

Realty agents play by rules

Real estate agents who buy clients' houses must clearly state the reason for the purchase or face losing their licences.

Some agents have been known to buy properties with the intent of reselling them at a profit to buyers waiting in the wings.

The original homeowners are not told about the prospective purchasers and may be led to believe the agent plans to live in the home, says Cora de la Cruz of the Ontario Ministry of Consumer and Commercial Relations (MCCR).

"This is a totally unacceptable practice - an illegal practice and one we will not tolerate," says de la Cruz, registrar of real estate and business brokers.

"If a broker or salesperson suggests buying your home, you must be given a statement outlining the purpose of the purchase and sign it before the offer is presented. It isn't illegal for a salesperson or broker to buy real estate as an investment, as long as the vendor is fully informed of their intentions and advised if anyone else has shown an interest."

Ontario statutes set out general ethical standards for the industry and specific regulations governing particular activities.

Full and complete disclosure of all facts that may affect a client's decision to sell is mandatory under provincial law. Regardless of the situation or issue involved, buyers and sellers have the right to expect complete honesty from real estate professionals.

When that honesty is not forthcoming, de la Cruz can revoke licences, lay charges and, when warranted, take further legal action against registrants.

The law also stipulates all newspaper advertisements must clearly show they were placed by a registered broker and any company salespeople listed must be identified as such. This ensures prospective buyers understand who they are contacting.

In seeking a house listing, a salesperson or broker may promise to buy and resell the property if it is not sold on the open market within a specified time.

To protect sellers, provincial law requires that any such promises be made in writing.

Real estate agents have a legal responsibility to act in the best interests of sellers. However, this does not mean they can mislead buyers to get the best deal for the vendors.

In addition to seeking disciplinary measures through the registrar's office for misrepresentation, clients who feel they were unfairly treated have successfully sued salespeople, brokers and real estate companies in court. The registrar cannot levy fines or seek financial compensation for clients.

Understanding basic laws governing real estate in Ontario can help buyers and sellers avoid problems, but they should also take steps to protect themselves.

When viewing a house, ask lots of questions, phrase them carefully and jot down the answers, de la Cruz suggests.

Does the basement leak?
Has it ever been known to leak?
Do airplanes fly over the house?
How often and at what times?
Has the house ever been robbed? Are there any noisy train tracks nearby?
Does the roof leak?
Have there been any plumbing problems?

What structural flaws, if any, exist?
Once the choice of properties has been narrowed down, it can be helpful to have a professional house inspection done. The check may cost a few hundred dollars, but can save thousands in the long term, the registrar says.

"Most real estate sales people are honest professionals who deal in straight answers, but there are some fast buck types out there," she says. "Don't be shy about asking questions."

"It's your responsibility to protect yourself. If you think you are being led astray, contact one of our local consumer services bureaus."

A brochure on buying houses is available from the Consumer Information Centre at 555 Yonge St., Toronto, Ontario M7A 2H6 - (416) 963-1111 or toll free at 1-800-268-1142.

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