

Update on the CREA v Competition Bureau case

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The committed readership of PropertyWire.ca has had a lot to say about the recent announcement that the Canadian Real Estate Association's (CREA) Board of Directors issued that it had approved a settlement with the Competition Bureau. It would seem there are many misperceptions out there about what the agreement entails given the lack of release of documents at this time. Fortunately, last week, CREA and its lawyers held the first of several meetings to come with the leadership of Boards and Associations in Canada, and the Mississauga Real Estate Board (www.mreb.ca) has published some of the notes from that meeting to clarify what the proposed agreement does and does not include.

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The agreement, which is subject to approval by the member Board/Association at a special general meeting in St. John's Newfoundland on October 24th, proposes the following:

- Does not give the public direct access to the MLS® system or to REALTOR.ca; the Membership Pillar has not changed and the MLS® system remains a member to member service;
- Does not require brokerages to change their business models;
- Does not impact the Compensation Pillar; and
- Does not impact the responsibility of members to ensure the accuracy of MLS® listing content.

The agreement specifies that CREA, along with Boards and Associations cannot prevent or discriminate against "mere postings" or against members who offer mere postings. CREA has always maintained its rules do no such thing.

The standard procedure when an agreement is reached in this type of case, the deal is complete once it is signed by both litigant parties and filed with the court. Since this particular agreement will only be final if CREA delegates vote in favour at the special general meeting, the agreement will remain in escrow until then. Should the agreement fail to come together, this would close the book on the litigation. Rather it would continue, with Tribunal hearings beginning in April. It is due to the continuing nature of the litigation that CREA is restricted from publicly disclosing the proposed agreement.

This is what was conveyed by CREA to clarify a rather confusing scenario. Given this update, I continue to be interested in your thoughts on the subject. Even more so, if you have a passion reflective of many of our readers, whichever direction you lean, it would seem calling your local Board or Association to inquire about how to have a voice on this situation is the best approach for proactive response to this seemingly endless process. Just remember, the meeting to determine whether the current agreement is accepted is October 24th – so find your voice, and find it fast!!

P.S. This is a shout out of gratitude to the reader who sent us this news release – thank you for being actively involved in our PropertyWire.ca community – that is the entire purpose behind what we do!

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