



Highlights: PropTx MLS® Rules Changes

OREB MLS® Rules	PropTx MLS® Rules	Comment
	<p>Definitions</p>	<p>“Business Day” means all days other than Saturday, Sunday, and statutory holidays in the Province of Ontario. Where a submission deadline falls on a statutory holiday, the deadline will be extended to the next calendar day that is not a statutory holiday;</p>
<p>4.4 MLS® Listings must be valid and secured on Listing Agreements signed by all legally-required parties.</p> <p>a. Residential MLS® Listings must be secured on one of OREA’s Residential Listing Agreement Forms (Form 200, 210, 271 or 272). Commercial MLS® Listings must be secured on one of OREA’s Commercial Listing Agreement Forms (Form 520, 525 or 530).</p> <p>b. All Listing Agreements for listings entered onto the Board's MLS® System must be accompanied by the Board’s Form 960 “Schedule B and Data Form”.</p>	<p>3.03 All MLS® Listings submitted to the MLS® System shall be completed on current approved MLS® Listing Agreements and MLS® Data Information Forms.</p>	<p>MLS® Listings submitted to the MLS® System shall be completed on current approved MLS® Listing Agreements and MLS® Data Information Forms.</p> <p>Note: Data Information Form must be signed by the parties.</p>
<p>4.8 a. An MLS® Listing must be Broker Loaded within forty-eight (48) hours after the commencement time and date of the Listing Agreement.</p>	<p>3.18 In all instances when an MLS® Listing Agreement Commences, the Listing Brokerage shall process the MLS® Listing through the MLS® System by 11:59 p.m. the next Business Day following the Commencement date of the MLS® Listing Agreement.</p>	<p>The Listing Brokerage shall be required to process the MLS® Listing through the MLS® System by 11:59 p.m. the next business day under PropTx MLS® Rules, rather than 48 hours following the commencement date of the Listing agreement under OREB Rules.</p>
	<p>3.19 In the event an MLS® Listing Salesperson is no longer associated with the Listing Brokerage, the Listing Brokerage shall ensure that the MLS® Listing Salesperson field contains the Broker of Record/Manager’s name or the name of a Member who is familiar with the property.</p>	<p>Currently this is the responsibility of OREB Staff and will now be the responsibility of the brokerage.</p>



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<p>4.13 Where a Seller has entered into an MLS® Listing Agreement with more than one Listing Brokerage for a single listing, the Brokerages shall decide amongst themselves who shall be the lead Brokerage. The Listing Salesperson of the lead Brokerage must be a Member of the Board, or another board or association in Ontario if the listing is submitted under the OREA Interboard Agreement. The names of both or all Listing Brokerages, if Members of any board or association in Ontario, must appear in the listing information on the Board’s MLS® System.</p>		<p>PropTx add/edit does not allow for a second brokerage on an MLS® Listing at this time. The Co-brokerage information will be required in the Brokerage Remarks.</p>
<p>4.23 The first image (i.e. Image Position #1) on an MLS® Listing must be a front exterior photograph of the Real Estate subject to the following exceptions:</p> <p>a. Listings noted “To Be Built” may use a photograph of the land, an artist’s rendering, a map indicating the location of the Real Estate, or a photograph of a model home. In the case of Real Estate which is “to be built” or “under construction”, if the images are of a model home, the following statement must appear in the first sentence of the Public Remarks: “This house/building is not built or is under construction. Images of a similar model are provided.”;</p> <p>b. Waterfront properties may use a photograph of the water-side of the structure as image #1, provided that image #2 contains a photograph of the front exterior (street-side) of the structure;</p> <p>c. Aerial images are permitted as image #1 provided that the primary focus is the front façade of the residence;</p> <p>d.</p>	<p>3.07 Without limiting the generality of the foregoing and the other provisions of the MLS® Rules, any such MLS® Listing shall not be accepted by the Association as an MLS® Listing:</p> <p>c) If it is not accompanied by at least one image of the listed real estate subject to the exemption that listed real estate that is not built may use a photograph of the land, an artist rendering, a map indicating the location of the Real Estate or a photograph of the model home with a photograph label indicating as such;</p>	<p>OREB Rule details out first image on an MLS® listing for a variety of types of listings. PropTx Rules only require that the listing is accompanied by one image of the listed real estate.</p>



