



**Real Estate Council of Ontario
Implementation Plan on the
Auditor General of Ontario's Value
for Money Audit Recommendations**

Reporting as of August 31, 2024



On November 30, 2022, The Office of the Auditor General of Ontario (OAGO) released its [value-for-money audit report](#) on the Real Estate Council of Ontario (RECO).

The report contains 25 recommendations (with 63 action items) that aim to strengthen RECO’s ability to effectively administer its mandate. Of these, 21 recommendations (with 58 action items) are directed at RECO either in whole or in part. The remaining four recommendations (with 5 action items) are directed at the Ministry of Public and Business Service Delivery and Procurement (MPBSDP) and are not included in this report.

RECO appreciates the opportunities the report presents to enhance the important work being done. Many of the recommendations align very closely with RECO’s strategy to modernize the approach to administering the *Trust in Real Estate Services Act, 2002* in the public interest.

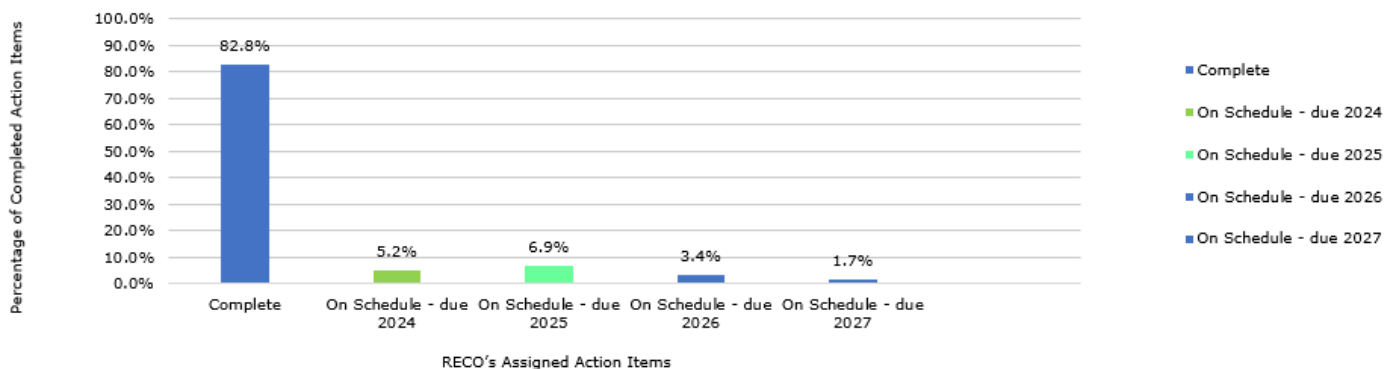
RECO’s board, management, and staff are committed to enhancing consumer confidence in the real estate profession and raising professional standards in an industry where there are over 105,000 real estate professionals.

RECO will provide quarterly updates as the plan progresses through the following report.

Progress report

As of August 31, 2024, RECO has 48 completed action items and 10 action items that are on schedule for completion. The action items for completion include two items with adjustments to target completion dates: item 21.c to December 2026, and 21.d to January 2027.

Note: Statuses noted are based on RECO’s self-assessment. Final assessment will be completed by the Auditor General of Ontario.







Recommendation 1

So that the Real Estate Council of Ontario (RECO) is able to meet the requirement of the *Real Estate and Business Brokers Act, 2002*¹ to approve applications only if individuals seeking to register or renew their registration as a salesperson or broker can be expected to carry on business lawfully and with integrity, we recommend that RECO:

Action Item:	1.a	Develop a policy and guidelines to help registration staff determine when it is appropriate to approve and refuse the registration of applicants that have a history of criminal offences.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	September 2023	
Steps to address recommendation	i.	Updated Registration Program Policy to include guidelines to help registration staff determine when it is appropriate to approve or refuse the registration of applicants. Completed
	ii.	Finalized Registration Program Policy for staff and posted key steps and eligibility requirements to becoming a real estate salesperson on the RECO website. Completed
Action Item:	1.b	Require registration staff to document their rationale, consistent with the policy and guidelines, for recommending that the registration and renewal of registration of applicants be approved or refused.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	September 2023	
Steps to address recommendation	i.	Established requirement for RECO staff to document their rationale for recommendations regarding the registration or renewal of registration of applicants who Completed

¹ The name of the legislation was changed to the *Trust in Real Estate Services Act, 2002* on December 1, 2023.



	<ul style="list-style-type: none"> have disclosed a criminal conviction or pending charges. ii. Finalized policy and supporting guidelines for staff to document rationale for decisions regarding applicants, including those with a criminal history. iii. Created training material and conducted staff training sessions. 	<p>Completed</p> <p>Completed</p>
Action Item:	1.c Disclose the policy and guidelines publicly so that prospective applicants can self-assess their eligibility prior to completing the real estate education program.	
Overall Status	 Completed	
Target Completion Date	September 2023	
Steps to address recommendation	<ul style="list-style-type: none"> i. Finalized a public policy document to define eligibility for registration into real estate. ii. Finalized a set of applicant guidelines for publication. iii. Published the public policy and applicant guidelines on the RECO website. 	<p>Completed</p> <p>Completed</p> <p>Completed</p>
Action Item:	1.d Introduce a requirement for registrants to periodically obtain an updated criminal background check as a condition of renewing registration.	
Overall Status	 In Progress	
Target Completion Date	December 2024	
Steps to address recommendation	<ul style="list-style-type: none"> i. Develop a standard operating procedure² to periodically obtain updated Criminal Record and Judicial Matters Check from registrants. 	To be completed

