

Disclosures, consents, and acknowledgements

This bulletin explains the general requirements that apply to disclosures, consents, and acknowledgements required by the legislation.

Summary

All disclosures, consents, and acknowledgements **must** be:

- Written in plain language that is clear and concise; and,
- Presented in a manner that draws the person's attention to the required information.

Disclosures must be identified by the prominent placement of the word "**disclosure**".

The purpose of the new requirements is to promote clarity in communications. Clear communication supports informed decisions and enhances both consumer protection and professionalism.

To ensure the required disclosures, consents, and acknowledgements are effectively brought to the person's attention, they should be distinct and separate from a representation agreement and separate from any agreement facilitating a real estate transaction.

Specific disclosures, consents, and acknowledgements

The following bulletins provide detailed information about specific disclosures, consents, and acknowledgements:

- Bulletin No. 2.4 Dealing with a self-represented party
- Bulletin No. 2.5 Confidentiality
- Bulletin No. 3.2 Multiple representation
- Bulletin No. 3.3 Financial benefits
- Bulletin No. 3.4 Personal trades and property interests
- Bulletin No. 3.5 Conflicts of interest
- Bulletin No. 5.5 Advertising compliance review
- Bulletin No. 7.1 Protection of property
- Bulletin No. 7.3 Material facts

Disclosure, consent, and acknowledgement requirements not addressed in other bulletins are explained below.

RECO Bulletins are a series of publications developed to provide helpful information to brokerages and real estate agents about their duties and obligations under the *Trust in Real Estate Services Act, 2002* (TRESA) and its regulations. Bulletins may be updated as required. Please check the RECO website to ensure you are referencing the most current version.

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For more information, contact:
registration@reco.on.ca
reco.on.ca

P: 416-207-4800
TF: 1-800-245-6910
F: 416-207-4820

Dealing with clients of other agents

A real estate agent who knows or ought to know that a person is a client of another agent must communicate only through the other agent unless the written **consent** of the other agent is obtained.

Remuneration terms that might affect whether an offer is accepted

If a brokerage has entered into a representation agreement with a seller and an agreement between the brokerage and the seller contains terms that relate to remuneration that may affect whether an offer to buy is accepted, the brokerage must **disclose** the existence of and the details of those terms **to any person who makes a written offer to buy** as soon as possible after the offer is made and before any offer is accepted.

The brokerage must make best efforts to obtain a written **acknowledgement** from each person receiving the disclosure indicating that the disclosure has been received and, if a person makes the acknowledgement, provide them with a copy of it.

Information statement re seller's property

If a real estate agent represents a seller and knows that the seller has completed a written statement that is intended to provide information to buyers about the property, the agent must,

- a. **disclose** the existence of the statement **to every buyer** who expresses an interest in the real estate; and
- b. if requested by a buyer, make the statement available to the buyer as soon as possible after the request is made.

Not all information statements are prepared for the purpose of providing information to buyers about a property. These requirements apply to statements the seller intended to share with buyers.

Third party goods or services

A real estate agent must not, on behalf of a client, enter into an agreement with a third party for the provision of goods or services to the client unless,

- a. the agent has **disclosed** in writing **to the client** the subject-matter of the agreement with the third party and the identity of the person responsible for paying for the provision of the goods or services;
- b. **the client** has **consented** to the agent entering into the agreement with the third party; and
- c. the agent has **disclosed** in writing **to the third party** the identity of the person responsible for paying for the provision of the goods or services

Deposit terms for money held in trust

Brokerages must fully and clearly **disclose** in writing to a person depositing trust money the terms on which the brokerage deposits the money, including whether the money is deposited in an interest-bearing account and the interest rate that the brokerage receives on the money.