



# Mere Posting Guide

May 2021

## **Mere Postings**

Mere Postings are a mechanism to allow private sale owners to post their property on our MLS® System and have them appear on realtor.ca. We are obligated as an industry by the Competition Bureau to allow these types of listings to appear. Private sale owners can only access this service through a member of NLAR.

The real estate industry in Canada is committed to free and open competition as outlined in our Pledge of Competition.

We adhere to a Code of Conduct which includes the following standards:

- Commission rates or fees members charge for services offered to the public, and the division of those fees among cooperating members, are solely the choice of those providing the services.
- A brokerage may offer any variety of services e.g. exclusive, open, MLS® listings etc. Boards and real estate Associations accept MLS® listings regardless of the price, commission rates or fees, or the division thereof.
- Advertising by members and non-members is subject to the discretion of the individual, as long as it is honest and lawful. We encourage creative, competitive choice in the services advertised to the public.
- The business relationships between broker members, their salespersons and non-members is theirs to determine. With regard to Board and Association membership, members may choose for themselves to work full or part time, as long as they remain available to serve the public on a regular basis.
- All members are required to meet uniform and reasonable financial and educational standards. They are required to demonstrate integrity and character necessary to protect the public. By using the MLS® and REALTOR® trademarks, all member Boards and Associations of The Canadian Real Estate Association proclaim adherence to these principles, designed to preserve free and open competition.

This guide will provide direction to NLAR members (Seller's agents and Buyer's agents) regarding how Mere Postings are to be formatted and what wording is acceptable in the Property Description. By complying with the directions in this guide, members will comply with CREA's requirements of how Mere Postings should appear on realtor.ca and with the Competition Bureau-CREA Consent Agreement.

Mere Postings are to be treated as any other listing on the system in terms of data integrity and solicitation. Members who post Mere Postings are responsible to ensure the accuracy of the data (room measurements, lot size, etc.). Similarly, NLAR members are to respect Mere Posting agreements in terms of solicitation. How to contact and a negotiate with the Mere Posting property owner is outlined below.

### **No Personal Contact Information in Property Description**

The Property Description cannot contain the personal or contact information of the property owner. This information must be "two clicks" away from the listing on realtor.ca (i.e., the link on realtor.ca will

take a consumer to a redirect page which they then click again to go to the private sale website). Similarly, members are not permitted to use the “Virtual Tour” link to connect to the re-direct web page.

Examples that are not acceptable include:

“This is a private sale. For viewing or showing appointments contact the owner, John Smith at 555-555-5555.”

“This property is listed privately by John Smith. Please contact the owner directly to arrange viewing of this property.

“This is a Mere Posting. Click on “Multimedia” or “Virtual Tour” below for more information.

### What is Permitted?

We have created a space in the Matrix listing input form to include a “More Information” URL. That space should be used to link to the re-direct page which a consumer can then click on to be taken to the private sale website. The Property Description can refer to the “More Information” link that is automatically generated on realtor.ca when the URL is populated when inputting the mere posting data.

The image shows a screenshot of a web form for listing a property. The form has several sections: 'Lockbox' with a dropdown menu, 'Occupancy' with a dropdown menu, 'Publish to Public Sites' with a 'Yes' dropdown, and 'Publish Address to Public Sites' with a 'Yes' dropdown. Below these are 'Include in DFF' with a 'Yes' dropdown and 'DDF More Info URL' with a text input field. The 'More Information' field is highlighted with a red box and contains a question mark icon. Below it are 'Virtual Tour' and 'Showing Instructions' sections, each with a text input field. At the bottom of the form are four buttons: 'Save as Incomplete', 'Validate', 'Cancel Input', and 'Submit Listing'.

Examples of what is acceptable include:

“When viewing this property on Realtor.ca please click on the 'MORE INFORMATION' link below for more property info.”

“The owner of this property has reserved the right to sell it privately. For more information on this property click the “More Information” button below.

### Contact Information in the Realtor Remarks and/or Showing Instructions

It is perfectly acceptable to include information in the Realtor Remarks and/or Showing Instructions section including the seller’s name and contact information, and any additional information that might be helpful to a Realtor – such as whether the private sale owner is prepared to work with a buyer agent and pay a buyer’s agent commission.

## Example of Acceptable Wording

Property  
Overview:

**When viewing this property on Realtor.ca please click on the 'MORE INFORMATION' link below for more property info. This beautiful bungalow is nestled among the trees in a park-like setting. Three bedrooms on the main floor with an open-concept kitchen and living area.**

Directions:  
Show Instr:

**This is a Mere Posting. Please contact the sellers directly at: 1-709-555-5555 for all information and viewing requests. Seller is willing to negotiate a Buyers Agent fee on agreement. Listing Brokerage is only responsible to pay \$1. Sellers reserve the right to sell the property themselves.**

## Example of Acceptable appearance on realtor.ca

Notice the “More Information” button at the bottom and the “View Listing on REALTOR® Website” link under the contact information, both highlighted in red. Both of these links will take the consumer to the redirect page.

The screenshot shows a realtor.ca property listing for a property in St. John's, Newfoundland & Labrador. The listing includes a 'Description' section with a red circle highlighting the text: "When viewing this property on Realtor.ca please click on the 'MORE INFORMATION' link below For more property info." Below the description is a 'Property Summary' table. On the right side of the page, there is a contact information section with a red box highlighting the "View Listing on REALTOR® Website" link and an "Email" button. At the bottom left of the page, there is a "More Information" button, also highlighted with a red circle.

Property Type	Building Type	Title	Land Size
Single Family	Two Apartment House	Freehold	5715 sq ft(4,051 - 7,250 sqft)
Built in	Annual Property Taxes	Parking Type	
1974	\$3,300	Attached garage, Garage (1)	

## Dealing with a Mere Posting as a Buyer's Agent

If your buyer is interested in viewing a Mere Posting property you should consult with your broker on any specific recommendations he/she might have. It is suggested that you contact the seller beforehand

using the contact information in the Realtor Remarks or Showing Instructions section of the listing and ask if they are prepared to pay the buyer's commission. If so, you should negotiate your commission and have it agreed to in writing, before introducing your buyer to the property. We recommend using a Commission Agreement with the private seller.

It has been a common practice to sign-up the property to a short-term (24 or 48 hour) exclusive listing, however we recommend against this practice for two reasons. First, you cannot solicit an existing Mere Posting (as outlined above). Secondly, as a buyer's agent, your client (the buyer) is your primary responsibility. When you enter a listing agreement with the seller, they too become your client and you have now placed yourself in a dual agency situation. By using a Commission Agreement, you can maintain the client relationship with your buyer, and treat the seller as a customer without being in an agency relationship.

Brokers may have other recommendations or preferences in this type of situation, so you are always advised to discuss this with them.

In some cases, Mere Posting sellers may enter into a representation agreement with an NLAR member to handle some aspects of the sale of their property (such as scheduling showings, handling offers, etc.). If that is the case the buyer's agent should deal with the Seller's agent the same way they would deal with any other NLAR member representing a Seller on a transaction.

Some Mere Posting sellers choose to have a third party call centre screen calls on their property. If a buyer's agent call to a call centre is not returned either by the owner or another NLAR member on their behalf, you or your broker should contact the mere posting broker to troubleshoot. As in all aspects of real estate transactions, time is of the essence and unreturned calls are not helpful to anyone.

Deposits on Mere Posting properties should be held by the Seller's lawyer, not deposited into the trust account of either the listing or selling brokerages.