

Electronic Agreements of Purchase and Sale:

Tech-savvy transactions on the way?



If you have bought or sold a home in recent years, you have probably noticed at least a few of the many technological advancements that have been developed with your needs in mind. You can now view properties on realtor.ca from your mobile phone, advertise your listing on a range of real estate websites from coast to coast, and receive the most up-to-date information on opportunities tailored to your interests from your realtor.

One step in the process that still needs to be undertaken the traditional way however, involves signing the forms required in every real estate transaction. Current Ontario legislation precludes the use of electronic signatures on agreements that create an interest in land.

Fortunately, Greater Toronto realtors, in conjunction with our professional and national associations, have been laying the foundation so that homebuyers and sellers in our province may soon enjoy the same convenience as other homebuyers and sellers in Canada.

As a result of tireless lobbying activity, a proposal by the Ontario Real Estate Association (OREA) to amend the Electronic Commerce Act, 2000 was included in the recent budget. If passed, it will provide electronic Agreements of Purchase and Sale with the same legal protections as other forms of e-commerce. A section of the proposed amendment also gives the government time to talk with various stakeholders, including OREA, about potential measures to provide for the utmost security in your transaction.

Once the ability to use e-signatures in real estate transactions throughout the province becomes a reality,

the transition to doing so should be swift thanks to the efforts of the Canadian Real Estate Association (CREA). It recently announced that it has finalized agreements with two providers – DocuSign and Authentisign – which will enable you and your realtor to include your signatures on forms that are completed securely online, known as “WebForms.”

WebForms, which are editable and always up to date with the most recent changes to real estate documentation, are accessible to your realtor from any Mac, PC, iPad, tablet and smartphone. While WebForms, which are also pre-populated with available realtor and property information, have been in use by realtors for a number of years, the opportunity to include e-signatures on these forms is a very new innovation.

Although like Ontario, not all jurisdictions throughout Canada permit the use of e-signatures yet, allowing them makes good sense. This technology lets you easily sign documents anytime, anywhere, without the time-consuming process of printing, faxing, or arranging meetings simply to provide signatures. In a world where efficiency is key to successful outcomes, and where we all need to be more conscious of our carbon footprint, I anticipate that e-signatures will be a welcome alternative for Greater Toronto Area homebuyers and sellers.

To learn more about the many ways that working with a realtor can simplify the homebuying and selling process for you, talk to a Greater Toronto realtor and be sure to visit TorontoRealEstateBoard.com where you will find market updates, plain language explanations of commonly used forms, information on government programs and more.



Dianne Usher is the president of TREB. As Canada's largest real estate board, TREB serves more than 36,000 licensed real estate brokers and salespersons in and around the Greater Toronto Area. For more information, visit online at TorontoRealEstateBoard.com.