




BRITISH COLUMBIA
REAL ESTATE
ASSOCIATION

the bulletin

Most Common Complaints Received by the Council

The following themes represent the most common complaints received at the Real Estate Council of BC office. While this list isn't exhaustive of the various complaint themes received by the Council, it highlights for licensees the most common areas to watch for in the course of providing real estate services to consumers.

Licensees are encouraged to carefully review this list and, where appropriate, discuss the issues with their managing brokers. Licensees may also want to consider reviewing the Council's website and the Licensee Practice Manual (LPM).

COMPLAINT	ADDRESSED IN	COMPLAINT	ADDRESSED IN												
1. Conflict of interest a. Limited dual agency i. Allegation that the licensee preferred the interests of one party over another ii. Licensee acting as a limited dual agent when they're a principal in the trade b. Undisclosed relationships c. Undisclosed benefit(s)	Council Rules, s. 3-3, s. 5-10, s. 5-11 LPM, p. 18-21, 25-26, 270 <i>Report from Council</i> , Jun. 2008, Feb. 2008, Dec. 2007	5. Providing services separate from brokerage a. Rental property management b. "Private" transactions c. Project marketing	<i>Real Estate Services Act</i> , s. 7(3) <i>Report from Council</i> , Feb. 2009, Aug. 2007												
2. Scope of authority Signing on behalf of a client a. Without written authority b. Without client's knowledge c. Forged signatures	Council Rules, s. 5-3 LPM, p. 95, 126	6. Advertising a. Failed to display name of brokerage in prominent and easily readable manner b. Licensee has indulged in puffery, exaggerated unfounded claims	Council Rules, s. 4-6 (2) LPM, p. 87-91 <i>Report from Council</i> , Feb. 2009, Oct. 2008, Dec. 2007, Feb. 2007 Council Rules, s. 4-7												
3. Material information/ relevant facts a. Failed to disclose all known material information about the real estate, the real estate services and the trade b. Failed to ascertain relevant facts about real estate a client is considering buying c. Failed to apply reasonable care and skill	Council Rules, s. 3-3 (1)(f) Council Rules, s. 3-3 (1)(h) Council Rules, s. 3-4	7. False application Licence renewal forms are being signed certifying completion of Relicensing Education Program courses when the courses haven't been completed. This is considered misconduct under section 35(1)(g) of the <i>Real Estate Services Act</i> —makes or allows to be made any false or misleading statement in a document required to be submitted under the <i>Real Estate Services Act</i> .	<i>Real Estate Services Act</i> , s. 35(1)(g) Council Rules, s. 2-8.1 <i>Report from Council</i> , Feb. 2009, Oct. 2008, Aug. 2008												
4. Prompt delivery of documents and deposits a. Failed to provide a copy of Multiple Listing Contract or Contract of Purchase and Sale to client b. Failed to deliver the Contract of Purchase and Sale to the brokerage in a prompt time frame; i.e., didn't submit the contract until after subject removal c. Didn't receive the deposit on time and failed to advise the managing broker, the seller or the seller's agent	Council Rules, s. 5-2 Council Rules, s. 3-2(1) <i>Report from Council</i> , Apr. 2008 Council Rules, s. 3-2 (2)(b) LPM, p. 68-70	 REAL ESTATE COUNCIL OF BRITISH COLUMBIA For further information, please contact the Real Estate Council office at 604.683.9664, toll-free 1.877.683.9664, email info@recbc.ca or review relevant documents at www.recbc.ca .	<table border="1"> <thead> <tr> <th colspan="2">I N S I D E</th> </tr> </thead> <tbody> <tr> <td>President's Report Making a difference</td> <td>Page 2</td> </tr> <tr> <td>Practical Points Standard forms insights</td> <td>Page 3</td> </tr> <tr> <td>Government Relations Ensuring water safety</td> <td>Page 4</td> </tr> <tr> <td>Practical Points What that ® symbol means</td> <td>Page 5</td> </tr> <tr> <td>Education cpe schedule</td> <td>Page 6</td> </tr> </tbody> </table>	I N S I D E		President's Report Making a difference	Page 2	Practical Points Standard forms insights	Page 3	Government Relations Ensuring water safety	Page 4	Practical Points What that ® symbol means	Page 5	Education cpe schedule	Page 6
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President's Report

Making a Difference

I started my real estate career in the summer of 1980. I earned more money in the last five months of 1980 than I earned the previous year, when I was teaching school. Back then, I didn't know a lot about economic cycles, market downturns, the real estate profession and business planning.