² A standard operating procedure (SOP) is a step-by-step set of instructions that communicate to employees the process for completing a key workplace operation. RECO's respective SOPs in various business areas, such as registration, inspections, and investigations, are intended to be shared with RECO employees to ensure guidance and compliance on the detailed steps in completing different RECO's operations



	ii.	Seek input from the sector on proposed standard operating procedure.	To be completed
	iii.	Document the process in the Registration Program Policy.	To be completed
	iv.	Publish the updated Registration Program Policy to the RECO website.	To be completed

RECO Response to Recommendation 1 from the Auditor General’s November 2022 report:

RECO will enhance its registration policy to include guidelines and processes for those assessing applications to include rationale for approval and refusal of applications, including for applicants who have a history of criminal offences, by the end of 2023³. RECO will also publish a guideline for the public to understand the factors that are considered when assessing an application. RECO will continue to make the fact and outcomes of proposals to revoke, suspend and refuse registrations available on its website. RECO will also re-evaluate its former practice of requiring criminal record checks randomly for those renewing their registration.



Recommendation 2

So that the integrity of real estate exams is protected, we recommend that the Real Estate Council of Ontario (RECO):

Action Item:	2.a	Take steps to independently review the exam protocols and the proctoring software for deficiencies.	
Overall Status	<input checked="" type="checkbox"/>	Completed (May 2024)	
Target Completion Date		July 2024	
Steps to address recommendation	i.	Developed options and plan to complete independent review of exam protocols and proctoring software.	Completed
	ii.	Reviewed options available to complete independent review of exam protocols and proctoring software.	Completed
	iii.	Conducted independent review and analyzed findings from vendor’s report.	Completed

³ The target completion date of this item has been adjusted since RECO’s original response to the Auditor General’s 2022 report; the target completion date is now December 2024.



Action Item:	2.b	Work with the education service provider to take immediate corrective action to address the issues identified.
Overall Status		Completed (August 2024)
Target Completion Date	December 2024	
Steps to address recommendation	i.	Addressed the deficiencies in security protocols and virtual proctoring that led to breaches, as identified in the independent review report. Completed
	ii.	Established an updated annual process to audit proctoring. This is to provide oversight on new security processes and protocols. Completed
Action Item:	2.c	Establish a formal protocol to be followed by the education service provider and RECO to identify and analyze future exam breaches.
Overall Status		In Progress
Target Completion Date	December 2024	
Steps to address recommendation	i.	Consolidate and formalize documentation of processes to be followed by the education service provider and RECO to identify and analyze future exam breaches. To be completed



Action Item:	2.d Maintain the ability to move exams to in-person administration should software integrity issues arise necessitating in-person exams.
Overall Status	<input checked="" type="checkbox"/> Completed
Target Completion Date	February 2023
Steps completed to address recommendation	<ul style="list-style-type: none"> i. Confirmed with service provider that the pre-pandemic capabilities are still in place for in-person administration of exams, both within their facilities and at those of partners across Ontario. Completed ii. Requested service provider share with RECO their up-to-date Business Continuity Plan (BCP) specifically for suspension of virtually proctored exams and in-person administration of exams to be put in place. Completed iii. Reviewed the submitted BCP and confirmed it meets the requirement for Action Item 2.d. Completed

RECO Response to Recommendation 2 from the Auditor General’s November 2022

report: To protect the integrity of the real estate program examinations, RECO is formalizing the exam protocols to be followed by the current and future education service providers that develop, administer, and deliver exams on behalf of RECO. The protocols will include identifying and analyzing any future exam breaches, specifying that immediate corrective actions are to be taken to address those identified issues, and maintaining the ability to move exams to in-person administration should software integrity issues arise. In addition to working with the education service provider and the results of its own completed independent reviews, RECO will take steps to independently review the exam protocols and the proctoring software for any deficiencies.



Recommendation 3

So that the Real Estate Council of Ontario (RECO) improves its capacity to identify systemic issues and trends that require improvement, we recommend that RECO:

Action Item:	3.a	Implement a system to assign a descriptive complaint category to each complaint it receives.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		September 2023	
Steps to address recommendation	i.	Based on review of leading practices among other regulators, developed relevant descriptive classification categories for complaints.	Completed
	ii.	Developed a tracking system using the new complaint categories.	Completed
	iii.	Developed reporting system using new complaint categories.	Completed
	iv.	Provided training for Complaints and Client Services staff.	Completed
Action Item:	3.b	Periodically analyze complaints data to identify systemic issues and trends over time.	
Overall Status	<input checked="" type="checkbox"/>	Completed (November 2023)	
Target Completion Date		December 2023 (Revised from June 2023)	
Steps to address recommendation	i.	Developed policy and procedures for complaint data review including defining reporting frequency (e.g., Quarterly, annually etc.)	Completed
	ii.	Determined the requirements and process to identify systemic issues and trends through complaint data analysis.	Completed



	iii. Analyzed complaints data to identify potential systemic issues and trends.	Completed
Action Item:	3.c Address and resolve identified systemic issues.	
Overall Status	<input checked="" type="checkbox"/> Completed	
Target Completion Date	September 2023	
Steps to address recommendation	i. Developed a standard operating procedure to take action to remediate identified systemic issues and trends.	Completed
Action Item:	3.d Publicly report on common and emerging trends from complaints received on an annual basis.	
Overall Status	<input checked="" type="checkbox"/> Completed	
Target Completion Date	April 2024	
Steps to address recommendation	i. Gathered data that can be used to publicly report on common and emerging trends from complaints received annually.	Completed
	ii. Published data relating to trends and common complaints annually in the Annual Report.	Completed

RECO Response to Recommendation 3 from the Auditor General’s November 2022 report: RECO will develop an improved classification system beyond just the sections of the Code of Ethics and implement it for 2024. The new approach will better enable the extraction of data to identify systemic issues and trends, and facilitate corrective action where needed. RECO commits to reporting on the newly categorized trends in annual reports commencing with the 2024 Annual Report.



