

Pending Severance

ITSO MLS® Rules allow lots pending severance on the MLS® System. Member Associations should still check the points below so those listings comply with the rules.

Legal description

Rule 2.08(c): an MLS® Listing cannot be accepted if mandatory fields are incomplete. Legal Description is mandatory. Do not leave it blank. Do not enter “tbd.”

Rule 2.06(b): the Listing Brokerage is responsible for accurate MLS® data. The Association must keep data to a reasonable quality standard. Do not enter “see geowarehouse” or “tbd” in Legal Description.

Common scenarios

Builder developing a neighbourhood. The listing must attach to a specific lot. It cannot be a house model with no lot. As soon as lot numbers exist, enter a legal description. The listing REALTOR® should be able to get it from the builder.

Whole parcel for sale; severance already applied. Use the legal description for the full plot so buyers can run due diligence (for example a lien search).

Only part of the land will sell after severance. Still enter a Legal Description. Use the description for the land being severed, and say in remarks which portion is to be severed so buyers know what to look for.

Seller authority and indemnity

If severance is not approved when the listing goes live, treat that as a risk. Rule 10.01(b): by submitting an MLS® Listing, the Listing Brokerage warrants to the Association, ITSO, and Members that it owns the listing, may publish the Content, and has a valid MLS® Listing Agreement with the Seller. Confirm the Seller can sell that parcel.

If the property sells and severance fails, litigation can follow. Rule 10.01(c): if a Member Association or ITSO is sued because the listing was published, the Listing Brokerage must indemnify them.

Tips

- “Pending severance” in remarks does not replace a real Legal Description or PIN.
- For new-build PIN and image rules, see Preconstruction Listings.
- For the full rules, see the ITSO MLS® Rules (Rules 2.06, 2.08, and 10.01).

Source: <https://support.itsosystems.ca/kb/402>