

20 June, 2020



Real estate transactions can now legally be conducted on Sundays in New Brunswick, following Royal Assent of legislation that included changes to the *Days of Rest Act* and Exemptions Regulation.

Working with real estate boards in the province, this issue was first raised by the New Brunswick Real Estate Association two years ago, when a review of the regulations discovered ambiguities between the legislation and the regulations. The regulations made New Brunswick the only province in Canada where real estate transactions could not be completed legally on a Sunday.

The *Days of Rest Act* and Exemptions Regulation had previously allowed the viewing but not the selling of real estate on Sundays. The original legislation had been passed more than 40 years ago, before Sunday shopping and seven-day-a-week commerce was introduced in the province.

In proposing the revision, NBREA research noted that the vast majority of Open Houses were scheduled on weekends, which left REALTORS(r) in the province in “limbo” if a client wanted to sign a contract after visiting a home on a Sunday. There was a risk that an Agreement of Purchase and Sale for the transaction of real estate could be found by a court to be unenforceable, simply because the contract was signed on a Sunday.

In a 2019 survey of REALTORS(r) in the province, 62 per cent of respondents said they had frequently or occasionally signed and dated a listing agreement for a Sunday. Just over 68 per cent said that, in the past two years, they had frequently or occasionally presented offers to sellers that had been submitted by other REALTORS, and dated on a Sunday.

The legislation to update the regulations was introduced in the provincial legislature by the Minister of Environment and Local Government, Jeff Carr in November 2019. It went through the legislative committee process in March of this year, and was passed after third reading earlier this month. The changes were given Royal Assent on June 18th. Special thanks in particular must go out to the NBREA Government Relations team who worked hard on this file for last two years.