Recommendation 4

So that brokerages are inspected based on their risk of non-compliance with the *Real Estate and Business Brokers Act, 2002* and its regulations, we recommend that the Real Estate Council of Ontario:

Action Item:	4.a	Develop a brokerage risk framework (for example, high, medium, and low) and assign an inspection frequency to each level of risk.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date		December 2023
Steps to address recommendation	i.	Completed a review of leading practices among other regulators. Completed
	ii.	Defined brokerage inspection deficiencies and established steps to be completed during each inspection. Completed
	iii.	Based on research of leading practices, developed a risk-based inspection standard operating procedure that defines risk levels and risk-based scheduling criteria. Completed
Action Item:	4.b	Determine and assign a risk level and inspection frequency to each brokerage.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date		December 2023
Steps to address recommendation	i.	Completed a list of deficiencies and inspection types. Completed
	ii.	Developed inspections standard operating procedure to address all aspects of how risk-based inspections are conducted. Completed
	iii.	Completed inspection templates and checklists. Completed



	iv.	Established process to assign brokerages an inspection type and timeline for completion based on each brokerage’s assessed risk level.	Completed
Action Item:	4.c	Put in place systems to ensure that each brokerage is scheduled for and receives an inspection based on its assigned frequency.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Scheduled and conducted brokerage inspections in accordance with the assigned inspection type and timeline for completion.	Completed
	ii.	Established a process to monitor completion of scheduled inspections and reassigning inspections as necessary.	Completed
Action Item:	4.d	Put in place a process to reassess each brokerage’s risk level on an ongoing basis.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Implemented management review process to assess brokerage risk levels.	Completed

RECO Response to Recommendation 4 from the Auditor General’s November 2022

report: A newly developed brokerage inspection program will launch in 2023 focusing on brokerages and activities that pose the greatest risk to consumers. The new program will include a risk-based approach to the type of inspections to be conducted and scheduling. The program will also involve an ongoing risk assessment of each brokerage.



Recommendation 5

So that only brokerages with limited or no real estate trading activities are exempted from an inspection by the Real Estate Council of Ontario (RECO), we recommend that RECO:

Action Item:	5.a	Update the inspection policy requiring the inspectors to document the results of the procedures and other activities the inspectors have undertaken to verify the brokerage's trading volume.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation		<ul style="list-style-type: none"> i. Established procedures for inspectors to document the steps they took to verify a brokerage's trading volume. ii. Developed inspection templates and reports. iii. Trained inspections staff. iv. Updated the inspections standard operating procedure to include inspectors' documentation of procedures and other activities undertaken to verify the brokerage's trading volume. 	<ul style="list-style-type: none"> Completed Completed Completed Completed
Action Item:	5.b	Establish a process to conduct unannounced site visits to select brokerages to confirm the accuracy of their declared trading volume.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation		<ul style="list-style-type: none"> i. Drafted and finalized inspections standard operating procedure for conducting unannounced site visits to brokerages. 	<ul style="list-style-type: none"> Completed



	ii.	Drafted templates and training material for new process to conduct unannounced site visits to select brokerages to confirm the accuracy of their declared trading volume.	Completed
	iii.	Established process to conduct unannounced site visits with respect to brokerages declaring no trading activities.	Completed
Action Item:	5.c	Establish a checklist of procedures for its inspection staff to follow prior to granting a brokerage an exemption from inspection.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date	December 2023		
Steps to address recommendation	i.	Determined criteria for a non-trading certificate.	Completed
	ii.	Established documentation/information to be collected by inspectors to determine if brokerage meets the criteria for a non-trading certificate.	Completed

RECO Response to Recommendation 5 from the Auditor General’s November 2022 report: A newly developed brokerage inspection program will launch in 2023, which will be supported by policy, procedures, and checklists to guide inspectors’ assessment of brokerage trading volumes. RECO also commits to establishing a process by the end of 2023 for conducting unannounced inspections to confirm the accuracy of declared trading volumes when warranted.



Recommendation 6

So that the Real Estate Council of Ontario’s (RECO’s) inspectors carry out inspections of brokerages consistently and effectively, we recommend that RECO:

Action Item:	6.a	Update its inspection manual and checklists to require the number of trade files to be reviewed as part of an inspection to be proportional to the volume of properties sold by the brokerage.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Updated inspection standard operating procedure, including inspection manual and checklists to reflect process for reviewing trade files as part of an inspection, proportional to the volume of properties sold.	Completed
	ii.	Pre-inspection questionnaire completed and used to help determine the number of trade files to be reviewed during an inspection.	Completed
Action Item:	6.b	Develop and implement an inspection oversight process that includes an inspection file review and a documented assessment of whether inspections are carried out effectively and consistently.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Incorporated review of inspection files for adherence to inspections standard operating procedure.	Completed
	ii.	Survey requests have been sent to all brokerages involved in an inspection in 2023, to collect information before inspection to assist inspectors in determining the appropriate level of inspection required.	Completed



	iii.	Updated inspections standard operating procedure to define process for ongoing quality assessment of inspections and reporting requirements.	Completed
Action Item:	6.c	Where inconsistencies are identified, take steps to facilitate corrective action.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Conducted staff training on new brokerage inspection program.	Completed
	ii.	In the inspections standard operating procedure, included steps to take corrective action.	Completed

RECO Response to Recommendation 6 from the Auditor General’s November 2022 report: A newly developed brokerage inspection program will launch in 2023, which will be supported by policy, procedures, and checklists to guide the number of trade files reviewed during inspections. RECO will also implement an inspection oversight process that includes inspection file reviews for effectiveness and consistency. Where inconsistencies are noted, RECO intends to take corrective action. RECO will incorporate assessment of more performance metrics related to its inspections program throughout 2023.



