

PROFESSIONAL MATTERS

WEBINAR SERIES

March 21, 2019

Teams: Agency & Advertising

Marty Douglas & Bruce McCoubrey

MARCH 21 2019



LEARNING OBJECTIVES

- 1** TEAMS & THE RULES
- 2** TEAM NAMES
- 3** WHEN TO REGISTER A TEAM
- 4** TEAMS AND AGENCY
- 5** TEAMS AND DOCUMENTS
- 6** ADVERTISING AS A TEAM



TEAMS & THE RULES

Regulatory Requirements

- Teams allow licensees to advertise jointly without listing all their names.
- Rule 4-6 (5): “If the Council approves a team name for a group of related licensees, real estate advertising may also identify the group by this team name.”
- The name of the related brokerage must always be included in any form of team advertising.

TEAM MEMBER GUIDELINES

- ✓ A team must include at least two people, one of whom must be licensed.
- ✓ All licensed team members must be licensed with the same brokerage.
- ✓ A licensee can only be a member of one team at a time.
- ✓ It is the obligation of the licensed team members to advise RECBC, in writing, when any team member leaves the team or a new member joins.
- ✓ Individual licensees must comply with all of the provisions of the *Real Estate Services Act*, Regulations, Bylaws and Rules.



**TEAM
NAMES**

Team Name Guidelines

RECBC guidelines when considering team name requests

A TEAM NAME MUST convey to the public that a group of individuals from the same brokerage (which may include unlicensed assistants) is working as a team. Team names should include words like “Group,” “Team,” “Network,” or “Associates” to make this clear.

THE TERMS “REALTY” AND “REAL ESTATE” may not be used in a team name as they may give the impression of being a separately licensed brokerage. Exceptions to this are the use of the terms “Real Estate Team” or “Real Estate Group” at the end of a name. Examples: “The Bruce McCoubrey Real Estate Team” or “The McCoubrey Real Estate Group.”

TO ENSURE THE PUBLIC IS NOT MISLED or confused, a team name must not give the impression of being an incorporated company or brokerage. Team names such as “Marty Douglas and Company” or “Douglas Real Estate Services” will not be approved.

NO TEAM NAME WILL BE APPROVED that may be confused with an existing brokerage.

No team name will be approved that is identical to an existing, approved team name.



**WHEN TO
REGISTER
A TEAM**

Is Registering Voluntary?

If a group of licensees wishes to identify themselves by a single name or brand and market themselves under that name or brand instead of their licensee names or brokerage name, then they must first register that team name with RECBC.

TEAM NAME REQUEST

PART A - INSTRUCTIONS

Please review the "Team Guidelines" on the reverse of this form before submitting your request to the Council.

- In order to have your team name approved, you must include:
 - the team name you are requesting
 - the names of all team members (both licensed and unlicensed)
 - the name of your brokerage.
- You may submit more than one team name for consideration. If you submit more than one name, please list the names in order of preference. We will review your request to ensure that:
 - the team name complies with the Team Name Guidelines (see reverse)
 - the name is available (not in use by another team).
- Submission of this form does not guarantee the approval of your chosen team name.
- To change the name of an existing team or add/remove team members, fill out this form.
- There is no fee to register or change a team name.

PART B - TEAM INFORMATION

Please advise if you are sending this request for (check one):

- Team Name Approval only
 Team Name Approval and Registration
 Remove team member(s)
 Add Team Member(s)
 Change Existing Team Name

Team name requested	Current team name (if any)
---------------------	----------------------------

Please list all team members. A team must include a minimum of **two** members. If more space is required, attach a separate page.
Note: if you have any unlicensed team members, please include their names and indicate that they are unlicensed.

1) _____	5) _____
2) _____	6) _____
3) _____	7) _____
4) _____	8) _____

Brokerage Name *(All licensed team members must be engaged by the same related brokerage)*

Please indicate how you would like to receive confirmation of your team name registration. This response will be copied to your managing broker so please ensure that your managing broker is aware of your intention to register a team name.

Via Email: _____ Via fax to your brokerage office: _____
(email address) (fax number)

PART C - LICENSEE SIGNATURE

Your name	Signature	Date (MM/DD/YYYY)
-----------	-----------	-------------------

Mailing Address Real Estate Council of British Columbia 900-750 West Pender Street Vancouver, BC Canada V6C 2T8	Enquiries Tel: 604.683.9664 Toll-free: 1.877.683.9664 Fax: 604.683.9017 www.recbc.ca lic@recbc.ca
--	--



TEAMS AND AGENCY

How do teams affect agency obligations?

