Changes in MLS® Rules and Regulations Effective December 17, 2010

The most current version of the MLS® Rules and Regulations is dated 11-1. Here is an explanation of the changes from the 10-2 version. These rules are effective as of December 17, 2010.

Page 1 – Preamble

New - The MLS® System is a co-operative selling system operated and promoted by the Board in association with the MLS® Marks of CREA. The MLS® System includes an inventory of listings of participating members and ensures a certain level of accuracy of information, professionalism and co-operation among members to effect the purchase and sale of real estate.

Rationale – In order to properly understand these Rules, it is important for members to understand what the MLS® System is. This hasn’t been clearly articulated in previous versions of the Rules.

Page 3 – Definition of Listing Content

New - “Listing Content” means the portions of the Listing requiring some originality in the creation and includes but is not limited to photographs, images and graphics, audio and video recordings, virtual tours, drawings, floor plans, architectural designs, artistic renderings, surveys and listing descriptions (remarks).

Rationale – This term had to be defined as it is now used in Rules 3.A.(e)(iv) and 3.B.(c)(v). Previously, the Rules did not address the fact that listing descriptions (remarks) are original material. Portions of the listing that may be copyrighted include photographs, images and graphics, audio and video recordings, virtual tours, drawings, floor plans, architectural designs, artistic renderings, surveys and listing descriptions (remarks).

Page 5 – Agency Pillar – MLS® Rule 1.(a)(ii)

Former - Agency: A Listing Brokerage must act as agent for the Seller in order to post, amend or remove a property Listing in the Board’s MLS® system. The nature of any additional services to be provided by the Listing Brokerage is determined by agreement between the Listing Brokerage and the Seller, subject to applicable regulatory requirements and the Rules of CREA and the Board.

Revised - Agency: A Listing Brokerage must act as agent for the Seller in order to post, amend or remove a property Listing in the Board’s MLS® System. The nature of any additional services to be provided by the Listing Brokerage to the Seller is determined between the Listing Brokerage and the Seller.

Rationale – The Agency Pillar was revised at the CREA Assembly in October 2010 in accordance with the Consent Agreement between CREA and the Competition Bureau. Member boards were required to amend their rules accordingly.
Page 6 – Location of Listing – MLS® Rule 1.(f)

Former - Only properties located in the Province of Ontario and those outside of the province as designated in the Real Estate and Business Brokers Act may be listed on the MLS® system.

Revised - The Board will accept a listing of a property located outside the Board’s corporate jurisdiction, including property located in another province or territory or country, provided that:
- the Member, in taking the Listing, does not violate the provisions of applicable provincial/territorial licensing legislation; and
- the Listing complies with all other requirements of the Rules of CREA and the Board, including the three Pillars of the MLS® Mark.

Rationale – The former Rule was unclear and needed more detail to assist members in determining which Listings may be added to the MLS® System.

Page 8 – Rule 3.A.(e) – Ownership and Copyright of MLS® Information

New – (iv) all rights in or to any of the Listing Content have been assigned to the Member.

Rationale – The Board has adopted policies on establishing the chain of ownership of the Listing Content in the MLS® database and the rights to the Listing Content. The onus is on members to ensure that rights to the Listing Content have been assigned to them. An example would be photographs taken by the seller and used on the Listing.

Page 8 – MLS® Rule 3.B.(c)(v) – Unauthorized Use

Former - v) copying photographs, sketches, artists’ renderings or floor plans from another Member’s Listing for a new Listing.

New – v) copying Listing Content from another Member’s Listing for a new Listing.

Rationale – Clarifies that members may not copy any of the elements of the listing that require originality, as defined earlier in these Rules.


Former - i) The public remarks section of the Listing is to be used solely for the description of listed property on the MLS® system. Self promotion of the Member, including but not limited to e-mail addresses, web site addresses etc. is not permitted in this section with the exception that the phrase “visit my website for further information about this Listing” is permissible. Reference to virtual tour information and electronic links of any other kind, including URL’s if any, is not permitted in this section as other fields are available for this information.

New - i) The public remarks section of the Listing is to be used solely for the description of the subject property on the MLS® system and for providing information on listing conditions as required by the MLS® rules. If the subject property is also listed in another property class, the cross reference field may be used to denote the corresponding MLS® numbers. Self promotion of the Member and third party information, including but not limited to e-mail addresses, website
addresses etc. is not permitted in this section, with the exception that the phrase “visit my website for further information about this Listing” is permissible. (Alternative phrasing “visit the REALTOR® website for further information about this Listing” is also permissible.) Reference to virtual tour information and/or electronic links of any other kind, including URL’s if any, is not permitted in this section as other fields are available for this information.

Rationale – There are several reasons for amending this rule. First, to make reference to the cross reference field feature to denote if the property is listed in another property class. An example is a duplex listed in both the RES and MULTI-FAM property classes. Second, alternative wording is now available for members’ use should they wish to direct the public to visit the REALTOR® website, as it is referred to on REALTOR.ca. The third change is to make reference to the requirement to provide information about other Listing Conditions, as required by other MLS® Rules, to the public in the public remarks section. An example of this is the need to disclose the seller’s instructions on offers and showings (date showings may commence, for example).


