

Annette Schattenkirk

# Real Estate Salespeople: Have You Ever Been Involved in a Real Estate Dispute?



**T**hink back to a recent real estate dispute.

Was it over business practices, ethics, commission, or an infraction of the *Real Estate Services Act*? Was it a disgruntled client or fellow associate?

Were you put in the unfortunate position of having to be investigated—or worse, having to appear before an arbitration hearing with your peers at the tribunal? Or did you need to seek the services of a lawyer or go to Small Claims Court?

If so, please answer this question honestly: *Did you feel that all parties involved in the dispute left feeling that the process served them well and was handled in a fair, impartial, and timely manner?*

Most people involved in a real estate dispute would agree they did not go away from the process feeling completely satisfied and that their needs and interests were heard or met.

Conflicts in the real estate industry are simply part of doing business. They can arise for many reasons—perhaps a buyer or seller feels he or she sold low or bought high in a rising or falling marketplace or a sales representative made a mistake in the sales contract or a client erred on the disclosure statement. The end result is a dispute.

Most Licensees waiting for a dispute to be resolved find the stress and fear of the outcome greatly affects their real estate business, resulting in loss of income. Clients find their stress prevents them from pursuing the more positive aspects of their daily lives.

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As most Licensees and their clients have discovered, the dispute does not go away. It gets worse. It escalates. Memories grow dim and relationships deteriorate, resulting in a written complaint to the Real Estate Board or the Real Estate Council or the parties seeking other possible legal remedies.

### Tips for Handling a Dispute

1. Handle it immediately.
2. If possible, meet face to face or, if necessary, by telephone. Forget voicemail or email.
3. Work together to resolve the issues. Be cooperative, compromising, and creative. Confirm your willingness to reach an agreement. It's not easy to handle a dispute when

you are emotionally involved or have a personal agenda—possibly a commission or your reputation. A manager might need to make a decision that means losing one of his or her salespeople. When verbal or physical abuse may become a factor, perhaps safety is an issue.

4. Be willing to admit you need help from an **impartial** third party to assist you in coming to agreement.

Many highly trained and skilled mediators can assist in most real estate disputes. Mediation has proven extremely successful because it is voluntary. Most parties feel they have some control over the outcome, as opposed to having a decision imposed on them by more adversarial methods.

Mediation generally saves time, money, stress, and reputations—and it can preserve relationships. ▲

**Annette Schattenkirk** is a trained mediator and arbitrator with Okanagan Mediation and Dispute Resolution, an Associate Broker with Landquest Realty-Okanagan, a member of the BC Mediator Roster Society and the BC Arbitration and Mediation Institute, and a member of the South Okanagan Real Estate Board.

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