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Filipe Sells

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Buyer Rights Under TRESA Phase 2

One-page checklist for Ontario home buyers — bring this to a showing, an offer night, or any meeting with a brokerage.

1. Are you a client or a self-represented party?

- Client: you have signed a written representation agreement with a brokerage. You are owed full fiduciary duties — advice, opinion, advocacy, confidentiality.
- Self-represented party (SRP): you have not signed a representation agreement. The brokerage owes you honesty and fairness only — no advice, no negotiation strategy, no confidentiality.
- Decide your status before you discuss price, motivation, or strategy with anyone at the brokerage.

2. Ask for the RECO Information Guide — in writing

- Every brokerage must give you the RECO Information Guide before providing services, whether you become a client or an SRP.
- The guide explains client vs SRP status, multiple representation, and designated representation in plain language.
- If no one offered it, ask: "Please send me the RECO Information Guide before we go further."

3. Get the representation agreement in writing

- Before the brokerage provides client-level services, it must enter into a written buyer representation agreement with you.
- Confirm in the document: brokerage name, term, geographic area, property types, commission, and how a holdover period works.
- Verbal promises do not count. If it is not in the agreement, assume it does not apply.

4. Designated representation election

- If your brokerage may also list the property you want to buy, ask whether they offer designated representation (one named agent for each side) or default to multiple representation.
- Designated representation must be elected in writing in your representation agreement, plus a deal-specific disclosure when it actually applies.
- You can decline. Options: accept multiple representation with informed consent, or use a different brokerage to write the offer.

5. Confidentiality — what stays private

- As a client, your top price, motivation, deadlines, and fallback plan are confidential to your agent.
- Under designated representation, an information barrier must keep your details from the other side's designated agent and from anyone supporting that side.
- As an SRP, anything you say to the brokerage can — and likely will — be shared with its client on the other side.
- If you are unsure, ask: "Will what I just told you be shared with the seller or the other agent?"

Ask the brokerage to put these in writing

- The RECO Information Guide (delivered before services).
- Your status: client (with a signed representation agreement) or SRP (with a signed acknowledgement).
- If applicable, the designated representation election and the names of the designated agents on each side.
- Any disclosure of multiple representation, with your informed written consent.
- Confirmation of how confidential information will be handled and walled off.

Primary sources: RECO (<https://www.reco.on.ca/>) · TRESA (Ontario) (<https://www.ontario.ca/laws/statute/02t30>) · Ontario — Changes to real estate rules (<https://www.ontario.ca/page/changes-real-estate-rules>)

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General information only; not legal advice. Verify current rules with RECO and the Ontario government.