Former - ii) The public remarks and the salesperson remarks section shall not be used for information about any property that is not listed on the MLS® system.

New – ii) The salesperson remarks section shall be used for information about the subject property only and for confidential member to member information about the listing and for providing other information on listing conditions as required by the MLS® Rules.

Rationale – This rule required clarification as to what was appropriate information to be included in the salesperson remarks section.

Page 14 – MLS® Rule 5 – Cancellation of Listing

Former - Only the Senior Member or Manager or Broker of Record of the Listing Brokerage is authorized to exercise a cancellation of an MLS® Listing Agreement, which cancellation shall be implemented by OREA Form 242 – Cancellation of Listing Agreement. After obtaining the required signatures the Listing Office will forward the cancellation form to the Board within 24 hours.

New - Only the Senior Member or Manager or Broker of Record of the Listing Brokerage is authorized to exercise a cancellation of an MLS® Listing Agreement, which cancellation shall be implemented by OREA Form 242 – Cancellation of Listing Agreement. After obtaining the required signatures the Listing Office will forward the cancellation form to the Board within 24 hours. An important part of the inherent value of the MLS® System is the transaction data accumulated for sales of listed properties. Therefore, it is the responsibility of all Board members to ensure, regardless of their business model, that property sold information for properties listed on MLS® Systems, including the reporting of conditionally sold properties and sale prices, be reported to the Board. Members are not permitted to avoid these reporting responsibilities to the Board by, for example, cancelling a listing between receipt (or anticipated receipt) and acceptance of an offer, or encouraging a seller to do so.

Rationale – The addition to this rule was made on CREA’s recommendation with the intention of strengthening the integrity of the MLS® database and to reinforce that the MLS® Rules on reporting sales apply equally to all members regardless of their business model.
Page 21 – Schedule A - Guidelines

Added - (Forming Part of the MLS® Rules and Regulations)

Rationale – To reinforce that the Guidelines section is enforceable as part of the MLS® Rules and Regulations.

Page 24 – URL Fields

Former – **URL Fields:**
For the following 6 Web address fields, only the correct web address for the identified field may be placed in this field, not phone numbers, e-mail addresses or any other information or agent marketing website addresses. The placement of third party branding on any of the web pages is not allowed. (OREB members and firms are not considered to be third parties.) All URLs associated with a listing will be removed 180 days after the listing is no longer active.

MULTIMEDIA (Multi media Link URL) - Must link directly to a multi media tour of the property. If located on a member’s website then the URL must take the public directly to the link for the specific multi media product displaying the property (not to the member’s home page)

URLAUDIO (Audio Broadcast URL) – Must link directly to an multimedia tour of the property. If located on a member’s website then the URL must take the public directly to the link for the specific multimedia product displaying the property (not to the member’s home page)

URLBROCH (Brochure/Fact Sheet URL) – Must link directly to a brochure or fact sheet about the specific property. If located on a member’s website then the URL must take the public directly to the link for the specific brochure on the property being listed.

URLMAP (Municipal Map URL) - Must link directly to a map of the specific property. If located on a member’s website then the URL must take the public directly to the link for the specific map of the listed property.

OWEB1 (Other Website URL # 1) – If used, it must link to a website with information specific to the property being listed. If located on a member’s website then the URL must take the public directly to a link about the specific property (not to the member’s home page).

ADDIT IMAGES (Additional Images Link URL) – If used, it must link directly to additional images of the property. If located on a member’s website, then the URL must take the public directly to the link for the additional images of the property (not to the member’s home page).

Added to the above: The Board uploads portions of all active listings, including the above noted URL fields, to REALTOR.ca, the website operated by The Canadian Real Estate Association. Therefore, the following provisions also apply to the content of the URL fields:
All multi-media links on REALTOR.ca, namely alternate feature sheet – field 63; virtual tour – field 64; sound bites – field 65; sales brochure – field 66; additional photos – field 67; and board preferred map service to locate property – field 84, must be limited to property specific information and no third party advertising or a redirect to third party sites is permitted on those links, including third party contact information. In accordance with The Canadian Real Estate Association’s MLS® Technology Council’s Policy, multi-media links are to be limited to the respective fields. This ensures that REALTOR.ca displays information that consumers expect to see on the link they wish to use. MLS® Systems are member to member cooperative systems and members who participate on REALTOR.ca (which is a member developed and financed site) must respect the member to member facet in all multi-media links provided in association with REALTOR.ca. The REALTOR® website or brokerage website whichever is designated as the REALTOR®’s contact information on REALTOR.ca can provide such third party advertising and contact information for third parties. As well, members can include in the General Description – field 27 (public remarks, known as field – 31 in the French version) a comment to “see my website for further information” without specifying the nature of such additional information.

The Board will remove any links that are not in accordance with these guidelines.

Rationale – The addition is required to comply with CREA’s rules and the Board’s policies. As stated above, MLS® Systems are member to member co-operative systems.

Members who may have previously linked to third party information using the URL fields, or have used the links to redirect to a third party site, will need to use their own website for this purpose. That website address, as provided to the Board, is autopopulated on the member’s listing and appears as a link on both the Board’s and CREA’s public websites.