

CT-2011-003

COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

IN THE MATTER OF an application by the Commissioner of Competition pursuant to section 79 of the *Competition Act*;

AND IN THE MATTER OF certain rules, policies and agreements relating to the residential multiple listing service of the Toronto Real Estate Board.

B E T W E E N :

COMPETITION TRIBUNAL
TRIBUNAL DE LA CONCURRENCE

RECEIVED / REÇU
CT-2011-003
August 23, 2012

Jos LaRose for / pour
REGISTRAR / REGISTRAIRE

OTTAWA, ONT

197

THE COMMISSIONER OF COMPETITION**Applicant****AND****THE TORONTO REAL ESTATE BOARD****Respondent****AND**

**THE CANADIAN REAL ESTATE ASSOCIATION and
REALTYSELLERS REAL ESTATE INC.**

Intervenors

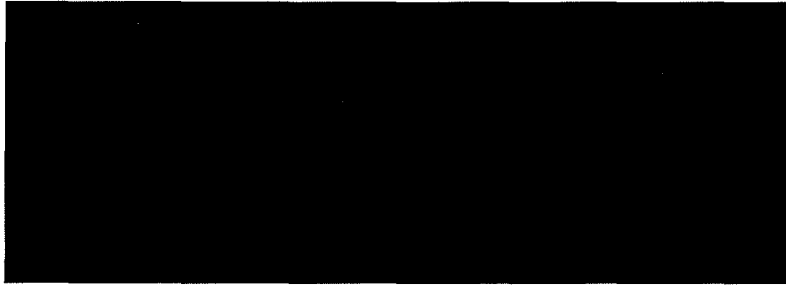
**WITNESS STATEMENT OF TIMOLEON SYRIANOS
- ULTIMATE REALTY INC. -**

I, TIMOLEON SYRIANOS, of the City of Toronto, state as follows:

1. I have been engaged full time as a real estate broker in the Greater Toronto Area ("GTA") since 1989.
2. In 2007 I became the principal owner and President of Ultimate Realty Inc which is a brokerage in the GTA that is a RE/MAX franchisee engaged in the purchase and sale of residential properties on behalf of consumers. Ultimate Realty Inc. has two offices in the

GTA, namely, 1739 Bayview Avenue and 1272 Dundas Street West. I am the broker of record for Ultimate Realty Inc.

3. I have been a member of The Toronto Real Estate Board (“TREB”) since I became a real estate professional in 1989. Over the last year I have been a member of TREB’s Virtual Office Website Task Force. As of July 1, 2012 I was elected a director of TREB for the Central Area of the GTA. I was proud to be so elected and consider my mandate as a director to serve all members of TREB and to improve the professionalism of the real estate industry.
4. Ultimate Realty Inc. (hereafter “Ultimate”) has some 180 salespersons acting on its behalf. In addition, it employs three managers and office staff. All 180 salespersons are independent contractors. The managers as well as myself are tasked with providing the salespersons with continuous educational programs as well as educational materials and a weekly publication. One manager is in charge of areas relating to privacy and the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) and the others concentrate on matters arising under the *Ontario Real Estate and Business Brokers Act, 2002* and its Regulations, including the Code of Ethics, and matters related to TREB. Ultimate considers the education of its salespersons to be a value proposition that puts them in a position to advise an individual that consults them about a possible real estate transaction about matters such as market conditions, factors that influence value, the manner in which a salesperson can facilitate the entire transaction and the marketing of the property.
5. The salespersons acting on behalf of Ultimate are remunerated in relation to the commissions paid to Ultimate on transactions completed by them. The salesperson may choose one of the following methods of compensation:



6. It is my experience that while people interested in purchasing or selling a residential property may initially turn to the internet for general information, they most often complete their search in the office of a real estate brokerage. At that stage, Ultimate's salesperson confirms the nature of a brokerage and how it operates to them and then notes the wants and needs of the individual all with the view to having the individual execute a listing agreement, a customer service agreement or buyer representation agreement. It is common for individuals to be concerned about privacy and as a consequence Ultimate's salespersons have been trained to explain the provisions of a listing agreement and a buyer representation agreement as they pertain to privacy and to explain to a potential purchaser how privacy relates to a purchase.
7. The sale or purchase of residential real estate is the type of transaction/investment that requires a human touch. Searching the internet for information is one thing, implementing what in 2012 can be a complex transaction is another.
8. Salespersons with Ultimate often prepare a comparative market analysis ("CMA") for a client that provides a range of values. However, that client is never provided with full TREB Multiple Listing Service print outs.
9. In my experience there is no "normal" listing commission. Today it ranges from 0.5% to 5.5%. The compensation offered a cooperating broker ranges from 1.5% to 3.0%.

10. Competition among brokerages and brokers in the GTA is fierce. Ultimate not only competes with other RE/MAX franchisees but with brokerages carrying on business under other banners and many non-branded brokerages.

SIGNED this 26th day of July, 2012



Timoleon Syrianos
Ultimate Realty Inc.

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- and -

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ULTIMATE REALTY INC.

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