ask for a copy of the tenancy agreement.” If the property was grandfathered

under the *Residential Tenancy Act*, no written tenancy agreement may be available. If a tenancy agreement is available, it should be attached to the Contract of Purchase and Sale.

Providing inaccurate information about rental rates could result in your investor:

- suffering high tenant turnover
- having to provide incentives to convince potential tenants to rent the property
- receiving lower rent than anticipated
- losing confidence in your services and, perhaps, taking legal action against you

If you are not sure what a property might rent for, you should consider contacting a REALTOR or property manager who is.

Additional information about rental properties, including forms and requirements for issues such as termination of tenancy, are available from the provincial government’s Residential Tenancy Office (RTO). Local contact numbers are available from Enquiry BC at 1.800.663.7867 or from the RTO website at: www.pssg.gov.bc.ca/rto/index.htm.

Trends

Rules for VOW and IDX Data?

Technology is changing the way REALTORS do business, and websites are among the advances that help you communicate with your customers. What impact will virtual office websites (VOWs) and internet data exchange (IDX) (also known as broker reciprocity) have? How should they be regulated?

CREA’s Electronic Data Usage (EDU) Task Force released a report in October recommending the development of guidelines and suggested board rules—rather than national MLS® rules—for the use of MLS® data in VOWs and broker reciprocity arrangements.

“We want to provide boards with options,” explains task force Chair

Ken MacKenzie, “and provide guidelines on what the technology or infrastructure expectations should be, and that also provides options for brokers and sellers.”

Some say IDX and VOW sites are no different from traditional offices

VOWs are internet sites that allow consumers to access and search MLS® data, after registering by providing their names, phone numbers and email addresses.

IDX allows participating brokers to display each others’ active MLS® information on their websites. IDX

sites are similar to VOWs in that MLS® data can be accessed, searched and viewed; however, consumers are not commonly required to register, as they must with VOWs.

Some say IDX and VOW sites are no different from traditional offices, allowing REALTORS to give the same information to an Internet surfer that they would to a person who came into the office. Others fear they promote the unauthorized advertising of someone else’s hard-earned listings.

Read the February *Bulletin* for more on the task force’s recommendations. The report is available on CREA’s MTC page on REALTOR Link™.

Your Wireless Wish List



BLACKBERRY 6750 WIRELESS HANDHELD™

The new BlackBerry 6750 Wireless Handheld™ offers you quick and easy access to your email, calendar, contacts and tasks wherever you go from a single, integrated wireless handheld.

Now BlackBerry 6750 handheld can be used to place and receive phone calls. Simply hold the handheld up to your ear or plug in the ear bud that comes with it to listen to voicemail or have a phone conversation. The new built-in phone functionality allows users to direct dial numbers listed in an email or address book.

Key features:

- Built-in cell phone
- Wireless access to email and the Internet
- Two-way text messaging
- Schedule appointments, check/update contacts and task lists
- Wirelessly synchronize your calendar with your PC, automatically
- End-to-end security with Triple DES encryption
- Full North American coverage

WHERE WOULD YOU BE WITHOUT YOUR CELL PHONE AND YOUR PAGER? ELECTRONIC DEVICES ARE AN IMPORTANT PART OF YOUR REAL ESTATE PRACTICE. HERE ARE THREE OF THE LATEST AND GREATEST WIRELESS PRODUCTS DESIGNED TO MAKE YOUR PROFESSIONAL LIFE EASIER. ALL OF THESE PRODUCTS ARE AVAILABLE FROM BELL MOBILITY.

AUDIOVOX THERA™ POCKET PC

This pocket PC device with a built-in cell phone is a great productivity tool for business professionals. Thera is a computer, cell phone, organizer and media/entertainment centre all in one sleek, lightweight unit.

Its operating system provides Windows-driven navigation, as well as such familiar applications as Microsoft® Word, Excel and Internet Explorer®. This integrated cell phone also lets you browse the Internet, place and receive calls.



Key features:

- Speaker phone
- Ear bud for voice calls
- Access to email and the Internet
- Two-way text messaging
- Internal phone book that syncs with Microsoft® Outlook
- Colour display with touch screen interface
- Digital voice recorder
- MP3 player

KYOCERA 7135

The all-new 7135 is a cell phone and a PDA in one. It is 1X Network enabled, so you can quickly set it up to be connected to email, the Internet and other applications. It also includes functional—and fun—features, such as an MP3 player with CD-quality stereo and a media player that shows images and video in multiple formats.

Key features:

- Built-in cell phone
- Wireless access to email and the Internet
- Two-way text messaging
- External caller ID, voice-activated dialing, hands-free speakerphone
- Address book, to-do list, memo pad and date book that includes synchronization conduit for Microsoft® Outlook
- Infrared port easily beams applications and data to personal digital assistants and other devices
- Palm OS® 4.1 software has all the features of a Palm OS® handheld
- Wireless fax and modem



*Product Photos
Not Actual Size

Finding the device that works best for you can be daunting, but Bell Mobility has people and tools to point you in the right direction.