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<p>Residential lots listed under the Residential Lot Property Type may use a photograph of the land or a map indicating the location of the Real Property;</p> <p>e. Land listed under the Farm Property Type with no associated residential portion may use a photograph of the land or a map indicating the location of the Real Property;</p> <p>f. Commercial land listed under the Commercial Property Type may use a photograph of the land or a map indicating the location of the Real Property;</p> <p>g. Commercial businesses listed under the Commercial Property Type may use Board-approved clip art or an interior photograph where a front exterior photo may not be used for confidentiality reasons.</p>		
<p>4.24 Additional images must be of the listed Real Estate (including maps and sketches if applicable), views directly from that property, or images of the neighbourhood, landmarks, parks, etc.</p>	<p>5.01 Every image submitted to the MLS® System shall prominently feature the property specific information about the Real Estate Component itself and aspects of the immediate surroundings that relate directly to the Real Estate Component, including, but not limited to, scenery viewed from the Real Estate Component.</p>	<p>Under PropTx Rules, images of surrounding amenities that are not in view of the listed real estate cannot be included on an MLS® listing. Members currently have the ability to include images of landmarks, parks etc. under current OREB Rules.</p>
<p>4.29 The use of photographs that are not reflective of the current state of the listed Real Estate is permitted under the following conditions:</p> <p>a. The public remarks section must clearly indicate that some photographs have been virtually staged/digitally altered, and all photographs that are virtually staged/digitally altered must be identified in the individual photo description field.</p>	<p>5.01 The following images cannot be included in an MLS® Listing:</p> <p>a) Digitally altered images including the use of any artificial intelligence (“AI”) system or technology to create, alter, or enhance images or digital staging that do not accurately depict the listed real estate;</p>	<p>OREB requires that virtual staging is noted in the Public Remarks and Photo Description. PropTx does not require a note in the Public Remarks, and only requires that the image accurately depicts the real estate.</p>



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<p>8.2 Where a Seller has instructed that Offers be presented at or after a specified time/date, all the following rules apply:</p> <p>a. the delay in offer presentations must not exceed fourteen (14) days;</p> <p>b. the instructions must be provided in the Listing Agreement Schedule “B” and Data Form (Form 960) or on OREA Form 244 signed by all parties, or otherwise as instructed in writing from all parties;</p> <p>c. the most current instructions must be reflected in the public remarks section of the Listing;</p> <p>d. the Listing Conditions field must be marked “yes”;</p> <p>e. if the Seller’s instructions in accordance with MLS® Rule 8.2(b) do not include “No Conveyance of Offers”, then the following wording must be included in the Public Remarks field: “Offers to be presented at time/date, however Seller reserves the right to review and may accept pre-emptive offers”; provided that accepting a pre-emptive offer does not negate the Listing Salesperson’s obligations as per MLS® Rule 8.2 (i) below;</p> <p>f. if the Seller’s instructions in accordance with MLS® Rule 8.2(b) include NO CONVEYANCE OF OFFERS prior to a specific time/date, the words “No Conveyance of Offers prior to {time/date}” must be included in Public Remarks;</p> <p>g. if the Seller’s instructions in accordance with MLS® Rule 8.2(b) include NO CONVEYANCE OF OFFERS prior to a specific time/date unless the offer includes a specified term, the words “No Conveyance of Offers</p>	<p>3.04 All remarks must appear in the appropriate field of an MLS® Listing as follows:</p> <p>c) The Offer Remarks field shall display all comments related to the registration of Offers and Seller direction, including, but not limited to:</p> <p>i. The date and time of an offer presentation;</p> <p>ii. If a Seller is reserving the right to review pre-emptive Offers; and</p> <p>iii. Seller direction that the Co-operating Brokerage not be in attendance during an Offer presentation;</p>	<p>OREB’s Rules set out that the delay in offer presentations must not exceed 14 days. PropTx do not have a limit on the number of days an offer can be delayed. PropTx will be adding a new “Offer Remarks Field” but this information can be added to the Client Remarks field until the new field is available.</p> <p>Note: RECO requires that the most up-to-date directions are included in all listing notes — print and online.</p>