Recommendation 7

So that violations of the *Real Estate and Business Brokers Act, 2002* identified during an inspection are corrected by the brokerages on a timely basis, we recommend that the Real Estate Council of Ontario:

Action Item:	7.a	Develop and implement a framework with appropriate time frames that provides guidance to inspectors on the types of violations of the Act and its regulations that should be reviewed with a follow-up inspection and when brokerages should be referred to RECO's investigations department for further review.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	December 2023	
Steps to address recommendation	i.	In the inspections standard operating procedure, included inspection scoring criteria to determine a brokerage's overall risk level to inform the decision to schedule a subsequent inspection or referral to the investigation department. Completed
	ii.	In the risk-based inspections standard operating procedure, assigned a risk level to brokerages based on contraventions found in an inspection, including triggers to consider for referral to RECO's investigations department. Completed
	iii.	Trained inspections staff. Completed
Action Item:	7.b	Ensure that follow-up inspections are performed, and referrals to the investigations department are made, in accordance with this framework.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	December 2023	



Steps to address recommendation	i. In the inspections standard operating procedure, developed reporting procedures and processes that outlined criteria for follow-up inspection or referral for the purpose of management oversight.	Completed
Action Item:	7.c Track the number of follow-up inspections performed.	
Overall Status	<input checked="" type="checkbox"/> Completed	
Target Completion Date	December 2023	
Steps to address recommendation	i. In the standard operating procedure, established reporting requirements relevant to the completion of all types of inspections and tracked the number of follow-up inspections.	Completed
Action Item:	7.d Publicly report on the number of follow-up inspections performed.	
Overall Status	<input checked="" type="checkbox"/> Completed	
Target Completion Date	April 2024	
Steps to address recommendation	i. Gathered information about inspections completed, including follow-up inspections.	Completed
	ii. Published information about inspections completed, including follow-up inspections, in the Annual Report.	Completed

RECO Response to Recommendation 7 from the Auditor General’s November 2022 report: The new brokerage inspection program launching in 2023 is risk based, and will be supported by policy, procedures, and checklists to guide inspectors’ assessment and monitoring of brokerage compliance, including with respect to using inspection outcomes to determine scheduling of subsequent inspections, and criteria for making referrals for investigation. RECO will also track and report on volumes and types of all inspections conducted in its annual report.



Recommendation 8

To improve the Real Estate Council of Ontario’s (RECO’s) effectiveness in identifying misleading advertising in the inspection process, and to minimize false, misleading, deceptive and inaccurate representations made by salespersons and brokers in the marketplace, we recommend that RECO:

Action Item:	8.a	Review property listings as part of the inspection process to ensure that salespersons and brokers have taken reasonable steps to ensure the material information advertised on the property listing is accurate.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	In the inspections standard operating procedure, developed standards and templates to validate a sample of material advertised in property listings for accuracy.	Completed
Action Item:	8.b	Instruct its inspectors to independently select a sample of advertising materials including property listings made prior to the inspection for its review.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	In the inspections standard operating procedure, included procedure for selecting sample advertising materials for review.	Completed

RECO Response to Recommendation 8 from the Auditor General’s November 2022

report: A newly developed brokerage inspection program will launch in 2023. The program will be supported by policy, procedures and checklists to support inspection activities. RECO will consider the scope and methodology of the inspections in which it would be most appropriate and effective to review a sample of property listings, when developing its new inspection program.



Recommendation 9

To identify and reduce the risk of money laundering activities through the real estate market, we recommend that the Real Estate Council of Ontario (RECO) work with the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) to:

Action Item:	9.a	Enter into an agreement to share information to facilitate enforcement targeting money laundering.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Executed an agreement with FINTRAC that defines terms and parameters for information sharing.	Completed
Action Item:	9.b	Update the RECO inspection manual to include new procedures inspectors are required to follow to review salespersons, brokers and brokerages' reporting obligations to FINTRAC.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Trained inspections staff.	Completed
	ii.	Based on agreement with FINTRAC, established processes for inspectors to review reporting obligations to FINTRAC.	Completed

RECO Response to Recommendation 9 from the Auditor General's November 2022

report: RECO has already begun to explore opportunities to collaborate with FINTRAC on sharing information and collaborating on inspections, investigations, and prosecutions within the scope of its authority, as it does with other law enforcement agencies. RECO will consider to what extent it could review registrants' FINTRAC reporting obligations during inspections within RECO's legislative authority and in consultation with FINTRAC. RECO will prosecute those involved in money laundering or related activity within the scope of its authority.



