

Special Agreements and Special Offer Conditions

A Special Agreement is an arrangement that changes the standard Listing Agreement or the compensation offered on the MLS® Listing. A Special Offer Condition is any arrangement between the Listing Brokerage and the Seller about how Offers should be handled. Both must be flagged on the listing so other Members know to ask for details.

When to set Special Agreement to Yes

Set Special Agreement to Yes under the Listing Brokerage information section of a new listing in these cases:

- The OREA or ITSO Listing Agreement has been modified. This means more than filling in the blanks. Sections may be crossed out or removed, or text in the non-fillable parts may be changed. This is common on bank or power of sale listings. Note that a modified Listing Agreement exists in Private Remarks.
- The commission offered to a Buyer Brokerage may change from what is shown on the MLS® Listing. For example, a named buyer is excluded from the Listing Agreement, and no commission is payable if that buyer purchases. This can be a tenant, a friend, a family member, or a neighbour of the Seller who has shown interest. Note that a special agreement that would change the commission exists in Buyer Brokerage Compensation Remarks.
- Other circumstances could affect a Member's or Buyer Brokerage's ability to complete the Trade or earn the compensation offered. Note that a special agreement exists in an appropriate place on the listing.

Details of the agreement

You do not have to add the details of the agreement to the listing. You must disclose those details to buyer representatives if they ask for them.

Special Offer Conditions

A Special Offer Condition is any arrangement or stipulation between the Listing Brokerage and the Seller about the conditions of an Offer. A Buyer Brokerage should consider it when preparing an Offer or an agreement to Trade.

Examples include:

- Delayed offer circumstances
- Information a landlord has said is required for a rental application

- Seller requirements for irrevocable periods
 - The Seller wants the contents of submitted Offers shared with other parties
- Put these details in Offer Remarks on the MLS® Listing.

Tips

- Set Special Agreement to Yes whenever the Listing Agreement is changed beyond the fillable fields, or when the offered commission may not apply in full.
- Flag the existence of the agreement. You do not have to paste the full text into the listing.
- Put modified Listing Agreement notes in Private Remarks. Put commission change notes in Buyer Brokerage Compensation Remarks.
- Put every Special Offer Condition in Offer Remarks, including delayed offers and offer sharing.
- If a buyer representative asks for details, disclose them.
- For the full rules, see the ITSO MLS® Rules and ITSO MLS® Policies.

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