



ONTARIO REGIONAL MLS® AND TECHNOLOGY SYSTEM

MLS® POLICIES

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ONTARIO REGIONAL TECHNOLOGY & INFORMATION SYSTEM

MLS[®] POLICIES

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PREAMBLE

The MLS® Policies are reflective of the practices and procedures adopted and followed by all Associations participating in the Ontario Regional Technology and Information Service (ORTIS). These Policies are intended to ensure a high standard of practice and the highest possible level of accuracy of information within the ORTIS database.

Under no circumstances will ORTIS MLS® Policies be used to alter the intent or to circumvent the ORTIS MLS® Rules.

It is understood that:

- the Policies are intended to assist Staff and Members in understanding the processes to be followed in the administration and operation of the ORTIS database
- all participating Associations have agreed to accept only OREA Standard Forms
- properties co-listed with non-ORTIS Members are acceptable provided such non-Members are REALTORS®
- all listings, whether Home Board, inter-board or access are to be treated in the same manner and will be held to the standard ORTIS MLS® Rules and MLS® Policies.
- non-compliance with ORTIS MLS® Rules or MLS® Policies may still result in a matter being referred to the Professional Standards Committee (PSC), regardless of payment of any fines that may have been assessed
- where a breach of the ORTIS MLS® Rules or MLS® Policies has occurred, the resulting fine will be assessed to the Member or Brokerage.
- all Association MLS® and Technology products / services will include Terms of Use.

LISTING DATA

1. Listings can be posted only to the area in which the property is located.
2. Rural Route is not an acceptable address, Fire Number must be used.
3. If taxes have not been set for the current year, the listing may only display the previous year's taxes. Thirty (30) days after the tax rate has been set, taxes on all listings must display current year's taxes.
4. In the event that Association staff is required to delete from the system any listing entered in error by the Member or Brokerage (i.e., an exclusive listing, a sale reported under the wrong list number, etc.) the Member or Brokerage may be subject to an administrative penalty.
5. Where a listing is being suspended, OREA Form 241 – Suspension of Listing Agreement must be used and the reactivation date must be indicated. In the event the reactivation date changes after the suspension has been entered into the system, an amendment form must be used to reactivate the listing.

SALES

1. Any corrections to a firm sale report, with the exception of revisions to the sale price or the closing date, must be submitted within five (5) business days of the original report of sale. If a Power of Sale listing is redeemed by the Seller, that listing must be removed from the MLS® system by virtue of a Cancellation of Listing form.

MLS®-MARKETING OPTIONS

1. Members may list a residential property on the MLS® system on a maximum of three (3) different Property Information Forms with only one contract being required; the appropriate listing fee for each Property Information Form will apply in accordance with the Association fee schedule. Upon the sale of such listing, it is the responsibility of the Listing Brokerage to ensure that the other listing(s) is properly cancelled.
2. Members may list a commercial property on multiple Commercial Property Information Forms with only one contract required provided each form has a different “commercial property type” selected.
3. Members may list multiple units and individual units at the same property provided that when one listing or the other is sold or leased, a properly completed Cancellation of the Listing Agreement is obtained by the Listing Brokerage. The Cancellation must be processed the same day as the Report of Sale for the combined listing whether the amendment is Association-loaded or Member-loaded. Failure to comply may result in the assessment of a fine in accordance Association policy.

AUDIT PROCEDURES

All Participating Associations are required to implement an audit process based on the following recommended steps:

1. Member-load listings to be audited will be checked at random.
2. At a minimum, Association Staff will audit 1 in every 20 listings. Association Staff will then contact the Listing Salesperson to request all documentation related to the listing, said documentation to be submitted within 24 hours of the request. Failure to comply may result in either a fine being levied to the Listing Salesperson or the matter being referred to the Professional Standards Committee.

REMEDIATION PROCEDURE

The SAFEACCESS™ System is the current standard for security authentication for MLS® Systems. All Boards partnering in ORTIS must adopt The SAFEACCESS™ System, recognizing that protecting the integrity of the upcoming shared regional MATRIX system is paramount.