Recommendation 10

So that investigations of brokerages and salespersons are completed effectively and on a timely basis, and that appropriate enforcement action is taken where required, we recommend that the Real Estate Council of Ontario:

Action Item:	10.a	Develop policies and procedures on key aspects of investigations to help guide the work of its investigators	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Drafted policies and procedures for review.	Completed
	ii.	Developed training procedures for investigators on key factors related to the December 1, 2023, legislative and regulatory changes.	Completed
	iii.	Finalized a standard operating procedure for the work undertaken by RECO investigators.	Completed
	iv.	Trained investigators.	Completed
Action Item:	10.b	Implement reasonable guidelines or benchmarks for enforcement action and the timely completion of investigation.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Developed complaints responsibility matrix for deployment of files by complexity level, reflecting timelines by severity of complaint.	Completed
	ii.	Finalized standards and guidelines for investigation activities and timelines, including benchmarks/targets and escalation triggers.	Completed



Action Item:	10.c	Investigations are monitored against established guidelines/benchmarks, and significant deviations from standards are identified and followed-up on.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	December 2023	
Steps to address recommendation	i.	Monthly reporting process established to allow for file review. Completed
	ii.	Established reporting requirements to allow the progress of investigations to be monitored by management and acted upon if necessary. Completed
Action Item:	10.d	Implement a process to periodically review investigation files to determine if they are complete and result in appropriate enforcement action, and to take corrective action where necessary.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	December 2023	
Steps to address recommendation	i.	Drafted standard operating procedure for investigations to define reporting requirements that facilitate oversight of investigations. Completed
	ii.	Incorporated manager review of investigation files for adhering to the standard operating procedure as part of ongoing monitoring. Completed

RECO Response to Recommendation 10 from the Auditor General’s November 2022

report: Within the next two years, RECO will develop policies, procedures, and checklists to guide the effective administration of the investigations program. RECO will also implement an investigation oversight process that includes new procedures, monitoring of file completeness, progression, and enforcement outcomes, and follow-up coaching as necessary. RECO will implement guidelines and other performance metrics to support the new policy and procedures throughout 2023 and 2024.



Recommendation 11

So that its registrants are sufficiently deterred from contravening Ontario Regulation 580/05—Code of Ethics (Code of Ethics) when conducting real estate transactions with consumers, we recommend that the Real Estate Council of Ontario (RECO):

Action Item:	11.a	Create and implement a formal fining framework to guide RECO’s Discipline Committee on the appropriate dollar value of penalties to issue to registrants for contraventions of the Code of Ethics, taking into consideration the severity of the contravention.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	
Steps to address recommendation	i.	Conducted a jurisdictional scan of leading practices regarding sanctioning guidelines.	Completed
	ii.	Based on research, developed sanctioning framework and guidelines that may be considered by RECO's Discipline Committee in its decision-making.	Completed
	iii.	Provided training/orientation to Discipline Committee on the sanctioning framework and guidelines.	Completed
	iv.	Made sanctioning framework available to Discipline Committee.	Completed
Action Item:	11.b	As part of this framework, take into consideration the amount of remuneration earned on the corresponding real estate transaction by registrants when determining the appropriate dollar value of penalties to be issued.	
Overall Status	<input checked="" type="checkbox"/>	Completed	
Target Completion Date		December 2023	



Steps to address recommendation	i. Developed procedures and guidelines for complaints program staff to obtain and record information in complaint file regarding remuneration earned on corresponding trade.	Completed
	ii. Incorporated guidelines for consideration of the amount of remuneration earned (where applicable) into the sanctioning framework.	Completed
	iii. Created training material, scheduled training sessions and conducted training sessions with compliance supervisors to review updated policy and guideline.	Completed

RECO Response to Recommendation 11 from the Auditor General’s November 2022 report: RECO will develop sanctioning guidelines for the types of penalties it will seek, with the understanding that the discipline committee will continue to have the authority to order fines, and the additional authority to suspend and revoke registrations, within its legislative authority as of April 1, 2023⁴. In developing guidelines for the penalties, it will seek when pursuing disciplinary action, RECO will take into consideration whether the registrant suffered or gained as a result of the breaches when considering an appropriate penalty.

Recommendation 12

So that disciplinary cases and decisions are handled and completed in a timely manner, we recommend that the Real Estate Council of Ontario (RECO):


Action Item:	12.a Identify and track the reason for scheduling a pre-hearing beyond the 45-day requirement under the Discipline Committee’s Rules of Practice.		
Overall Status	<input checked="" type="checkbox"/> Completed		
Target Completion Date	April 2023		
Steps to address recommendation	<table border="1"> <tr> <td>i. Enhanced the existing tracking sheet to record any delays with reasons in scheduling pre-hearing beyond the 45-day requirements.</td> <td>Completed</td> </tr> </table>	i. Enhanced the existing tracking sheet to record any delays with reasons in scheduling pre-hearing beyond the 45-day requirements.	Completed
i. Enhanced the existing tracking sheet to record any delays with reasons in scheduling pre-hearing beyond the 45-day requirements.	Completed		

⁴ Please note that the in-force date for regulatory changes allowing RECO to suspend and revoke registrations was delayed to December 1, 2023.



Action Item:	12.b Where practical, take steps to reduce the time it takes to schedule a pre-hearing.
Overall Status	<input checked="" type="checkbox"/> Completed
Target Completion Date	September 2023
Steps to address recommendation	<ul style="list-style-type: none"> i. Developed reporting on analysis of causes of any delays for pre-hearings. Completed ii. Revised process to ensure no delays in providing prospective dates to internal litigation team for pre-hearings. Completed iii. Took steps to address/reduce delays if practical, where under RECO's control. Completed
Action Item:	12.c Establish a target for the amount of time it should take for RECO to schedule the main hearing before the Discipline Committee and assess performance against this target.
Overall Status	<input checked="" type="checkbox"/> Completed
Target Completion Date	December 2023
Steps to address recommendation	<ul style="list-style-type: none"> i. Completed jurisdictional scan to establish a target time period for RECO to schedule main hearing, tracked time taken to complete key steps from beginning of process to hearing date, and added fields to tracking sheets to capture time taken to complete key steps from the issuance of an allegation statement to the hearing date. Completed ii. Following analysis, established a target for the time it should take RECO to schedule the main hearing before the Discipline Committee and assess performance against this target. Completed
Action Item:	12.d Establish a target for how long it should take for the issuance of the final decision and assess performance against this target.




