How We Navigate Representation with Integrity and Compliance

How We Handle It:

1. **Identify the Status Early**
   During listing or when showing a property, ask the right questions:

   - “Is the basement apartment registered with the municipality?”
   - “Can you provide documentation or permits for the second suite?”

2. **Disclosure is Key**

   - If you’re listing the property: **you must disclose** if the basement apartment is not legal or not registered — even if it’s currently tenanted.
   - Use language like:
     “Basement apartment currently tenanted. Seller does not warrant retrofit or legal status.”

3. **Represent, Don’t Certify**

   - You are not a building inspector or a by-law officer.
   - Don’t guess or guarantee the legal status — always encourage the buyer to verify zoning and compliance directly with the local municipality.

4. **Document Everything**

   - Add notes to your file (email confirmations, MLS remarks, status disclosure, etc.).
   - If the seller is unsure, put that in writing.

5. **Protecting Buyers**

- Advise buyer clients to do their own due diligence.
- Recommend speaking to a lawyer or the municipality before closing.

6. **Working with Tenanted Units**

    - If the basement is rented, understand tenant rights under the Residential Tenancies Act (RTA).
    - Illegal unit or not, a buyer cannot evict a tenant without proper notice or valid reason.

Agent Note:

We’re not here to pass judgment or enforce the law — but we do need to **represent our clients with full transparency and professional care**. If we hide or ignore the legal status of a basement apartment, we’re putting our clients — and ourselves — at risk.

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