

UPDATED Member COVID-19 FAQ – Provincial Shutdown & Real Estate

Dear Broker of Record & TRREB Member:

We have updated the COVID-19 FAQ to answer questions we've been receiving as follows:

NEW Q: Are home inspectors and property appraisers considered an essential service and are they still operating?

Clarification is needed. Prior to the revised provincial essential services list on April 3, according to the Ontario Association of Home Inspectors (OAHI), home inspectors are an essential service under the prior provincial government list. Please note that some companies, such as Carson Dunlop, have made the decision to suspend their home inspection services to help control COVID-19. Details regarding this interpretation are available at the [OAHI website here](https://www.oahi.com/english/news/home-inspections-a-an-essential-service-in-ontario.htm).

<https://www.oahi.com/english/news/home-inspections-a-an-essential-service-in-ontario.htm>

Clarification is needed. Prior to the revised provincial essential services list on April 3, according to the Appraisal Institute of Canada (AIC), property appraisers are an essential service under the prior provincial list. Details regarding this interpretation are available at the [AIC website here](https://www.aicanada.ca/province-ontario/ontario/).

<https://www.aicanada.ca/province-ontario/ontario/>

NEW Q: What should I do if my client insists on holding an open house or on viewing properties?

Under the revised list of essential services released by the province on April 3, while real estate agent services is still on the list, open houses are specifically prohibited during the state of emergency and shutdown.

Specific language as follows:

Open houses prohibited

Every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

<https://www.ontario.ca/page/list-essential-workplaces#section-2>

TRREB strongly discourages in-person showings. However, in the event your client insists on you providing in-person showings, and you and your Brokerage are personally comfortable with doing so, then TRREB advises that you set out in writing for your client(s) all of the risks associated with providing such services during this COVID-19 pandemic and that you have your client acknowledge such risks in writing along with

their written instructions to proceed. Furthermore, when acting for a client(s) that is a landlord, it is very important that your client(s) understands their legal obligation to ensure their tenant(s) are residing in a safe environment. Ultimately the decision to accept instructions from clients to proceed with in-person showings is a decision for each individual Member to make for themselves; however, to reiterate, **TRREB strongly recommends not to engage in such activities.**

NEW Q: What advice should I provide my clients if asked about moving services?

According to the Canadian Association of Movers (CAM), services for moving locally, long distances, and into apartment/office buildings remain operational at this time.

CAM advises that when moving in or out of apartments or office buildings, guidance should be sought from property managers for any special COVID-19 protocols that may be in place.

Note that self-storage moving services have not been deemed an essential service at this time.

More information from CAM regarding moving services can be found here: www.mover.net/movers/news/COVID-19#ess

FAQ POSTED March 24, 2020 (UPDATED)

Members should understand that the COVID-19 State of Emergency and response from all levels of government is changing rapidly. All Members are urged to monitor developments, as the answers to the questions below may change. The Toronto Regional Real Estate Board (TRREB) offers the guidance below to assist Members and urges all Members to consult with their brokerage as they navigate the evolving emergency.

The real estate industry has been declared an essential service BUT it is NOT business as usual. This was done primarily to ensure homeowners with pending closings, i.e., those who have already bought and need to sell, or those who have sold and have to buy, etc., are able to transact.

REALTORS® should observe best practices, especially if it becomes necessary to conduct face-to-face meetings or sales activities, including showings, listing appointments and property inspections. **TRREB is reminding Members that open houses are specifically prohibited by the province during the state of emergency and shutdown.**

TRREB strongly recommends that Members refrain from face-to-face real estate practices as much as practicable during the State of Emergency as they continue to satisfy their ethical duties to their clients. Members have a responsibility to protect their

own safety, as well as the safety of their colleagues, clients, and the general public. Members should adapt their practice to ensure that their professional activities are safe and comply with all guidance provided by Health Canada, the Province of Ontario and medical professionals.

Health Canada Best Practices

<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks.html>

Clients and other consumers are subject to the “shutdown” orders and should not be visiting properties for open houses which are prohibited by the province. They should also observe best practices suggested by Health Canada if conducting any business meeting with their Realtor, such as social distancing (at least six feet from any other person). Unless absolutely necessary, face-to-face meetings should be avoided during the State of Emergency. Clients also have an obligation to heed proper hygiene disinfecting, including washing their hands and avoid touching their eyes, nose or mouth, and cleaning high-touch surfaces, among others.

Many other aspects of the real estate trade can continue to occur without in-person contact, including documentation and signing, and in many circumstances, closings.

1. What does it mean that real estate is considered “essential” and is exempt from the “closing at risk workplaces” order under the provincial shutdown?