Overall Status	 Completed
Target Completion Date	December 2023
Steps to address recommendation	<ul style="list-style-type: none"> i. Produced report to review existing data regarding time to issue final decision. Completed ii. Based on report, established a target for how long it should take for the issuance of a final decision. Completed

RECO Response to Recommendation 12 from the Auditor General’s November 2022 report: RECO is committed to providing timely hearings and will take steps to improve the efficiency of its discipline hearing process by establishing relevant performance targets for the scheduling of pre-hearings and hearings and releasing decisions.

Recommendation 14

To increase transparency and enhance consumer protection in real estate transactions involving offers from multiple prospective buyers, we recommend that the Ministry of Public and Business Service Delivery work with the Real Estate Council of Ontario to:

Action Item:	14.a	Once legislative changes come into effect, gather information from brokerages on residential sales in which sellers opt for an open-offer process, and assess the impact of the process on these transactions and the industry.
Overall Status	 In Progress	
Target Completion Date	July 2025	
Steps to address recommendation	<ul style="list-style-type: none"> i. Work with the Ministry to establish data and information to be obtained from brokerages that would support the analysis of the impact of the process on transactions and the industry. To be completed ii. Gather sector feedback on how to obtain identified data/information. To be completed 	



	iii.	Communicate to the sector the final data/information set to be obtained from registrants including timing and process for remittance.	To be completed
	iv.	Develop internal systems and processes, including IT solution if necessary, for analyzing data/information and summarizing findings.	To be completed
	v.	Train inspections staff.	To be completed
Action Item:	14.b	Explore alternatives to the current blind bidding process, including practices adopted or that may be adopted by other jurisdictions such as British Columbia.	
Overall Status	<input checked="" type="checkbox"/>	Completed (August 2024)	
Target Completion Date		January 2028 (Revised from January 2026)	
Steps to address recommendation	i.	The Ministry undertook a review and analysis of the offer process.	Completed
	ii.	As a result of the review, a decision was made for the Ministry to not pursue alternatives to the current process ⁵ that came into effect on December 1, 2023.	Completed

RECO Response to Recommendation 14 from the Auditor General’s November 2022

report: RECO will work with the Ministry to monitor and assess the impact of the legislative changes that will permit sellers to opt for an open-offer process when working with a brokerage. The monitoring will begin after the legislative changes have taken effect in April 2023⁶.

⁵ Effective December 1, 2023, registrants are permitted to share the substance of competing written offers (excluding personal or confidential information) with every person who is making one of the offers, at the discretion of the property seller.

⁶ Please note that the in-force date for regulatory changes allowing RECO to monitor and assess the impact of legislative changes was delayed to December 1, 2023.



Recommendation 16

To ensure brokerages are complying with the legislative and regulatory requirements, we recommend that the Real Estate Council of Ontario incorporate a step in its inspection process to confirm that the required offer documents are being retained by brokerages.

Action Item:	16.a	Incorporate a step in its inspection process to confirm that the required offer documents are being retained by brokerages.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	September 2023	
Steps to address recommendation	i.	In the inspections standard operating procedure, set out the scope and methodology for determining the inspections for which it would be most effective and efficient to assess the retention of offers. Completed

RECO Response to Recommendation 16 from the Auditor General’s November 2022 report: RECO will consider the scope and methodology of the inspections in which it would be most appropriate and effective to assess the retention of offers, when developing its new inspection program.

Recommendation 17

To reduce the risk to buyers when purchasing a property, we recommend that the Ministry of Public and Business Service Delivery work with the Real Estate Council of Ontario to explore opportunities to introduce homebuyer protections such as a cooling off period.

Action Item:	17.a	The Ministry work with the Real Estate Council of Ontario to explore opportunities to introduce homebuyer protections such as a cooling off period.
Overall Status	<input checked="" type="checkbox"/>	Completed (August 2024)
Target Completion Date	January 2028 (Revised from December 2024)	



Steps to address recommendation	i. The Ministry undertook a review and analysis of a potential proposal for a cooling off period for resale real estate transactions.	Completed
	ii. As a result of the review, a decision was made for the Ministry to not pursue a cooling off period for resale real estate transactions.	Completed

RECO Response to Recommendation 17 from the Auditor General’s November 2022 report:

RECO will work with the Ministry to assess the impact of the legislative changes coming into force in Ontario in April 2023⁷, along with those in other jurisdictions, including the cooling off period that will come into effect in British Columbia in 2023.

Recommendation 19

So that deposits held by brokerages that remain unclaimed for two years are remitted to the Real Estate Council of Ontario (RECO) on a timely basis, as required by the *Real Estate and Business Brokers Act, 2002*, we recommend that RECO:

Action Item:	19.a Implement a process to collect on an annual basis information on unclaimed deposits held by brokerages.	
Overall Status	 In Progress	
Target Completion Date	January 2025 (Revised from December 2023)	
Steps to address recommendation	i. Developed and implemented a process to biennially collect details of unclaimed trust monies from brokerages. ⁸	To be completed
	ii. Communicate with brokerages on criteria, process, and timing for information on unclaimed trust monies to be submitted. ⁹	To be completed
	iii. Train registration staff.	To be completed

⁷ Please note that the in-force date for regulatory changes allowing RECO to assess impact of the legislative changes was delayed to December 1, 2023.