By the summer of 1981, the real estate market was in a major downturn, and I was in survival mode. Even though I had a lot to learn, I knew I loved the business of real estate and being a REALTOR®. I also knew I could do it better. During that time, I learned the value of education, a sound business plan and planning for the future. In the years that followed, I put a foundation in place to prepare for the next cycle.

The difficulties BC faces now are no secret. I believe BCREA and the real estate sector have an opportunity to help build a basis for this province to help us all move forward. Through leadership, advocacy and public relations, we can enhance our public profile, let decision makers know we can participate in the solutions and

benefit our communities.

Leadership has to be the starting point. If the real estate sector is going to help design the future, we have to be able to imagine it.

Once BCREA and the member boards, in consultation with REALTORS®, articulate where we want to go, we can continue our advocacy efforts.

I expect the next government to seek help to kick-start the economy, and BCREA is ready to step up. Following the Quality of Life approach, we can help the government balance economic needs with other issues that impact citizens and communities.

And approaching the government isn't the only way to get our point across.

The higher the public profile of REALTORS® and the real estate sector—built on credibility—the more likely it is that decision makers will pay attention when we speak. BCREA has established itself as one of the voices for the real estate profession, and we're working to build on that



President *John Tillie*

now by developing a public relations strategy to complement our advocacy efforts.

I believe we can make a difference.

John Tillie
President



Board of Directors 2008-2009

Core Ideology	Officers	Regional Directors
<p>Core Purpose Ensuring the continued relevance of REALTORS® in BC.</p> <p>Core Values</p> <ul style="list-style-type: none">• Member board vitality• REALTOR® success• REALTOR® professionalism• Quality of Life<ul style="list-style-type: none">- Economic viability- Housing opportunities- Environmental preservation- Property owner rights- Better communities• Public trust	<p>President John Tillie 800.976.5566 john@johnillie.com</p> <p>Vice President Moss Moloney 800.590.4888 mmoloney@axionet.com</p> <p>Past President Scott Veitch 250.428.9331 smveitch@telus.net</p> <p>Chief Executive Officer Robert Laing 604.742.2787 rlaing@bcrea.bc.ca</p>	<p>Region I Delores St. Amand 250.564.4488 delorespg@shaw.ca</p> <p>Region II Sharron Billey 250.426.3355 sharronbilley@cranbrookagencies.com Bea Smith 250.493.4372 beasmith@realtyexecutives.com</p> <p>Region III Barbara Gallie 250.478.6530 bgallie@shaw.ca Jennifer Lynch 250.247.2088 lynch@discovergabriola.com</p> <p>Region IV Eugen Klein 604.684.8844 eugenklein@shawcable.com Rosario Setticasi 604.986.9321 rsetticasi@sutton.com Rick Valouche 604.629.6100 rvalouch@rebgv.bc.ca</p> <p>Region V Jim McCaughan 604.855.0800 jamesmccaughan@hotmail.com Hanne Selby 604.795.2955 hselby@uniserve.com</p>

Practical Points

Standard Forms Insights

The BCREA Standard Forms Committee, which meets twice a year, wants to keep you informed. After each meeting, a report will be published outlining the requests to and decisions of the committee. This first report offers an overview of the committee.

Mandate

The committee creates, maintains and refines the forms BC REALTORS® and consumers use for trading in real estate, by ensuring they are concise, current and reflect best professional practices.

Scope

It's a standing committee that provides recommendations to the BCREA Board of Directors for the development and revision of standard forms.

The committee isn't expected to develop a form for every situation in every community, as the legal costs are significant. Rather, the committee is guided by the following principles in recommending a new or revised form:

1. Is the request supported by and coming from a real estate board?
2. Would this form be used provincially, or is it more appropriate as a locally developed form?
3. How often would the form be used and is it a common situation?
4. Are there significant legal issues if the form were not available to REALTORS® across the province?
5. What is the cost to develop?