While those engaged in real estate services are permitted to leave their homes to provide real estate services, TRREB does not recommend that people do so unless it is absolutely necessary. Furthermore, individuals are strongly encouraged to find alternative means for conducting business, such as through virtual tours and video conferencing. **It is NOT business as usual**, and Members are reminded to pay attention to recommendations for best practices by the various levels of government with respect to the COVID-19 developments, including social distancing (at least six feet from any other person) and avoiding in-person meetings.

2. Are Realtors permitted to go to their brokerage office?

Realtors are permitted to go to their offices to engage in real estate services. However, Members should consult with their brokerage to ensure compliance with any company policies that may be put in place to keep people safe.

If Realtors decide to go to their offices, they must, as much as reasonably possible, maintain social distancing of at least six feet from any other person.

In addition, businesses are required to take proactive measures to ensure compliance with social distancing requirements at the office, including having hand sanitizer and sanitizing products readily available for employees and customers.

Brokers should consider remote work policies for employees.

Members should understand that, just because those providing real estate services (and their clients) are permitted to go to their office, it does not mean that they are required to do so or should. TRREB encourages its Members to follow any guidance provided by Health Canada, the Province of Ontario and medical professionals, including social distancing, and take all prudent and common sense precautions to limit the risk of unnecessary exposure to, and transmission of, COVID-19.

3. Are Realtors permitted to engage in showings?

TRREB strongly recommends that Members avoid face-to-face real estate practices, including showings, as much as practicable until it is safe to do so. Members are strongly encouraged to find alternative ways to engage in showings, such as virtual tours and video conferencing. Members should consult with their sellers and brokerages to ensure compliance with any company policies that may be put in place to keep people safe. If Members are acting for a landlord, Members should also remind such clients of the fiduciary duty landlords have to ensure a safe environment for their tenants.

Realtors can engage in real estate showings. However, all persons participating in a real estate showing are required to maintain social distancing of at least six feet from any other person, and where possible, have hand sanitizer and sanitizing products readily available.

For clarity, TRREB will also not enforce MLS® R-345 (showings) while the current government health advisories remain in effect. Listings will not be suspended because a property is not available for showings or inspections.

4. Are brokerages permitted to host open houses?

TRREB is reminding Members that open houses are prohibited by the province during the COVID-19 emergency.

Under the revised list of essential services released by the province on April 3, while real estate agent services is still on the list, open houses are specifically prohibited during the state of emergency and shutdown.

Specific language below:

Open houses prohibited

Every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

<https://www.ontario.ca/page/list-essential-workplaces#section-2>

Members should find alternative means to host open houses, such as holding virtual or video open houses.

Again, TRREB urges all people engaged in real estate services to take prudent and common sense precautions to limit the risk of unnecessary exposure to, and transmission of, COVID-19 to Realtors, their clients, and the general public. Members should consult with their sellers and brokerages to ensure compliance with any company policies that may be put in place to keep people safe.

TRREB has suppressed public open houses on TRREB's Stratus MLS® System and our public facing websites TRREB.ca, Collaborate, and realtor.ca (owned by CREA), until it is safe to restore them.

We're at a critical phase with this pandemic, and we all have to do our part to be successful in confronting this challenge in order to protect the health and safety of Realtors, their clients and the general public. We have provided resources to assist with Best Practices which you can review.

5. If I leave my home to engage in real estate services, how do I prove I'm doing so if stopped or asked by police or others?

It's not clear how this will be enforced at this time. However, TRREB recommends that Realtors carry documentation indicating that they work in the real estate industry in case the individual receives an inquiry.

Merely working in the real estate industry does not mean that someone is exempt from the "closing at risk workplaces" order. The exemption applies only when a person is engaged in "real estate services." TRREB does not condone any attempts by Members or others in the real estate industry to abuse or violate the provincial directive based on the fact that an individual happens to work in the real estate industry.

6. What Is the impact on MLS® System listings and TRREB rules of enforcement?

TRREB is not enforcing R-345 (showings & inspections) while the current government health advisories remain in effect. Listings will not be suspended because a property is not available for showings or inspections.

7. Will TRREB prohibit Realtors from trading in real estate during the shutdown or state of emergency?

TRREB does not have the authority to prohibit or restrict real estate brokerages from practicing real estate during the shutdown or emergency as the province has declared real estate an essential service.

We also recognize and stress that **this is not business as usual**. We are committed to the safety of our Members, their clients and the public. With the technology available today, we are recommending that Realtors can and should seek to provide real estate services, including marketing properties, virtually and minimize face-to-face meetings.