⁸ Effective August 2023, brokerages must report any unclaimed trust monies in biennial renewal applications. Reporting of unclaimed trust monies will become annual in 2025.

⁹ As above.



Action Item:	19.b	Put in place a process to follow up with brokerages that fail to remit unclaimed deposits to RECO on a timely basis.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	July 2023	
Steps to address recommendation	<ul style="list-style-type: none"> i. Developed and implemented a process to follow-up with brokerages that have failed to remit unclaimed trust monies. ii. Sent e-blast advising brokerages that a new unclaimed trust money process has been put in place. iii. Trained inspectors and registration staff. 	<p>Completed</p> <p>Completed</p> <p>Completed</p>
Action Item:	19.c	Include steps in its inspections to verify that brokerages' annual reporting on unclaimed deposits held is accurate.
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	December 2023	
Steps to address recommendation	<ul style="list-style-type: none"> i. Developed procedures for inspectors to verify accuracy of brokerage reporting on unclaimed trust monies. ii. Inspectors documented and verified the accuracy of brokerages' reporting on unclaimed trust money held by the brokerage. iii. Trained staff as needed. 	<p>Completed</p> <p>Completed</p> <p>Completed</p>
Action Item:	19.d	Implement a protocol to follow up on inspections that find outstanding unclaimed deposits to ensure amounts are subsequently remitted to RECO.
Overall Status	<input checked="" type="checkbox"/>	Completed



Target Completion Date	July 2023
Steps to address recommendation	<ul style="list-style-type: none"> i. Developed and implemented a process for inspectors to refer brokerages that fail to remit unclaimed trust monies to registrations staff for follow-up. Completed

RECO Response to Recommendation 19 from the Auditor General’s November 2022 report:

RECO will develop new brokerage reporting requirements, including the reporting of unclaimed deposits held by brokerages. Since the audit began, RECO has put in place a process to follow up on brokerages holding unclaimed monies identified in inspections since 2017 and will put in place a process to follow up with brokerages that fail to remit unclaimed deposits on a timely basis moving forward. RECO will also include a step in its inspection program to verify that reporting to RECO on unclaimed deposits is accurate.

Recommendation 20

So that prospective buyers and sellers of real estate are aware of the Real Estate Council of Ontario’s (RECO) available services, we recommend that RECO work with the Ministry of Public and Business Service Delivery to develop an information package outlining available consumer protections, and require all registrants to provide this information to real estate buyers and sellers when they make an agreement to represent the buyer or seller in a real estate transaction.

Action Item:	20. Develop an information package outlining available consumer protections, and require all registrants to provide this information to real estate buyers and sellers when they make an agreement to represent the buyer or seller in a real estate transaction.
Overall Status	<input checked="" type="checkbox"/> Completed (November 2023)
Target Completion Date	December 2023
Steps to address recommendation	<ul style="list-style-type: none"> i. Developed information guide, with input from Ministry and sector and posted information guide on RECO’s website. Completed

RECO Response to Recommendation 20 from the Auditor General’s November 2022 report:



RECO is currently working on developing an information guide that registrants will be required to provide to buyers and sellers beginning April 1, 2023.¹⁰

¹⁰ Please note that the in-force date for regulatory changes requiring RECO to develop and publish an information guide was delayed to December 1, 2023.





Recommendation 21

To improve the Real Estate Council of Ontario’s (RECO) effectiveness in identifying consumer risks and providing sound evidence-based policy advice to the Ministry of Public and Business Service Delivery (Ministry) to address such risks, we recommend that RECO:

Action Item:	21.a	Reference best practices in other jurisdictions to identify the transaction information that it should collect from brokerages.	
Overall Status		In Progress	
Target Completion Date		June 2025 (Revised from July 2024)	
Steps to address recommendation		<ul style="list-style-type: none"> i. Complete jurisdictional scan to assess leading practices and identify data/information to be obtained from brokerages. ii. Seek input from sector/ministry on proposed data/information to be obtained. iii. Communicate to the sector the data/information set to be obtained from brokerages including timing and process for remittance. 	<ul style="list-style-type: none"> To be completed To be completed To be completed
Action Item:	21.b	Put in place a process to periodically collect such transaction information from brokerages.	
Overall Status		In Progress	
Target Completion Date		December 2025 (Revised from December 2024)	
Steps to address recommendation		<ul style="list-style-type: none"> i. Develop internal systems and processes, for obtaining and analyzing data/information received from brokerages. 	<ul style="list-style-type: none"> To be completed



Action Item:	21.c Analyze the information collected to develop and provide evidence-based policy recommendations for the Ministry’s review and consideration.
Overall Status	 In Progress
Target Completion Date	December 2026 (Revised from December 2025)¹¹
Steps to address recommendation	<ul style="list-style-type: none"> i. Analyze the information gathered. To be completed ii. Based on analysis, develop policy recommendations. To be completed iii. Make recommendations to the ministry for consideration for legislative and/or regulatory changes. To be completed
Action Item:	21.d Use this information to inform its brokerage inspection process.
Overall Status	 In Progress
Target Completion Date	January 2027 (Revised from January 2026)¹²
Steps to address recommendation	<ul style="list-style-type: none"> i. Based on analysis, update risk-based inspections policies and procedures. To be completed

¹¹ The target completion dates of 21a and 21b were previously revised to allow RECO time to conclude a jurisdictional scan, including an assessment of newly announced data collection in B.C., and to seek sector input; the timeline has been affected by the sector’s focus on implementation of recent legislative and regulatory changes. The target completion date of 21c has been updated to reflect its dependency on the completion of 21a and 21b.

