

MEMORANDUM

OREA | FORMS

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To: All OREA Members

Re: OREA Standard Forms State of Emergency Resource & Tools

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As our world continues to change everyday because of the COVID-19 situation, OREA is singularly focusing on helping Members during these times. Our message to Members is simple:

We have your back. OREA is doing everything we can to provide you with the tools, resources, and information to assist our community at this extraordinary time.

As part of this commitment, the Standard Forms Team has established varied resources and tools, including four new Standard Clauses in a new, 'STATE OF EMERGENCY' category.

The **OREA Residential and Commercial Standard Clauses booklet** was updated accordingly to incorporate vital Notes for each new Clause. It is paramount Members review Clause vital Notes before use of the new Clause(s) within an Agreement of Purchase and Sale. (Booklet access via www.orea.com/Resources-and-Forms/Standard-Forms-and-Clauses)

The new OREA State of Emergency Clauses can assist Agreement parties, industry-related professionals, and respective businesses that could be affected or may affect a transaction including, but not limited to, the legal industry, the lending industry and in general the real estate professionals involved.

Below are the headings for the four STATE OF EMERGENCY Standard Clauses:

STATE OF EMERGENCY-1 Unable to Complete

STATE OF EMERGENCY-2 Key Drop Devices

STATE OF EMERGENCY-3 Electronic Signature Consent (aka ELEC-1)

STATE OF EMERGENCY-4 Video Conference Closing Documentation

There are existing OREA Standard Forms that may be considered and used by Members to document information to Seller clients. These Forms may also be used to specifically obtain Seller's written direction or written authorization/consent pertaining to access or entry to their listed property. Seller directions may refer to special instructions around entry/access in times of State of Emergency and social distancing, such as, face to face or non-face to face contact and or showing procedures.

Use of the following existing OREA Forms is encouraged to document communications:



- OREA Form #203, Schedule to the Listing Agreement
- OREA Form #208, Entry/Access to Property – Seller Acknowledgement
- OREA Form #244, Seller's Direction re: Property/Offers

In these uncertain times, Members should consider developing protocol(s) to ensure their trading activity protects their health and safety and the people with whom they are engaged.

We remind Members of the OREA Forms Resources for Members to extend their knowledge and understanding of the purpose and intended use of these Forms and situations. Resources are available at www.orea.com/Resources-and-Forms/Standard-Forms-and-Clauses

(Reminder – Member Sign In authentication is required to review Forms files.)

- Forms Explained version of Form #208 Entry/Access to Property – Seller Acknowledgement
- Forms Explained version of Form #244 Seller's Direction re Property/Offers
- Forms Tutorial recording for Form #244 Seller's Direction re Property/Offers
- Forms Webinar recording for Form #244 Seller's Direction re Property/Offers
- Forms Webinar recordings, State of Emergency Resources PART 1 & PART 2

Members are encouraged to review ongoing vital messaging sent by their Board/Association or Brokerage. For more information visit and re-visit the following websites regularly for State of Emergency real estate related updates:

- OREA www.orea.com
- The Real Estate Council of Ontario via www.reco.on.ca
- The Canadian Real Estate Association via www.realtorlink.ca

Government of Canada

www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html

Public Health Ontario

www.publichealthontario.ca

www.ontario.ca/page/2019-novel-coronavirus

OREA does not provide trading activity advice, including direction specific to market trends or market affecting situations. *OREA highly recommends each Member speak with their Broker of Record/Brokerage Management to seek trading activity advice.*

NOTE: The explanations contained herein are for informational purposes only and are not to be relied upon or construed as real estate, legal, accounting, or other professional advice or a substitute thereof or a complete discussion of the matter. Members are urged to seek legal advice on specific issues affecting them.

Should you have any questions or comments, we welcome all Member contact, please feel free to reach out to us via our designated Forms email address **StandardForms@orea.com** or at 1(800) 265-OREA (6732) and ask for a Forms Team member extension.

Q&A

Q1. Must I stop showing properties because of COVID-19?

Answer: OREA Members should be taking social distancing precautions seriously in their day to day business activity; this would include avoiding face to face contact unless essential and unavoidable.

A review of industry-related messaging is highly recommended, including info from OREA via www.orea.com, CREA, RECO, a Member's Board/Association, and their brokerage messaging.

Q2. Which OREA Form is available to assist Members with COVID-19 listing precautions?

Answer: There are a few OREA Forms to identify directions from a listed Seller, for example, Form #208 Entry/Access to Property - Seller Acknowledgment, Form #244 Seller Direction re Property/Offer or a Listing Schedule with added or inserted details.

OREA Members are encouraged to seek discussion with their Broker of Record/Brokerage Management for direction as to what method of documentation they should be using respecting conversations and directions with their listed Sellers. This could include existing OREA Forms, individually or Brokerage created form(s).

Q3. How can I fulfill my obligations to confirm individual identification if I am not doing business in person because of COVID-19 social distancing?

Answer: Members should consider requirements within the Proceeds of Crime (Money Laundering) Terrorist Financing Act (PC(ML)TFA). The legislation identifies options for non-in-person identification in their trading activities. The Identification Forms include these methods, and Members can review these options via the helpful CREA FAQ document or sections of PC(ML)TFA. https://www.realtorlink.ca/content/realtorlink/crea/en_CA/resources--compliance/legal-compliance--national-standards/compliance-resources/money-laundering.html (Reminder Member Sign In required)

Q4. Can a listing brokerage representative require all prospective buyers to answer a questionnaire before viewing a property to assess the risk for COVID-19?

Answer: A Seller can direct a requirement before any showing that prospects not be allowed access until both the co-operating brokerage/showing sales representative/broker and buyer reply. This may be via the use of either Form #244 Seller Direction re Property Offer or Form #208 Entry/Access to Property - Seller Acknowledgment.

Q5. If I notice buyers, sellers, or other REALTORS® are showing symptoms of COVID-19, can I refuse to meet in person with them?

Answer: Absolutely. A Member has the right to protect their own and their consumer's health and safety, even if this means refusal to meet face to face.