8. What is the impact on business insurance, including errors & omissions?

TRREB suggests that brokerages call their insurance brokers to check on their coverage for business interruption or COVID-19 coverage. The insurance policy wording is critical to determine if coverage applies. Please contact your insurer to confirm the parameters and requirements for coverage under your insurance policy.

Professional liability insurance questions should be directed to RECO

<https://www.reco.on.ca/real-estate-professionals/insurance/>

9. Are Land Registry Offices and closings impacted?

Land registry is considered essential, so real estate closings should not be impacted. We will provide further updates as they become available.

10. How about related businesses such as movers, lawyers, financial Institutions and construction?

A number of businesses directly related to real estate are on the list of essential services.

They include:

- Moving services

- Businesses that provide the following financial services:
 - Capital markets and related securities trading and advisory services.
 - Banking/credit union activities including credit intermediation.
 - Insurance.
 - Land registration services.
 - Real estate agent services.
 - Pension and benefits payment services.
 - Financial services including payroll and payment processing and accounting and tax services.

- Maintenance
 - Maintenance, repair and property management services strictly necessary to manage and maintain the safety, security, sanitation and essential operation of institutional, commercial, industrial and residential properties and buildings

- Construction
 - Construction projects and services associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space.
 - Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance.
 - Critical industrial construction activities required for,
 - the maintenance and operations of petrochemical plants and refineries,
 - significant industrial petrochemical projects where preliminary work has already commenced,
 - industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and/or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the COVID-19 pandemic.
 - Residential construction projects where,
 - a footing permit has been granted for single family, semi-detached and townhomes
 - an above grade structural permit has been granted for condominiums, mixed use and other buildings, or
 - the project involves renovations to residential properties and construction work was started before April 4, 2020.

- Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.
- Professional and social services that support the legal and justice system.

Here's the complete list of essential workplaces: <https://www.ontario.ca/page/list-essential-workplaces#section-2>

11. Disclosure of potential COVID 19 exposure. What should I do if I learn that a visitor to the property tested positive to COVID 19—is disclosure required or recommended?

This information could be material to anyone at risk for potential exposure, but raises the question of whether it's a property concern or a people concern. Is the concern that the property site itself might have been or is contaminated? Or is it the risk of having been around a particular person? And was this person on the property or offsite?

Legally, known material conditions related to the property should be disclosed. Per Health Canada, it's possible the virus can spread from contact with infected surfaces or objects on a property, meaning a person could get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes.

To be on the safe side, a disclosure could be made.

If making a disclosure, it should be done in a generic way so as not to invade privacy or implicate personal information. This would mean not using names but a general description along the line of "a visitor to the property on "X date" has tested positive for COVID 19."

12. May I ask clients or others I interact with in my real estate business if they have travelled recently, or have any signs of respiratory illness?

Yes, you may ask clients or others about their recent travel, particularly to areas identified as having an increased risk of COVID-19. Be sure to ask all clients the same screening questions based on current, factual information from public health authorities.

13. Will title insurance be impacted?

To minimize the impact to your business during these uncertain times, groups, such as FCT, are offering Extended Gap Coverage for commercial and residential transactions at no additional cost. Click [here https://bit.ly/2K1RG0I](https://bit.ly/2K1RG0I) to learn more. As information is still developing surrounding title insurance and

closing processes during COVID-19, please [click here https://bit.ly/2wpYlhB](https://bit.ly/2wpYlhB) to visit the FCT website.

14. What are Lenders doing?

Many of our major lenders are providing options to help alleviate some of the financial stress. Depending on your lender, there may be options available such as:

- Deferral of payments
- Re-amortization of the loan
- Capitalization of outstanding interest & costs
- Special payment arrangements

15. What are Mortgage Insurers doing?

In addition to the big banks, mortgage insurers, including CMHC, Genworth & Canada Guaranty, are working to help homeowners who have been financially impacted by the COVID-19 outbreak. Starting now, they have increased their flexibility and are allowing payment deferral of up to 6 months for homeowners who, primarily, but not exclusively, purchased with less than 20% down.

Genworth Canada:

Genworth Canada released a statement on March 16, 2020, outlining their Homeowner Assistance Program (HOAP), which is designed to assist Genworth Canada-insured homeowners who experience sudden financial setbacks that could temporarily impact their ability to meet their mortgage obligations. Borrowers who qualify under the lender's internal guidelines and Genworth's Homeowner Assistance Program will receive up to six (6) months of relief, allowing borrowers some time to recover and focus on what's important. Read the [full statement here https://bit.ly/2VaM5de](https://bit.ly/2VaM5de).