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<p>prior to {time/date} subject to exceptions or conditions” must be included in Public Remarks, provided that accepting a pre-emptive offer does not negate the Listing Salesperson’s obligations as per MLS® Rule 8.2(i);</p> <p>h. the Listing Salesperson must maintain a record of all requests by Members for Offer presentations;</p> <p>i. if the Seller changes the instructions in accordance with MLS® Rule 8.2(b) (for example: offers will be presented at a time and date different from that currently posted on the MLS® System), the Listing Salesperson must obtain the instructions in writing and immediately update the Board’s MLS® System with the revised instructions regarding offer presentations. Further, the Listing Salesperson must immediately provide notification of these revised instructions to anyone who has requested Appointments, has shown the Property, or has requested an Offer presentation.</p>		
<p>9.1 An important part of the inherent value of the Board’s MLS® System is the transactional data accumulated for sales of MLS® Listings. It is the responsibility of the Listing Salesperson and Listing Brokerage, regardless of the business model, to ensure that notice of conditional sales, unconditional sales, rentals, and leases of MLS® Listings are Broker Loaded within twenty-four (24) hours after acceptance of the contract.</p>	<p>4.02 The sale, lease or sub-lease of a residential or commercial MLS® Listing shall be reported by the Listing Brokerage through the MLS® System, whether conditional or firm, by 11:59 p.m. the next Business Day following acceptance of an Offer. Members shall not be permitted to avoid these notice obligations to the Association by, for example, cancelling an MLS® Listing between receipt (or anticipated receipt) and acceptance of an Offer, or encouraging a Seller to do so. A commercial sale, lease, or sub-lease price shall be Reported: a)</p>	<p>OREB Rules state trades must be reported within 24 hours. PropTx Rule is by 11:59 p.m. the next Business Day.</p>



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	Using the original unit of measure on the MLS® Listing; b) At the time of Reporting a firm transaction; or c) At the same time as Reporting a firm transaction, and request that the price be suppressed until after closing. All changes in the status of a Reported conditional sale on the MLS® Listing shall be Reported by the Listing Brokerage on the MLS® System by 11:59 p.m. the next Business Day following the change.	
9.8. When reporting a sale on an MLS® Listing that has additional elements available that were not included in the listing price as contained in the listing agreement, such as parking or improvements, the Sale Price must exclude the value of such additional elements.	4.05 Prior to reporting a transaction to the MLS® System, chattels and other elements included in the sale price but not contained in the original MLS® Listing Agreement shall be added to the MLS® Listing in the inclusions field.	OREB Rules state that the sale price must exclude the value of additional elements. PropTx Rules state that chattels and other elements included in the sale price, but not contained in the original Listing Agreement, shall be added to the inclusions field.
9.11 In cases where Real Estate has been entered in more than one Property Type on the Board’s MLS® System, the firm Sale of that Real Estate must only be reported against one MLS® Listing and must be reported within twenty-four (24) hours. All other MLS® Listings which pertain to the same Listing Agreement must be marked as cancelled with a notation in the Rep Remarks field indicating the MLS® Listing number that was reported sold.	4.01 When an MLS® Listing is processed as both a residential and commercial MLS® Listing on the MLS® System, the trade shall be reported for both MLS® Listing numbers.	OREB Rules dictate one listing be marked sold and to cancel the other listing where the real estate has been entered in more than one property type. PropTx requires both to be reported sold.
10.9 Any modification to the commission, fee, or amount that the Listing Brokerage will pay to the Co-operating Brokerage will be determined in advance in writing, and the agreed upon modification will be confirmed on the Confirmation of Cooperation and Representation form.	7.03 If the offer of remuneration is altered, such change shall be made through Seller direction by way of completing an Amendment to the MLS® Listing Agreement and immediately reporting through the MLS® System. Provided that remuneration offered to a Co-operating Brokerage shall not be altered between the time of registration of an Offer and final acceptance of that Offer.	OREB Rule dictates that any modification to the commission will be determined in advance in writing and confirmed on the Confirmation of Co-operation and Representation Form. PropTx Rule states if the remuneration is altered, the change shall be made through the Seller direction by way of completing an amendment to the MLS® Listing and reporting through the MLS® System.



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<p>10.11 It is the responsibility of the Listing Brokerage to collect the commission owing on completed sales and pay the share to the Co-operating 1 Brokerage within seven (7) days of receipt.</p>	<p>7.05 The remuneration earned by a Co-operating Brokerage is due and payable within seven (7) days of completion of the transaction. a) In instances where the remuneration amount is in dispute, the Listing Brokerage must pay the remuneration in question, and make an Arbitration Claim pursuant to the requirements of the Association By-Law. If the Listing Brokerage substantiates its Claim, the Co-operating Brokerage will be obligated to return the remuneration to the Listing Brokerage.</p>	<p>OREB Rules set out that the Listing Brokerage is to collect the commission owing on completed sales and pay the share to the Co-operating Brokerage within seven (7) days of receipt. Under PropTx Rules the remuneration is payable within 7 days of completion of the transaction.</p>