Visit their Wireless Data Solutions website at www.businessonthego.ca for more information and to use the Solution Finder, or call 1.866.235.5249. You can also visit a Bell World or Bell Mobility store for in-person expertise. A store locator is available on Bell Mobility's main website: www.bellmobility.ca.

WEBForms Hugely Popular

REALTORS have used WEBForms more than 900,000 times since they were made available on REALTOR Link™ in 1999, according to The Canadian Real Estate Association. In October 2003, 5,049 BC REALTORS used WEBForms to create 57,508 forms—more than any other province in Canada.

In fact, more boards are using time and money-saving WEBForms than ever before. They are the most popular feature on REALTOR Link™ and, best of all, they are homegrown, developed by the Fraser Valley Real Estate Board.

WEBForms are accessible from any computer, at any time, simply by logging on to REALTOR Link™. There's no software to purchase or install, and they are easy to use.

The biggest advantage of WEBForms is they integrate membership and MLS® data. Logging on to REALTOR Link™ verifies your name and office information, which is automatically inserted into the forms you choose to generate. The property address and legal description from MLS® data is

also accessed through WEBForms and is auto populated into the form.

New on WEBForms

The Clauses & Phrases Redesign project is in the testing phase and is expected out before the end of the year. Among other things, the new functionality will allow REALTORS to add and maintain a database of their own custom Clauses & Phrases to use on WEBForms.

A back-up server, which should help avoid WEBForms downtime, is being tested and should be in place by the end of 2003.

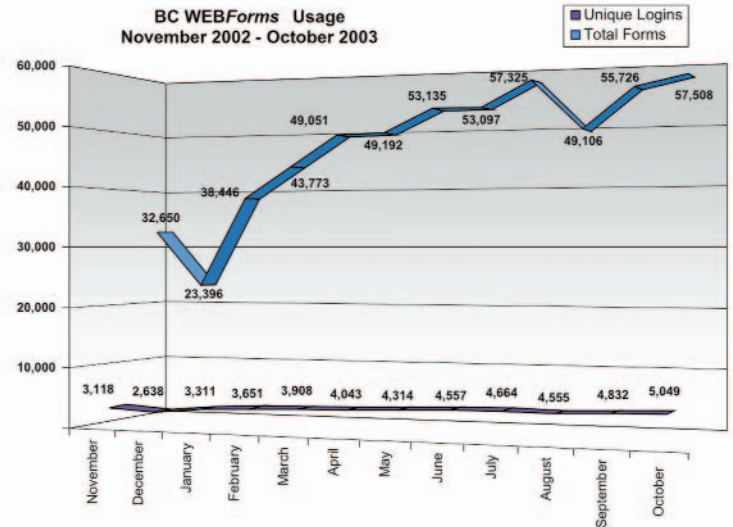
The Real Estate Council of British Columbia's "Notice and Disclosure" form (s.38) and faxable one-page *Working with a Real Estate Agent* and *Working with an Industrial/Commercial Investment Real Estate Agent* brochures are also available on WEBForms.

Tips

If you want to print blank forms to keep in your briefcase, just in case you cannot access WEBForms, follow these steps:

1. Open the form on WEBForms
2. Scroll to the bottom of a page
3. Click the "Clear" button
4. Click "Print"

Certain printers (mostly Hewlett-Packard) have difficulty printing PDF forms using Adobe Reader 6.0. The problem is being researched but, if you experience any problems, try using Reader 5.1 instead.



Education

cpe Seminar Schedule



Selling Tenant-Occupied Properties (STOP)

Instructor: Richard Collins

- January 8, KADREA, Kamloops

CONDO 202: Advanced Strata Law for REALTORS

Instructor: Mike Mangan or Adrienne Murray

- December 10, REBGV, Vancouver
- January 9, VREB, Victoria

Tax Tips for Selling Real Estate

Instructor: Lorana Laporte

- January 14, VIREB, Parksville

Legal Update 2003-2004

Instructor: Mike Mangan

- January 15, BCNREB, Williams Lake
- January 19, CADREB, Chilliwack
- January 21, REBGV, Vancouver
- January 22, BCNREB, Fort St. John
- January 29, BCNREB, Terrace
- January 30, BCNREB, Prince George

Professionalism It Pays! The Manager's Course

Instructor: Mike Mangan or Trevor Bennett

- January 26, REBGV, Vancouver

Check with your local board office for last-minute changes. Look for more cpe seminars on BCREA's REALTOR Link™ homepage, under Education.