



## **REALTOR® Cooperation Policy**

**Created:** August, 2022

### **Rationale:**

This Policy seeks to reinforce one of the key components of organized real estate and the value of MLS® Systems – cooperation, increase the level of professionalism of REALTORS®, better serve consumers and strengthen the MLS® Brand. MLS® Systems are efficient and effective cooperative selling systems that benefit both REALTORS® and consumers. Placing a listing on MLS® Systems increases the exposure of listings to a broad group of REALTORS® and their buyer clients, providing them access to a more complete inventory of homes that may meet their needs. From a seller’s perspective, a listing with greater exposure on MLS® Systems may increase the number of offers received and improve the chances of receiving the most competitive offers for their home.

The use of limited exposure marketing tactics diminishes the efficiency, value and benefits that MLS® Systems provide to REALTORS® and consumers. Failure to place a listing on MLS® Systems not only undermines the best interest of clients, but also the value of the MLS® Systems which is based in large measure on the number of properties listed on the systems. Withholding listings results in a smaller number of listings available for cooperative selling which diminishes the value of the systems for both REALTORS® and their clients, contrary to the very purpose of membership in a cooperative selling system.

As REALTORS® have a legal obligation to act in the best interest of their clients, which is also provided for in the REALTOR® Code, this policy requires REALTORS® to place their listings on Board/Association MLS® Systems within a brief time after the property has been first publicly marketed, ensuring that all REALTORS® and their clients have equal access to the most comprehensive property information available on MLS® Systems during the home buying and selling process.

### **Policy:**

1. When used in this Policy, the following terms have the respective meanings indicated:
  - a. “Office Exclusive” means a listing which is not publicly marketed at the written request of the seller, and only marketed between REALTORS® directly affiliated with the listing brokerage/office in a business capacity, and where advertising is limited to one-on-one promotion with these REALTORS® and their clients in accordance with the written instructions of the seller.
  - b. “Public Marketing” means the representation or marketing of a listing to the public and/or any REALTOR® not directly affiliated with the listing brokerage/office in a business capacity. Public Marketing includes any representation regarding the sale of a property, including but not



limited to, flyers, yard signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW) and onsite brokerage promotion, digital communications marketing (i.e., email blasts, newsletters, social media posts), multi-brokerage listing sharing networks, and applications available to the general public.

2. Within three (3) days of Public Marketing, REALTORS® must place the listing on their Board/Association's MLS® System for cooperation with other REALTORS®.
3. The following listings are exempt from the requirements of paragraph 2 above:
  - a. Commercial property listings (i.e., business properties, agricultural properties);
  - b. New construction listings in developments with multiple properties or units (i.e., residential development projects, condo development projects); and
  - c. Rental property listings.
4. Office Exclusive listings shall be exempt from this Policy if the seller confirms in writing that the listing REALTOR® has informed the seller of the benefits of having their listing publicly marketed, including the benefits of listing on Board/Association MLS® Systems; and the seller has specifically instructed the listing REALTOR® not to engage in Public Marketing of the property. Where any Public Marketing of an Office Exclusive listing occurs, it will lose its exemption and the rules of this Policy will apply.

**Enforcement:**

5. Within 6 months of coming into force, Boards and Associations that operate MLS® Systems must adopt and enforce this Policy in their MLS® System Rules or an equivalent policy. Boards and Associations may adopt more stringent rules and requirements than those contained in this Policy, provided they are not inconsistent with this Policy or applicable legislation.

**Transition:**

6. This Policy will not come into force until January 1, 2023