STEP ONE: Password change.

This step is a precautionary measure to ensure the User’s password is secure and has not been compromised

STEP TWO: Email Notice #1

A notice to the Member or Subscriber advising the security system has continued to detect inconsistencies with the User’s login credentials.

STEP THREE: On Screen Alert #1

The security system has again detected unusual activity on the Member or Subscriber account, indicating the account may be in use by more than one person. The Member is requested to secure their login credentials and to apply for Administrator’s credentials or Membership in the Board if needed. A warning is issued that continued irregularities will result in User being required to enter additional information at login (such as a One Time Password delivered via email) and ultimately could lead to review for a violation of the MLS® Subscriber Agreement.

STEP FOUR: Password Change

A letter is sent to Broker of Record advising of an on-going issue with Member’s login credentials.

STEP FIVE: Email Notice #2

Another caution is issued not to share access credentials, another instruction given for change of password and the User is required to meet with the Compliance Review Panel.

STEP SIX: ONE TIME PASSWORD AT LOGIN

Users will be required to enter the OTP (Other Temporary Password) delivered to them via email at each login for a period of seven days. Should the Association choose, the User may also be requested to attend a second meeting with the Compliance Review Panel.

STEP SEVEN: EMAIL NOTICE #3 (followed by compliance review)

Irregularities continue to be detected, User's MLS® access is suspended and the matter is referred to the Professional Standards Committee for investigation of breach of security.

FINES:

1. In the event that Association staff is required to delete from the system any listing entered in error by the Member or Brokerage (i.e., an exclusive listing, a sale reported under the wrong list number, etc.) the Member or Brokerage may be subject to an administrative penalty of \$50.
2. A photo/sketch for an MLS® listing must be uploaded into the system no later than 11:59 of the Business Day following the listing receiving an MLS® number, failing which a fine of \$50 a day to a maximum of \$500 may be assessed to the Member until the photograph is uploaded.
3. An incoming listing must be completed within the system no later than 11:59 p.m. of the Business Day following the commencement date of the listing, failing which a fine of \$50 a day to a maximum of \$500 will be assessed to the Member until listing has been completed.
4. Under the following circumstances, multi-media links will be removed from listings and the Member or Brokerage will be assessed a fine \$100 for the first offence, \$200 for the second offence, \$300 for the third offence and referral to the PSC on the fourth offence:
 - a) the link contains other than property specific information
 - b) the link contains or re-directs to private sale information
 - c) the link contains seller contact information
 - d) the link re-directs to a third party site

Additionally, the above fine will also apply should the public Remarks section contain comments such as "see my website for further information" while specifying the nature of the additional information.

5. The Member or Brokerage will be assessed a fine \$100 for the first offence, \$200 for the second offence, \$300 for the third offence and referral to the PSC on the fourth offence under the following circumstances:
 - a) where the public Remarks section of the MLS® listing contains information not pertinent to the property (with the exception of direction to an unbranded link to additional property information),

b) where the non-public Remarks section of the MLS® listing contains details other than information pertinent to the property, to its showing, to the remuneration, to the transaction or to any other factors that may impact Co-Operating Brokerages.

6. Where photographs of the property contain wording or embellishment not related to the property, photograph will be removed from the system by Association staff and a fine will be assessed as follows: \$100 for the first offence, \$200 for the second offence, \$300 for the third offence and referral to the PSC on the fourth offence.
7. An MLS® listing must be delivered to the Association or Member-loaded into the system no later than 11:59 p.m. of the Business Day following the commencement date of the listing, failing which the Member or Brokerage will be assessed a fine of \$100 for the first offence, \$200 for the second offence, \$300 for the third offence and referral to the PSC on the fourth offence.
8. Failure to report to the Association or to Member-load into the system by 11:59 p.m. of the Business Day following acceptance any conditional or unconditional sales OR to update any fulfillment, renewal or cancellation of conditional or unconditional sales will result in the Member or Brokerage will be assessed a fine of \$100 for the first offence, \$200 for the second offence, \$300 for the third offence and referral to the PSC on the fourth offence.