- Members of teams typically share information about all the consumers to whom they provide real estate services.
- Because of this, teams are not able to separate their agency relationships.
- Members of a team are considered to be collectively the designated agent of a client.
- Requirements that apply to individual designated agents apply to teams.
- Team members cannot act as a designated agent for the seller and as a designated agent for the buyer in the same transaction.
- A team also cannot act for two separate buyers who each make an offer on the same property.

Dealing with Unrepresented Parties

- If a team is representing a seller, and an unrepresented buyer wants to make an offer on the property, the team can deal with the buyer as an unrepresented party, provided the team first makes the Disclosure of Representation in Trading Services and the Disclosure of Risks to Unrepresented Parties.
- However, the Team should:
 - Encourage the unrepresented buyer to seek independent representation and
 - Consider the risks of working with unrepresented parties.
- Working with unrepresented parties can present risks for licensees:
 - If the licensee is not careful, they may enter an implied agency relationship with the unrepresented party. Then the licensee will be in an undisclosed dual agency situation, and dual agency is prohibited.
- When dealing with an unrepresented party, it is a good practice to document in writing all discussions and interactions, to help prevent misunderstandings.

Already acting for a seller?

**Can a team member stop acting as a designated agent a seller client
and begin acting for the buyer as their sole designated agent?**

- You cannot end your agency relationship with the seller and begin acting for the buyer as his designated agent, even with the consent of the seller and buyer, because:
 - In ending your agency relationship with the seller, you would be preferring your own interests and the interests of the buyer to the interests of the seller; and
 - You would likely have received confidential information from the seller that would be directly relevant to the buyer's position in the ongoing transaction. Thus, your ability to advise and represent the buyer would be impaired by your inability to disclose the seller's material confidential information.
 - Encourage the buyer to seek independent professional representation.



TEAMS AND DOCUMENTS

Signing Documents as a Team

- The full names of all team members must appear on every MLS® Listing Contract between team members and clients, as well as Exclusive Buyer's Agency Contracts, Buyer Agency Acknowledgement forms, and Contracts of Purchase and Sale.
- You cannot use the team name on these documents, because that name exists only for advertising purposes.
- All the team members' names must appear on contracts because the team is deemed to be collectively the Designated Agent for the client.
- While confidential client information may be shared between team members, strict client confidentiality must be maintained from other licensees at your brokerage.
- Large teams may need to use an attached appropriately numbered Schedule to include all team member names.
- Any team member can execute documents. The signature of every team member is not required.



ADVERTISING AS A TEAM

a

Advertising Requirements

- Once RECBC has approved a name, teams may identify themselves by team name in advertisements.
- The brokerage name must also be prominently displayed and must be easily readable in relation to the rest of the advertisement.
- All advertising that includes the names of unlicensed team members must identify them as being unlicensed.

Advertising with Other Licensees

Think carefully about what your advertising is saying to the public.

- If a group of licensees wish to identify themselves by a single name and market themselves under that name instead of their licensee names, then they must first register that team name with RECBC.
- We advise that licensees choose a name that clearly conveys to the public that they are working as a team, by using words like “team” or “group” or “associates” in the name.
- Using logos and slogans can also mislead consumers into thinking you are a team.
- The wording “experts” or “specialists” is more subjective, but again, the advertising may give the impression to consumers that you are a team.
- Licensees should assume that all statements in an advertisement will be taken at face value and interpreted based on their plain meaning.

Advertising with Other Licensees *cont'd*

Think carefully about what your advertising is saying to the public.

- If two or more licensees advertise together which includes listings (presuming they are all with the same brokerage and presuming they are not co-listed) it could imply that any of those licensees have knowledge of the listings and may be deemed to be representing the Sellers.
- If a consumer sees an advertisement that has listings they are interested in and there is more than one licensee identified, who do they call for information on each listing?
- In a scenario like this each advertised listing would have to specify who to contact.
- RECBC also cautions the licensees about the potential perception of the public.

Working with Other Licensees

Working together but not advertising together.

- Two or more licensees who regularly work together, but don't necessarily advertise together, do not necessarily need to register as a team.
- However, they still need to respect the principles of agency – they are both designated agents of their clients, they still share information and they cannot take part on dual agency.
- One licensee cannot excuse themselves from the agency relationship and represent the other side.

A close-up, shallow depth-of-field photograph of a person's hands writing on a document. The person is holding a pen and writing on a white sheet of paper. A wooden ruler is placed horizontally across the document. In the background, another person's hands are visible, resting on a wooden surface. The overall scene suggests a professional or academic setting.

Always ask your managing broker about any brokerage policies regarding teams, payment, employees, etc.



QUESTIONS AND ANSWERS

Questions can be submitted through the “Ask a Question” function.

**THANK YOU
FOR ATTENDING!**

PROFESSIONAL MATTERS WEBINAR SERIES

Questions?

advisor@recbc.ca

info@recbc.ca