Canadian Mortgage and Housing Corporation (CMHC):

Canadian Mortgage and Housing Corporation (CMHC) is offering tools that can assist homeowners who may be experiencing financial difficulty. Their default management tools include payment deferral, loan re-amortization, capitalization of outstanding interest arrears and other eligible expenses and special payment arrangements. Read their [statement here https://bit.ly/2XjtQEY](https://bit.ly/2XjtQEY).

CMHC also provides mortgage professionals with tools and the flexibility to make timely decisions including:

- Converting a variable interest rate mortgage to a fixed interest rate mortgage to protect from a sudden interest rate increase, should one occur.

- Offering a temporary short-term payment deferral. Mortgage professionals may be prepared to offer greater payment flexibilities, particularly if previous lump sum prepayments have been made, or if consumers have previously chosen an accelerated payment schedule.
- Extending the original repayment period (amortization) in order to lower monthly mortgage payments.
- Adding any missed payments (arrears) to the mortgage balance and spreading them over the remaining mortgage repayment period.
- Offering a special payment arrangement unique to the consumer's particular financial situation.

Canada Guaranty:

In addition to Genworth Canada and CMHC, Canada Guaranty is also supporting homeowners. Per their statement released on March 16, 2020, they noted with their Homeownership Solutions Program, lenders currently have the ability to capitalize up to four (4) monthly mortgage payments. However, to assist eligible homeowners, Canada Guaranty is prepared to extend this program option to allow the capitalization of up to a maximum of six (6) monthly payments. This is assuming the original insured loan amount is not exceeded, request for capitalization is received before September 13, 2020, and that the lender confirms the capitalization is being applied reasonably to help mitigate short-term financial difficulty resulting from COVID-19. Read their full [statement here](https://bit.ly/2UTRExv) <https://bit.ly/2UTRExv>.

16. How about the impact on municipalities, planning matters, Committee of Adjustment delays & property taxes?

Like most services, municipal services related to real estate transactions have been impacted by social distancing efforts. In most cases, municipalities have adapted their procedures to allow for at least some continuation of services relevant to real estate transactions such as planning and building departments. Full details of what services are available or affected are available at the municipal web sites listed below.

A growing number of GTA municipalities are taking their own actions to provide economic relief to everyone impacted by the COVID-19 pandemic. As such, some municipalities are extending deadlines for property tax payments. Below is a list of GTA municipalities with links to their COVID-19 web pages, which provide details on their responses, including financial relief, closures, cancellations, and status of municipal services. Note that this is not an exhaustive list, and TRREB assumes no responsibility for the accuracy of this information due to the fluid nature of the pandemic developments. For this reason, we encourage Members to check with their own local municipalities, as changes and updates happen on a daily basis.

Building Industry and Land Development Association Summary of available Planning Services

TORONTO CHAPTER

See [update on the City of Toronto https://bit.ly/39N20ne](https://bit.ly/39N20ne) and a further [update on building permits and inspection services https://bit.ly/2Vgei2f](https://bit.ly/2Vgei2f).

YORK CHAPTER

See [update on York Region and its nine municipalities https://bit.ly/3e8GYTh](https://bit.ly/3e8GYTh).

HALTON CHAPTER

See [update on Halton Region and local area municipalities https://bit.ly/3aUIB65](https://bit.ly/3aUIB65).

DURHAM CHAPTER

See [update on Durham Region and local area municipalities https://bit.ly/3c2ViLj](https://bit.ly/3c2ViLj).

PEEL CHAPTER

See [update on Region of Peel and local area municipalities https://bit.ly/2yFbm7y](https://bit.ly/2yFbm7y).

Toronto <https://www.toronto.ca/home/covid-19/> (see “Affected City Services” link)

TRREB City of Toronto Services Update http://www.trreb.ca/files/political-advocacy/2020/Letter_MayorTory_MAR24_20.pdf

York Region

Markham <https://www.markham.ca/wps/portal/home/about/covid-19-information/>

King Township

<http://www.king.ca/Government/Departments/Administration/Pages/COVID-19.aspx>

Richmond Hill <https://www.richmondhill.ca/en/find-or-learn-about/novel-coronavirus.aspx>

Vaughan

[https://www.vaughan.ca/services/property tax and assessment/Pages/default.aspx](https://www.vaughan.ca/services/property_tax_and_assessment/Pages/default.aspx)

Whitchurch–Stouffville <http://www.townofws.ca/en/important-information.aspx#>

Aurora <https://www.aurora.ca/en/covid-19.aspx>

East Gwillimbury

[http://www.eastgwillimbury.ca/About Us/Public Notices/General Notices/COVID-19_Update.htm](http://www.eastgwillimbury.ca/About_Us/Public_Notices/General_Notices/COVID-19_Update.htm)