¹² The target completion dates of 21a and 21b were previously revised to allow RECO time to conclude a jurisdictional scan, including an assessment of newly announced data collection in B.C., and to seek sector input; the timeline has been affected by the sector’s focus on implementation of recent legislative and regulatory changes. The target completion date of 21d has been updated to reflect its dependency on the completion of 21a and 21b.



RECO response to recommendation 21 from the auditor general’s november 2022 report: RECO’s ability to make sound, evidence-based recommendations will be enhanced by the new legislative authority to collect additional information from registrants, effective April 2023¹³. Thereafter, RECO will work to put in place a process to periodically collect transaction and other information from brokerages, and to use that information to both provide evidence-based recommendations to the Ministry and to inform its own processes, including brokerage inspections.

Recommendation 22

So that the Real Estate Council of Ontario (RECO) can effectively meet its mandate and operate on a cost-recovery basis in accordance with its administrative agreement with the Minister of Public and Business Service Delivery, we recommend that RECO:

Action Item:	22.a	Assess its current operations to identify where additional resources are required to improve its administration and enforcement of the <i>Real Estate and Business Brokers Act, 2002</i>.
Overall Status	<input checked="" type="checkbox"/>	Completed (November 2023)
Target Completion Date		December 2023
Steps to address recommendation	i.	Undertook assessment to review additional resources required to address new initiatives and ensure implementation of OAGO recommendations. Completed
	ii.	Conducted a secondary assessment of the initiatives and resources required to meet RECO’s strategic objectives. Completed
	iii.	Continued to use business case process for any additional hiring to confirm resource requirements throughout the year and at budget time. Completed
	iv.	Through regular business planning and budgeting activities, monitored resource requirements. Completed

¹³ Please note that the in-force date for the changes allowing RECO to collect additional information from registrants was delayed to December 1, 2023.



Action Item:	22.b Use the results of this assessment to allocate resources where required and to adjust its fee reduction plan accordingly.	
Overall Status	<input checked="" type="checkbox"/>	Completed
Target Completion Date	November 2023	
Steps to address recommendation	<ul style="list-style-type: none"> i. Based on assessment in 22.a, reviewed RECO’s fee structure with the additional resources required. No further adjustments to fee structure are required as RECO is expected to sustain business activities with current fees. ii. Continued to provide quarterly reports to the Board on actual financial performance against budget, quarterly forecasts and comparison to budget, and assessments of recommended actions, including if additional fee increases are needed. iii. Continued to use the resource planning and budgeting/planning process to ensure adequate resources are in place. iv. Through regular budgeting, reviewed any necessary fee adjustments in accordance with the Administrative Agreement. 	<p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Completed</p>



RECO Response to Recommendation 22 from the Auditor General’s November 2022

report: RECO will review the observations in the Auditor General’s report in its assessment of its current operations to identify areas where additional resources may be required to improve its administration and enforcement of the *Real Estate and Business Brokers Act, 2002*. RECO will use the results of this assessment to allocate resources where they are required, and to adjust its budgets accordingly.



Recommendation 24

So that the Real Estate Council of Ontario’s (RECO’s) consumer advisory process effectively provides independent and sound advice to RECO’s Board of Directors on issues of importance to consumers, we recommend that the Ministry of Public and Business Service Delivery:

Action Item:	24.a	Work with RECO to amend the administrative agreement to require RECO’s Board to periodically provide the Minister of Public and Business Service Delivery with reports on RECO’s consumer advisory process.	
Overall Status		In Progress	
Target Completion Date	April 2026 (Revised from December 2024)		
Steps to address recommendation	i.	Work with the Ministry to negotiate proposed updates to the administrative agreement.	To be completed
Action Item:	24.b	Enforce the requirement in the administrative agreement for RECO to publicly report on the activities and advice generated by its consumer advisory process in its annual report.	
Overall Status		Completed	
Target Completion Date	June 2023		
Steps to address recommendation	i.	Published a report on the activities and advice generated by the consumer advisory process in the RECO 2022 Annual Report.	Completed
	ii.	Developed a procedure with the Consumer Industry Advisory Group for defining and reporting on the consumer advisory process.	Completed
	iii.	Ratified the standard operating procedure with the Consumer and Industry Advisory Group and shared with Ministry.	Completed


RECO Response to Recommendation 24 from the Auditor General’s November 2022

report: RECO will work with the Ministry as it considers options for updating RECO’s consumer advisory process.



Recommendation 25

So that the Ministry of Public and Business Service Delivery (Ministry) can effectively monitor the Real Estate Council of Ontario’s (RECO’s) performance in protecting consumers and regulating the real estate sector, we recommend that the Ministry work with RECO to revise the performance indicators the Ministry uses to monitor RECO’s performance to include indicators that more closely monitor RECO’s operations, including in the areas of inspections, investigations, disciplinary action and its compliance with the requirement to operate on a cost-recovery basis.

Action Item:	25.a	Work with RECO to revise the performance indicators the Ministry uses to monitor RECO’s performance to include indicators that more closely monitor RECO’s operations, including in the areas of inspections, investigations, disciplinary action and its compliance with the requirement to operate on a cost-recovery basis.
Overall Status		In Progress
Target Completion Date	December 2024	
Steps to address recommendation	i. Collaborate with the ministry to revise the performance measures the ministry uses to monitor RECO's performance.	To be completed

RECO Response to Recommendation 25 from the Auditor General’s November 2022 report: The Ministry will work with the Real Estate Council of Ontario (RECO) to revise the indicators the Ministry uses to monitor RECO’s performance, informed by the Auditor General’s recommendation.