



Real Estate Council of Ontario

August 28, 2018

Supreme Court declines to hear TREB's appeal against the Competition Bureau: What it means for compliance with REBBA

On August 23, 2018, the Supreme Court of Canada declined the Toronto Real Estate Board's (TREB's) request to appeal a lower court ruling. That order required TREB to drop certain restrictions on the display and use of "sold" prices by TREB members who share the information through Virtual Office Websites (VOWs).

RECO has received questions about what this means for compliance with advertising requirements under the *Real Estate and Business Brokers Act, 2002* (REBBA). The short answer is that there is no impact because the ruling applies to information that is not considered advertising.

The key difference is that the information on a password-protected VOW is not made available to the public directly. Data access is limited to consumers who must register and agree to terms of use.

Since this decision specifically applies to TREB and the use of their data, the existing REBBA rules regarding advertising continue to apply.

In brief, REBBA states that, in order to include the "sold" price in advertising, the brokerage must obtain written consent from both the buyer and the seller. Advertising such information without written consent continues to be a breach of REBBA, and RECO will deal with it accordingly.

[Click here](#) to view the information that was sent to all registered salespeople and brokers on this topic.

Specific questions about the ruling should be directed to the Toronto Real Estate Board or the Canadian Real Estate Association.