

THE REAL ESTATE BROKERS ACT

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Order No. 2645

Section 47

September 28, 2011

**Blanket Order
Exempting New Show Home Hosts/Hostesses
From The Registration Provisions of
*The Real Estate Brokers Act***

Background Information

The Manitoba Home Builders' Association (the MHBA) and The Manitoba Real Estate Association (the MREA) (the Applicants) have represented to The Manitoba Securities Commission (the Commission) that for security and other reasons it is both common and necessary in the new housing industry for new house builders and real estate brokers registered under *The Real Estate Brokers Act (the Act)* to engage individuals to serve as a show home host/hostess (Attendants), usually on a part-time basis.

Generally, the Attendants' duties include:

1. Opening and closing the show home;
2. Greeting potential buyers and showing them around the show home;
3. Distributing information about the show home prepared by the house builder and/or the employing broker;
4. Referring prospective buyers to a registered real estate salesperson or authorized official and making appointments for prospective buyers to meet with a registered salesperson or authorized official;
5. Attending sales meetings and educational seminars conducted by the house builder or employing broker.

The showing of real estate to potential buyers is a real estate transaction within the meaning of *the Act* thus Attendants must be registered under *the Act*.

The Applicants have represented to the Commission that it is not practical for brokers acting as or on behalf of new house builders to engage Attendants on a timely and economical basis if they are required to be registered under *the Act*.

The Applicants have requested that Attendants be exempt from the registration provisions of *the Act* given the restricted nature of their duties.

The Commission is satisfied that compliance with the registration provisions of *the Act* would not advance the purposes of *the Act* and that granting the exemption would not be contrary to the public interest.

Order and Conditions

The Commission orders that, pursuant to section 47 of *the Act*, Attendants are hereby exempted from registration under *the Act* subject to the following conditions:

- A. Attendants must complete the MHBA's New Home Sales Agent course;
- B. On completion of the new home sales agent's course, the MHBA will provide each Attendant with a photo ID card that is valid for 180 days and that identifies the Attendant's employer and the Attendant as a Show Home Host or Hostess as the case may be;
- C. On issuing a photo ID card to an individual, the MHBA will provide the employer with a copy of this Order;
- D. The Attendant must display the photo ID card at all times while on duty in a show home, and restrict his or her activities to those activities set out in paragraphs 1. to 5. herein and may not make any representations about the show home to potential buyers other than the information mentioned in paragraph 3. herein; and
- E. The MHBA will inform the Registrar of *the Act* when a photo ID card is issued of the name of the Attendant and the Attendant's employer and will advise the Registrar when the card is returned to the MHBA on expiration or cancellation.

This Order will expire on September 30, 2012.

The fee for this Order is \$150.

Director—Legal