Informally, REALTOR® feedback is that there are already too many forms, so the committee is very diligent in creating new forms only where the need is clear, extensive and warranted.

By Harvey Exner,
Standard Forms Committee Chair

Members of the committee include REALTORS® from across the province. They are selected based on geographic area, length of time in the profession and specific expertise, such as commercial properties. Three of the top real estate lawyers in the province also sit on the committee to provide assistance to the REALTOR® committee members.

REALTORS® are able to make requests for new forms, or changes to existing forms, through their local real estate boards. The committee meets twice yearly to review requests and recent legal or statutory issues that may affect the standard forms.

The next article will provide a look into the various requests and issues reviewed by the committee and decisions arising from those requests.

MacKenzie Honoured

BCREA is pleased to welcome Ken MacKenzie as the Association's newest honorary member. In many capacities, Mr. MacKenzie has continuously promoted the needs of REALTORS® to ensure their success. He has served as the Executive Officer of the Fraser Valley Real Estate Board for nearly 30 years, and provided leadership to organizations such as The Canadian Real Estate Association and the Real Estate Compensation Fund Corporation.

OMREB Milestone

The Okanagan Mainline Real Estate Board celebrated its 50th anniversary at the end of April with a gala event that raised \$10,000 for food banks in the area. President Bob Cliffe and Executive Director Janice Myers accepted gifts from several organizations, including BCREA and its member boards.

Photo (Bottom Right): OMREB President Bob Cliffe, BCREA Annual Meeting in April



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Real Estate Sector

BC Voices Help Shape Federal Direction



Former Prime Minister Jean Chrétien with CREA President-Elect Georges Pahud, 2009 CREA Leadership Conference

Elections at The Canadian Real Estate Association's (CREA) Annual General Meeting in April resulted in continued strong representation from BC REALTORS® at the federal level.

Vancouver's Georges Pahud, a real estate broker with Prudential United Realty, is CREA's new President-Elect. Pahud's prior service at CREA includes two terms as a Director-at-Large (2006-2007, 2007-2008) and as Vice President (2008-2009). Pahud has also served as a BCREA director (2003-2004).

Calvin Lindberg, a West Vancouver REALTOR® with Angell Hasman & Associates, also continues to be part of CREA's leadership team as the immediate Past President. Lindberg has a long history of involvement with CREA, including President (2008-2009), President-Elect (2007-2008), Vice President and Political Action Committee Chair (2006-2007). Lindberg has also served as a BCREA director (2001-2002).

New voices include Vancouver's Brian Naphtali, broker owner of RE/MAX Select Properties and RE/MAX West-coast. Naphtali, also a former BCREA director, was elected as BC/Yukon Regional Director.

BCREA Chief Executive Officer Robert Laing has been elected Chair of CREA's Association Executives Council (AEC). Laing served as AEC Chair-Elect (2008-2009) and also sits on CREA's Federal Affairs Committee.

Surrey's Jim Gammer, a commercial specialist with Macdonald Commercial Real Estate Services, was elected as Chair of the Canadian Commercial Council (CCC) of REALTORS®, after serving as CCC Chair (2008-2009) and Chair-Elect (2007-2008).

Government Relations

Ensuring Water Safety

Healthy, clean ground water resources help make sure BC's communities thrive. The provincial government has a key role, and the real estate sector is also involved.

Over the past two years, the Victoria Real Estate Board has worked closely with the provincial Ministry of Environment to help better monitor and track well water quality and flows. Their efforts resulted in a \$56,000 grant from Agriculture Canada and another \$50,000 grant from The Real Estate Foundation of British Columbia to help the Vancouver Island Ground Water Association create an electronic database for BC's well records.

In addition, the provincial government amended the *Ground*

Water Protection Regulation in March 2009 to help better protect well water quality throughout the province.

Created in 2005, the *Ground Water Protection Regulation* protects ground water supplies by requiring all water wells in BC to be properly constructed and maintained. It also requires them to be deactivated and closed at the end of their service lives.

