

## Advertising online

This bulletin was developed to help real estate agents and brokerages ensure their online advertising complies with all advertising requirements.

### Summary

Advertising requirements apply to websites and social media, just as they do with any other advertising medium. Brokerages and agents must ensure that all online advertising complies with the legislation.

As examples:

- Proper identification of the real estate agent;
- Clear and prominent identification of the employing brokerage;
- Current, clear, and accurate information;
- Consent to advertise certain information; and
- Avoiding false, misleading, or deceptive information.

Brokerages are responsible for ensuring advertising compliance. This obligation extends to advertising on websites and social media by all agents the brokerage employs. Agents are expected to comply with their brokerage's lawful advertising policies.

For more information about advertising requirements, refer to Bulletin No. 5.1.

### Websites

Whether websites feature all of the brokerage's agents, multiple agents in a team, or an individual agent, these websites are all brokerage websites. Brokerages, along with the agents featured, are responsible for ensuring that these websites comply with all advertising requirements.

One of the common complaints RECO receives about websites is that the brokerage name is not **clearly and prominently** identified. In the case of team websites, the absence or lack of prominence of the employing brokerage name misleads the public by inaccurately representing that the team is registered to trade in real estate.

#### LINKS TO OTHER WEBSITES

Brokerages and agents must not represent that their services include those on another website they provide a link to. If the link creates the impression that the brokerage or agent is participating in the delivery of the services, or endorsing the services provided, the brokerage or agent might assume responsibility for the performance of those services.

RECO Bulletins are a series of publications developed to provide helpful information to brokerages and real estate agents about their duties and obligations under the *Trust in Real Estate Services Act, 2002* (TRESA) and its regulations. Bulletins may be updated as required. Please check the RECO website to ensure you are referencing the most current version.

RECO Bulletins are for convenience only, they do not constitute legal advice. For complete details consult the [legislation](#).

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It should be clear to the public that such a link is taking them to a website that is not owned or operated by, or otherwise connected to, the brokerage or agent.

## Social media

While social media platforms may seem less formal, the same advertising requirements apply. Advertising or promotion of services or properties on social media platforms must meet the same requirements as other advertising.

### **SOCIAL MEDIA ACCOUNT PROFILES**

Typical social media profile information fields do not always make it easy to comply.

The proper identification of the agent and brokerage must be readily visible or accessible on the account profile through the available information fields and customer profile graphics, such as display and cover images.

### **PERSONAL AND BUSINESS ACCOUNTS**

Agents using a social media account for both personal and professional purposes, or advertising on both personal and business social media accounts, must ensure both accounts and each message relating to trading in real estate comply with advertising requirements.

## Consent to use someone else's information

Advertising online can make it very easy to share information with clients and prospective clients. Keep in mind, consent must be received before posting an advertisement that contains certain information.

For example, showing photos and names of happy buyers requires their written consent. Displaying property identifying photos or the names of sellers with the selling price requires their written consent. Using someone else's publication, imagery, or other intellectual property requires the consent of the participating brokerage, the intellectual property owner (such as a photographer), or an appropriate reference. Plagiarism and scraping are unethical. Using images, logos, and verbatim property descriptions created by someone else requires the written consent of the owner. Tagging someone in an online advertisement would also require consent.

Some agents engage in the practice of sharing footage of home showings, even when the listing belongs to another agent, to generate content for their own social media network. Permission from the seller or tenant through the agent representing them is required. If consent has been given to share another brokerage's listing, any post featuring that listing must give credit to and include the name and contact information of the originating brokerage.

### **REQUESTS TO REMOVE INFORMATION**

Even if consent is obtained, a buyer or seller might later request that specific information be removed from a website or social media platform. This could reflect concerns about privacy, security, or confidentiality and might arise due to a change in personal circumstances. In these situations, promptly removing the requested information demonstrates integrity and professionalism.

## Current, clear, and accurate information

Brokerages and agents must be diligent and ensure that everything they say online is current, accurate, and does not misrepresent facts. Any statement about the services that consumers can expect or about the qualifications of an agent must be factual and verifiable.

Some social media platforms limit the amount of content or the character count that can be included. Verifiable statements can be advertised with an easy to find link pointing to a full explanation.

### KEEPING PROFILES CURRENT

Agents and brokerages must actively maintain and regularly update profiles on social media and professional networking sites. For instance, an agent must promptly update their profile if they transfer to a different brokerage.

### PHOTO AND VIDEO CONTENT

Photos and video content, such as virtual showings, cannot remain online past the end date identified in the written consent. Brokerages and agents must regularly review their websites and social media accounts and remove content they no longer have permission to use.

### WEBSITES MANAGED OR OPERATED BY A THIRD PARTY

If a brokerage or agent advertises on a website that is managed or operated by a third party and has no control over the speed with which published information is updated, the brokerage or agent must ensure that the operator can process change requests promptly. The use of a third-party to manage or operate a website does not exempt the brokerage or agent from ensuring the currency and accuracy of the information they share.

## Related information

- Bulletin No. 5.1 Advertising requirements
- Bulletin No. 5.2 Permitted terms
- Bulletin No. 5.4 Advertising sold properties
- Bulletin No. 5.5 Advertising compliance review
- Bulletin No. 5.6 Advertising complaints from brokerages