Georgina <https://www.georgina.ca/municipal-government/covid-19>

Newmarket <https://www.newmarket.ca/covid19>

Peel Region <https://peelregion.ca/coronavirus/>

Mississauga <https://web.mississauga.ca/city-of-mississauga-news/novel-coronavirus-information-covid-19/>

Brampton <https://www.brampton.ca/EN/residents/emergency-management/Pages/COVID-19.aspx>

Caledon <https://www.caledon.ca/en/news/index.aspx?feedId=0127b33c-5724-41f6-a710-50fe8f39b605&catId=7507d829-3454-4c70-b9f0-39f12cf76a7a&newsId=9a08b01c-1697-4926-8810-6caf0ab33b7a>

Durham Region

<https://www.durham.ca/Modules/News/index.aspx?newsId=946e64d5-3722-43ba-8997-3f71df90fc7d>

Ajax <https://www.ajax.ca/en/novel-coronavirus-update.aspx>

Pickering <https://www.pickering.ca/en/city-hall/covid-19-update.aspx>

Whitby <https://www.whitby.ca/en/residents/covid-19-information-and-updates.asp>

Brock <https://townshipofbrock.ca/resident-services/emergency-services/emergency-planning/covid-19/>

Oshawa <https://www.oshawa.ca/residents/covid-19-information-updates.asp>

Scugog <https://www.scugog.ca/Modules/News/index.aspx?newsId=b9ad2331-eea9-4386-ac6e-59fa321307a8>

Uxbridge <https://www.durham.ca/en/health-and-wellness/novel-coronavirus-update.aspx>

Clarington <https://www.clarington.net/en/town-hall/covid-19-information-and-updates.asp>

Halton Region

<https://www.halton.ca/The-Region/About-Halton-Region/Access-to-Regional-Services-during-COVID-19>

Burlington <https://www.burlington.ca/en/your-city/corona-virus.asp>

Milton <https://www.milton.ca/en/living-in-milton/covid-19-coronavirus.aspx>

Halton Hills <https://www.haltonhills.ca/covid19/>

Oakville <https://www.oakville.ca/townhall/covid-19.html>

17. Are there any resources that Realtors can take advantage of relating to mental health?

The following federal and provincial websites offer information and online resources to assist Members impacted by the COVID-19 pandemic.

Government of Canada

<https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html>

<https://www.canada.ca/en/services/finance.html>

<https://www.canada.ca/en/public-health/services/mental-health-services/mental-health-get-help.html>

Government of Ontario

<https://www.ontario.ca/page/2019-novel-coronavirus>

<https://www.ontario.ca/page/find-mental-health-support>

<https://www.connexontario.ca/about-us>

18. Is TRREB still operational?

Access to TRREB Offices Unavailable Until Further Notice

TRREB has been operating, and will continue to operate, with remote work arrangements for employees who are able to do so.

TRREB has made some operational changes which impact Member visits at the various TRREB offices across the GTA. In keeping with the recommendations for best practices by the various levels of government with respect to the COVID-19 developments, including social distancing (at least six feet from any other person), the various TRREB offices are no longer open for Member visits until further notice.

TRREB is still operational and open for business during regular hours of 8:30 a.m. to 4:30 p.m., and Members can still contact TRREB by telephone, email or TRREB's other online channels, including e-Commerce, the online REALTOR® STORE, Help Desk call centre, etc.

Main Switchboard 416-443-8100

Member Services 416-443-8148

The Help Desk is operating on a regular schedule:

Monday to Friday from 7:00 a.m. to 11:00 p.m. & Saturday & Sunday from 9:00 a.m. to 4:00 p.m.

mlshelpdesk@trebnet.com

1-877-843-TREB (1-877-843-8732)

(Members cannot access this number from the 905 or 416 area codes)

Inside the 905 or 416 Area Codes: 416-443-8111

TRREB REALTOR® STORE Locations Closed

All TRREB REALTOR® STORE locations are closed until further notice.

Please note you can still shop TRREB's REALTOR® STORE online 24/7 through e-Commerce.

HOW CAN I SHOP ONLINE?

1. Simply visit ecommerce.torontomls.net and log in using your TRREB credentials.
2. Select REALTOR® STORE.

We will provide updates on the above and related issues as we obtain clarity and answers.

TRREB encourages Members to take advantage of webinars and training videos provided by TRREB.

<https://communications.torontomls.net/mlshome/index.php/more-news/31-general/12681-spotlight-on-trreb-s-professional-development-webinars-training-videos>

Stay safe!

Michael Collins
TRREB President