Recent amendments help further protect property owners by changing the provincial requirements for registration of drillers and pump installers. The province now:

- recognizes drillers and pump installers with equivalent certification from other provinces and territories,

- recognizes drillers and pump installers with two years' experience as qualified drillers or pump installers, and
- requires certified drillers and pump installers to keep up with their certifications to remain registered and qualified in BC.



For more information on the *Ground Water Protection Regulation*, visit www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater.

What That ® Symbol Means



TRADEMARK TOOLKIT

THE CANADIAN REAL ESTATE ASSOCIATION © APRIL 2009

REALTOR®.

Over the past few years, you've probably noticed this word appearing this way in BCREA and board newsletters, online or maybe on a colleague's business card. You may have wondered:

1. Why is every letter capitalized?
2. What does that ® thing mean?
3. What happens if I don't use the ® or if I use lowercase letters?

REALTOR® is not alone. There are also REALTORS®, the Multiple Listing Service®, MLS® and MLS® System.

One of the things all these words have in common is the fact that they are all Canadian Real Estate Association (CREA) trademarks. They are also words that are unique to the profession and need to be protected to keep them that way.

In April 2009, CREA released a Trademark Toolkit to help member boards and REALTORS® understand the importance of the trademarks.

Here's an overview of what you'll find.

Trademarks: why do I have to use them?

Before reading on for the answer to this question, consider the following: do you lock the door to your business when you leave for the day?

For the same reason you protect your business assets, you should want to protect the REALTOR® and MLS® trademarks.

Think of all the money you've invested in becoming a REALTOR®. Now think about the training it took to get your licence, the training it took to understand and make the best use of your board's MLS® System, your continuing education courses and any volunteering you've done for your board. These are just a few of the many things that set REALTORS® apart from real estate licensees.

Trademarks: what are they?

The MLS® and REALTOR® marks are owned by CREA, but they are assets of organized real estate. They identify REALTORS® and the services provided by REALTORS® in Canada. REALTOR® is synonymous with professionalism. And professionalism means at least three things: service, competence and ethics. All three are essential ingredients in the REALTOR® recipe.

CREA licenses these trademarks out to its membership, and every REALTOR® across the country must help protect them. True trademark protection is the result of a comprehensive strategy of registration, licensing, advertising and enforcement, undertaken jointly by all members at every level of organized real estate.

To find out more about trademark protection, view CREA's Trademark Toolkit online at www.realtorlink.ca.



Trademark Dos and Don'ts

ALWAYS USE CAPITAL LETTERS:

- For REALTOR®, REALTORS® and MLS®
- For the first letters of Multiple Listing Service®
- For the "S" in "System" in the phrase "MLS® System"

ALWAYS include the ® registration mark.

ALWAYS include the disclaimer "Trademark owned or controlled by The Canadian Real Estate Association. Used under license."

ALWAYS use the term "MLS® System" when referring to the cooperative selling system of a real estate board.

NEVER alter or distort the words or the design marks.

NEVER combine the marks with any other words or designs.

NEVER use adjectives with the marks.

NEVER use the marks in slogans, product names or business names.

NEVER use REALTOR® or REALTORS® in a way that implies it means "real estate agent."

NEVER use MLS® in a way that implies it means a database.

NEVER use MLS® as a noun.

NEVER use MLS® in domain names.

ONLY use REALTOR® in domain names in accordance with CREA's policies.

cpe Course Schedule

Current as of April 21, 2009. Check with your local board office for last-minute changes. The complete cpe Planning Guide is available on BCREA's REALTOR Link® homepage.

Note: this is a schedule of BCREA cpe courses only and does not reflect all PDP-accredited courses. Each course on this schedule is assigned 6 PDP credits, unless otherwise indicated, and all courses that are also REP accredited are full-day courses and are marked with an asterisk (*).

