

Legislative Modernization: Focus Group Feedback Summary

This report summarizes the key themes from member feedback gathered during six NBREA Legislative Modernization focus groups held between August and October 2024.

I. Introduction and Purpose

NBREA is embarking on a significant project to modernize its legislation, which was last updated in 1994. Focus groups were organized to gather member feedback on proposed changes to the Act, highlighting advancements in the field and the evolution of real estate from an industry to a recognized profession.

All members were invited to participate in one of six three-hour focus groups held between August and October 2024. A total of 60 members from all regions of the province signed up for these sessions, representing a diverse mix of licensees, including agents, managers, and salespersons.

During the sessions, focus group participants were introduced to – and then asked to weigh in on – five key areas of the proposed modernized legislation: governance, professional standards committee, complaints & discipline, and fines.

Focus Group Facts

- **Representation:** Having every representation from all regions and membership categories ensured diverse perspectives.
- **Participation Rate:** Six sessions were scheduled from August to October, and all members were invited to participate. Of the 60 members who signed up, 45 attended, and one requested a video recording of the session they had to miss. To ensure members have an ample opportunity for participation, a video recording of the session and this summary report will also be shared on NBREA.ca’s legislation project pages
- **Group Size:** The Focus groups – which were limited to less than 10 members per session - provided a valuable opportunity for in-depth, qualitative feedback, including detailed discussions and nuanced insights.

Survey

- In addition to the focus groups, all members were provided with an opportunity to complete a legislative modernization project survey, a link to which resides on NBREA.ca's legislation project pages. The survey results will provide quantitative data to complement the enhance the qualitative data from the focus groups.

II. Governance Modernization

Topic Summary

Proposed modernization includes updating terminology to reduce confusion and reflect modern practices. The shift from "Board of Directors" to "Council" and "President" to "Chair" aims to clarify roles. A new method for ensuring regional representation must be considered due to the amalgamation of local real estate boards. Finally, members were asked for their feedback on the idea of Council members electing the leadership positions (Chair, Vice Chair) – while the members continued to elect the members of Council themselves – rather than the membership as a whole.

Feedback Summary

Across all focus groups, feedback on these proposed updates was generally positive, with concerns expressed about ensuring continued regional representation and diverse perspectives. Participants emphasized the importance of balancing regional knowledge with province-wide representation.

III. Professional Standards Committee

Topic Summary

A new Professional Standards Committee is proposed to create and clarify standards for the profession. It would consist of four members and one public representative, tasked with identifying emerging trends and drafting new standards. The committee would address issues such as offer presentations, dual agency, showing etiquette, and training for new REALTORS®.

Feedback Summary

Members strongly supported this initiative, citing the need to address issues like common courtesy, professionalism, and standardized practices. Specific areas mentioned for potential standards include multiple offer practices, buyer agency, offer presentations and rejections, dual agency, mandatory job shadowing, and showing etiquette.

IV. Complaints and Discipline Process

Topic Summary

Proposed updates to the complaints and discipline process include increased transparency in sharing discipline decisions, allowing proactive investigations by the Registrar, and giving the Registrar power to suspend membership in serious cases. New powers for the complaints committee include dismissing frivolous complaints, issuing minor sanctions, and requiring medical or psychological assessments when necessary.

Feedback Summary

As a whole, the focus groups conveyed consensus in favor of the modernized Legislation. Participants' questions and concerns were less about the wording of the proposed Act and more about how specific sections might be interpreted to ensure fairness, due process, and proportionality. Discussions highlighted the need for clear guidelines, such as robust bylaws and policies, to provide clarity on certain provisions. Staff assured participants that these supporting measures would be developed as part of the implementation process.

V. Proposed New Fine Structure

Topic Summary

The new fines structure proposes increasing maximum fines to \$25,000 per offense with a total aggregate of \$100,000.

Feedback Summary

Discussions centered on ensuring fines are proportional to offenses (escalating for more serious offences), serve as effective deterrents, and remain enforceable even when practitioners are no longer members.

VI. Additional Topics and Concerns

In addition to the prepared content presented to, and discussed by, focus group participants, each session also provided an opportunity for general discussion about additional topics that may be of concern to the members.

Feedback Summary

Members raised concerns about manager oversight, training for new REALTORS®, the impact of technology on the profession, and balancing NBREA's regulatory and membership advocacy/service roles.

In addition, there was a suggestion in one group that a central registry for registered offers could be developed to ensure transparency in multiple offer situations.

And, while not directly part of the *Act* modernization, discussions touched on related educational needs, including developing more comprehensive training for new REALTORS® and creating clearer guidelines for managers' responsibilities with training and oversight. There was support for ensuring that continuing education was designed to address emerging issues in the profession, and that new ways continue to be explored to improve professionalism and ethical standards through education.

Participants discussed how technological advancements and market changes are impacting the profession, expressing concern for the creation of standards around the use of new technologies such as artificial intelligence and the changing role of managers with larger teams operating under an agency umbrella.

VII. Future Direction & Conclusion

Throughout the meetings, there was a consistent theme of the need to elevate the profession's standards, improve accountability, and adapt to changing market conditions. The proposed modernization of the NBREA Act was widely seen as a positive step towards addressing these challenges, with participants providing valuable feedback for refining and implementing the proposed changes.

Future Direction: Bylaw & Policy

The following items were raised as priorities in developing bylaws and policies to complement the draft Act:

- Finalize terminology changes for governance structure (Council, Chair).
- Develop a process for board members positions that have a regional representation component.
- Draft Terms of Reference for the Professional Standards Committee.
- Create guidelines for proactive investigations by the Registrar.
- Establish clear criteria for interim membership suspensions.
- Develop a clear process for dismissing frivolous complaints.
- Create guidelines for issuing minor sanctions by the complaints committee.
- Establish detailed protocols for requiring medical or psychological assessments.
- Consider a comprehensive training program for new REALTORS® and managers, or task the Professional Standards Committee with this challenge.
- Create a communications plan to inform members about proposed changes.
- Schedule additional focus groups or feedback sessions as needed in particular on draft bylaws and related policies.

Conclusion

Feedback from the focus groups affirmed that the draft Act is on the right track. The development of detailed bylaws and policies will provide further clarity to support its implementation. Once the bylaws are drafted, NBREA staff will conduct another round of focus groups to gather additional member input. Meanwhile, preparations will continue for the submission of the updated Act to the provincial legislature.