

TREB Calls On Richmond Hill Council To Approve a Common Sense Sign By-law

TORONTO, November 6, 2019 - The Toronto Real Estate Board, which represents 54,500 REALTORS® across the Greater Toronto Area (GTA), including York Region, is calling on Richmond Hill Council to pass a common sense open house sign by-law that addresses concerns for public safety, public confusion, and by-law enforcement which are present under the current trial open house sign by-law passed in July 2019.

A staff report, regarding Richmond Hill's sign by-law as it pertains to real estate "open house" signs, was published with the formal agenda for the November 6, 2019 council committee meeting, but was subsequently removed from the agenda two days later.

"TREB has been working respectfully and cooperatively with City of Richmond Hill staff in recent months to assist their efforts in reviewing the Richmond Hill sign by-law changes implemented last summer, in advance of their report back to Council before November 30, 2019, as directed by Richmond Hill City Council," said Michael Collins, TREB President.

At the request of Richmond Hill staff, TREB assisted with disseminating a Richmond Hill survey to York Region TREB Realtor® Members, and provided Richmond Hill staff with background material on relevant public opinion polling conducted by Ipsos Public Affairs.

"We believe that these efforts helped staff produce a well-informed report and recommendations to Council, which was published with the November 6, 2019 Committee of the Whole meeting agenda, but since removed," continued Collins.

The Richmond Hill staff report was the most recent step in a lengthy recent process regarding the application of Richmond Hill's sign by-law to real estate "open house" signs:

- **On July 9, 2019, the City of Richmond Hill Council voted to amend the Richmond Hill Sign By-law to allow the use of real estate open house signs on public property. Prior to this change, open house signs were not allowed at all on any public property in Richmond Hill. As this was considerably more restrictive than most other GTA municipalities, TREB worked to achieve amendments to the Richmond Hill sign by-law, and, as such, supported the change to allow open house signs on public property.**
- **However, Richmond Hill Council also made changes to the by-law that restrict the type of information that can be included on an open house sign. Specifically, under the new by-law, real estate open house signs are only permitted to include the following information: the municipal address of the open house, the words "Open House" and the date and time of the open house. No realtor or brokerage identification information is allowed. Richmond Hill Council adopted this content restriction, against the advice of TREB, on a trial basis and directed Richmond Hill staff to report back before November 30, 2019.**

- **The staff report published on October 30, 2019 with the Committee of the Whole agenda for their November 6, 2019 meeting, and subsequently removed, was in response to this Council direction. Significantly, this report recommended that the current sign by-law be amended to allow open house signs with no restrictions on sign content.**

“The current restrictions on the content of open house signs is ill-advised for many reasons, which TREB has articulated. Not only does this restriction put our Members at odds with the Real Estate and Business Brokers Act, 2002, which requires them to display their identification information on any advertisements, but it also creates concerns for public safety, public confusion, and by-law enforcement, not to mention that it potentially conflicts with the Charter of Rights and Freedoms,” added Collins.

TREB has the following concerns with the current information restriction under the pilot Richmond Hill open house sign by-law:

- **Realtors are regulated by the provincial *Real Estate and Business Brokers’ Act, 2002*, which explicitly requires them to include identification information on all of their advertisements, including signs. As such, TREB is concerned about the current by-law’s apparent conflict with provincial requirements.**
- **The current restrictions are potentially in violation of s. 2(b) - Freedom of Expression under the Canadian Charter of Rights and Freedoms.**
- **Without identification information on open house signs, the public has no way of being assured that the open house is being held by a regulated professional who is required to adhere to a strict code of ethics, as Realtors are, thereby potentially making the public more exposed to fraudulent or criminal activity.**
- **When multiple open houses are held within the same neighbourhood at the same time, it is possible that numerous identical looking open house signs may be positioned nearby, leaving consumers confused.**
- **Restricting identification information on open house signs will make it much more difficult for municipal by-law enforcement staff to identify the owner of a sign, and thereby prosecute offenders who may infringe on other by-law requirements.**

“TREB looks forward to continuing to work cooperatively with Richmond Hill Council and staff on this issue and eagerly await Council’s consideration of Richmond Hill staff’s recommendations in advance of November 30, 2019,” added Collins.

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TREB is Canada’s largest real estate board. Over 54,500 residential and commercial TREB Members serve consumers in the Greater Toronto Area. Greater Toronto REALTORS® are passionate about their work. They are governed by a strict Code of Ethics and share a state-of-the-art Multiple Listing Service®.

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