

December 19, 2014

**President:**

Paul Etherington

Mr. John D. Gregory  
Justice Policy Development Branch  
Ministry of the Attorney General  
7th Floor- 720 Bay Street  
Toronto, ON M7A 2S9

**President Elect:**

Mark McLean

**Past President:**

Dianne Usher

**Re: Electronic Signature Regulation to the *Electronic Commerce Act, 2000*  
("ECA")**

**Directors:**

Gurcharan (Garry) Bhaura

Larry Cerqua

Michael Collins

Karen Gerrard

Don Kottick

John D.K. Lusink

Michelle Makos

Rosalind Menary

Donald Patterson

Shirley Porter

Sandra Rinomato

Joseph C.W. Shum

Tim Syrianos

Dear Mr. Gregory:

On behalf of the Toronto Real Estate Board (TREB), I am writing to you in response to the proposed regulations with regards to electronic signatures in the Electronic Commerce Act (ECA). TREB, along with real estate boards/associations across Ontario, has long encouraged the amendment to the ECA to allow real estate transactions to be more efficient and accessible.

As you may know, TREB is an association of over 40,000 REALTORS® working within the residential, commercial, and industrial real estate markets. TREB works with all levels of government on their behalf.

Similar to our colleagues at the Ontario Real Estate Association (OREA), TREB does not see the need for a regulatory framework for electronic signature technologies on agreements of purchase and sale of land or real property, as we believe regulatory concerns are already managed through existing structures. These structures include; existing regulations on the real estate industry, the legal system, available technology, fraud protection agencies; and our members' vested interest in protecting consumers and upholding the integrity of the industry.

As we are sure you are aware, there are rigorous legal requirements on registrants intended to combat fraud, such as:

1. The provincial *Real Estate and Business Brokers Act, 2002* ("REBBA"), and the Code of Ethics (O.Reg. 580/05) under REBBA that requires, among other things, agents to exercise reasonable care and skill in providing accurate information, as well as when performing functions; and,



2. The federal *The Proceeds of Crime (Money Laundering) and Terrorist Financing Act* ("PCMLTFA") that imposes stringent requirements on real estate agents to ensure vigilance against fraud regardless of the medium in which transactions are consummated. Under PCMLTFA, real estate brokers, sales representatives and developers (as well as financial institutions, accountants and other professionals) must adhere to strict requirements in connection with reporting suspicious transactions and when obtaining proof of identify from the represented parties.

That said, TREB is keen to work with the Ministry to assist in modernizing the ECA and ensure that any regulatory amendments benefit consumers, our members and maintains the credibility of the real estate industry. While TREB does not see the need for a regulatory framework for electronic signature technologies, if regulation is deemed necessary, by government, TREB would not challenge the proposed regulation as drafted.

Should you have any questions, please feel free to contact our Chief Government and Public Affairs Officer, Von Palmer at 416-443-8150 or [vpalmer@trebnet.com](mailto:vpalmer@trebnet.com).

Sincerely,



Paul Etherington  
President

Cc: John DiMichele, Chief Executive Officer, Toronto Real Estate Board  
Kate Murray, Chief Executive Officer, Real Estate Council of Ontario  
Glenda Brindle, Chair, Real Estate Council of Ontario  
Joseph Richer, Registrar, Real Estate Council of Ontario  
Costa Pouloupoulos, President, Ontario Real Estate Association  
Ed Barisa, Chief Executive Officer, Ontario Real Estate Association  
Matthew Thornton, Director, Government Relations, Ontario Real Estate Association