BC Northern Real Estate Board

JUNE 5, WILLIAMS LAKE, *Foreclosures and Court Ordered Sales*, Jack Micner*

Chilliwack and District Real Estate Board

JUNE 10, CHILLIWACK, *What Brokerages and REALTORS® Need to Know About Agency*, Jim McCaughan*

JULY 7, CHILLIWACK, *Ethics: Unlocking the REALTOR® Code*, Andrew Peck

Fraser Valley Real Estate Board

JUNE 11, SURREY, *Disclosure Issues & Risks*, Gerry Halstrom*

JUNE 16, SURREY, *Negotiating and Presenting Offers*, Richard Collins

JUNE 18, SURREY, *Electronic Title Searching*, Catherine Greenall

JUNE 23, SURREY, *What Brokerages and REALTORS® Need to Know About Agency*, Jim McCaughan*

JUNE 29, SURREY, *Real Estate E&O Insurance Legal Update 2009*, Mike Mangan*

Kamloops and District Real Estate Association

*Real Estate E&O Insurance Legal Update 2009**

JUNE 17, KAMLOOPS, Mike Mangan

JUNE 18, KAMLOOPS, Mike Mangan

Kootenay Real Estate Board

*Disclosure Issues & Risks**

JUNE 23, CRANBROOK, Michael Ziegler

JUNE 24, CASTLEGAR, Michael Ziegler

Okanagan Mainline Real Estate Board

*What Brokerages and REALTORS® Need to Know About Agency**

JUNE 10, SALMON ARM, Harvey Exner

JUNE 11, VERNON, Harvey Exner

JUNE 12, KELOWNA, Harvey Exner

*Foreclosures and Court Ordered Sales**

JUNE 22, VERNON, Jack Micner

JUNE 23, KELOWNA, Jack Micner

Real Estate Board of Greater Vancouver

(all courses held at REBGV unless indicated)

*Disclosure: Issues & Risks**

JUNE 19, Gerry Halstrom

JUNE 26, MAPLE RIDGE, Gerry Halstrom

JULY 15, Gerry Halstrom

PDP Professional
Development
Program



*What Brokerages and REALTORS® Need to Know About Agency**

JUNE 1, Kim Spencer

JUNE 9, Richard Collins

JUNE 29, Brian Taylor

JULY 8, Andrew Peck

JUNE 2, *Selling Time Shares, Hotel Strata Lots, Cooperatives and Other Forms of Real Estate*, Adrienne Murray

JUNE 4, *Professionalism It Pays! Be Safe or Be Sued*, Mike Mangan
(3 PDP credits)

*CONDO 101: Strata Law for REALTORS®**

JUNE 11, Adrienne Murray

JULY 3, Adrienne Murray

*Real Estate E&O Insurance Legal Update 2009**

JUNE 12, Adrienne Murray

JUNE 17, Leslie Howatt

JUNE 30, Mike Mangan

JULY 10, Leslie Howatt

*Foreclosures and Court Ordered Sales**

JUNE 15, Michael Walker

JULY 13, Michael Walker

JUNE 18, *Assignments of Contract of Purchase and Sale*, Ed Wilson
(3 PDP credits)

JUNE 23, *CONDO 202: Advanced Strata Law for REALTORS®*,
Adrienne Murray*

JUNE 25, *Contracts: Keep on Top of Changes*, Richard Laurendeau*

JULY 6, *Electronic Title Searching*, Catherine Greenall

JULY 9, *Negotiating and Presenting Offers*, Richard Collins

JULY 14, *Know Your Product*, Will Graham

South Okanagan Real Estate Board

JUNE 19, PENTICTON, *What Brokerages and REALTORS® Need to Know About Agency*, Jim McCaughan*

Vancouver Island Real Estate Board

JUNE 3, PARKSVILLE, *Representing Buyers in the Sale of New Homes and Condominiums*, Gerry Halstrom

JUNE 10, PARKSVILLE, *What Brokerages and REALTORS® Need to Know About Agency*, Michael Ziegler*

JUNE 15, COURTENAY, *Electronic Title Searching*, Catherine Greenall

JUNE 26, DUNCAN, *Real Estate E&O Insurance Legal Update 2009*,
Adrienne Murray*

Victoria Real Estate Board

JUNE 2, VICTORIA, *What Brokerages and REALTORS® Need to Know About Agency*, Michael Ziegler*

JUNE 18, VICTORIA, *Know Your Product*, Will Graham

JULY 2, VICTORIA, *Ethics: Unlocking the REALTOR® Code*, Ara Balabanian*

JULY 9, VICTORIA, *Real Estate E&O Insurance Legal Update 2009*,
Mike Mangan*