

利益衝突： 了解自己有什麼選擇

您與您的房地產專業人員另一名現時客戶之間有利益衝突。

作為客戶，對於在這種情況下接著要怎樣做，您必須作出選擇。這份表格旨在幫助您了解自己有什麼選擇。請閱讀整份文件，並考慮一下在作出決定之前，先取得獨立專業意見。

利益衝突如何影響您

在例如以下的情況下，同一名房地產專業人員的客戶之間可能出現利益衝突：

- 一名客戶有意對另一名客戶的物業出價，或
- 兩名或更多的客戶有興趣對同一物業出價。

在好像這些情況下，房地產專業人員不能繼續同時代表這兩名客戶，因為房地產專業人員有責任以客戶的最佳利益行事，而當客戶的利益有衝突時，這是不可能做得到的。

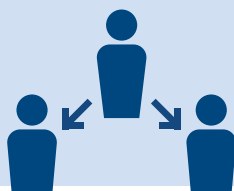
舉例來說，賣家想物業以最高價售出，而買家就想付出最低價錢。

作出明智的選擇

當您的利益與同一宗房地產交易裏另一名現時客戶的利益有衝突時，您的房地產專業人員必須在以下兩項之中選其一：

選擇A

停止代表您和另外那名客戶，並轉介您們每個人給其他房地產專業人員，他們將會代表您們在那宗交易裏的利益。



選擇B

要求您和另外那名客戶簽署《關於客戶之間利益衝突的協議》。

根據此協議的條款，該名房地產專業人員將會停止代表一名客戶（“解約客戶”），並會繼續代表餘下的客戶（“繼續客戶”）。該名房地產專業人員可轉介該名“解約客戶”給另一名房地產專業人員。

您為何會得到這份表格？

您的房地產專業人員給您這份表格，原因是您的利益與另一名客戶的利益有衝突。這份表格描述了您有什麼選擇，並提供一份您可選擇簽署的協議，容許該名房地產專業人員繼續代表涉及某一物業或交易的一名客戶。

如何使用這份表格：

把這些資料看一遍，有什麼不清楚的地方就要詢問。在簽署協議之前，要考慮一下尋求獨立專業意見。

如果您選擇簽署協議，另外那名客戶也必須簽署，協議才生效。

接下來情況會怎麼樣？

如果這兩名客戶都同意協議的條款，該名房地產專業人員必須簽署表格，然後交到其經紀行。

想知多點有關這份表格及其他以房地產消費者為對象的資訊，請瀏覽 www.recbc.ca。

要使選擇B得以成事，這兩名客戶都必須簽署協議，之後該名房地產專業人員才可繼續為一名客戶工作。您不一定要同意這樣的安排。

如果您或另外那名客戶任何一方決定不簽署協議，您的房地產專業人員必須停止同時代表您們兩方。

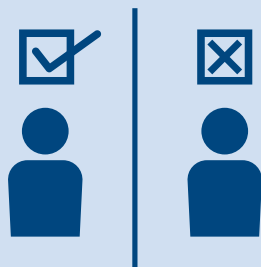
在簽署《關於客戶之間利益衝突的協議》之前，要仔細考慮一下，您作為“繼續客戶”或作為“解約客戶”會獲得什麼服務。

姓名

將會是“繼續客戶”

您將會繼續由您的房地產專業人員代表。

- 您將會繼續獲得客戶有權從房地產專業人員那裏得到的特別法律職務，例如：
 - 忠誠
 - 保密性
 - 避免利益衝突的責任
- 然而，您的房地產專業人員不能向您披露以前在代表該名“解約客戶”期間從該客戶那裏獲得的機密資料，例如：
 - 最低/最高價
 - 屬意的合約條款
 - 任何其他重要資料



姓名

將會是“解約客戶”

在這宗交易裏您將不再由您的房地產專業人員代表。

- 您的前任房地產專業人員再也無法為您提供意見或在這宗交易裏代表您進行洽談。
- 您的前任房地產專業人員再也不能為您提供客戶有權獲得的特別法律職務，例如：
 - 忠誠
 - 全面披露
 - 避免利益衝突的責任
- 然而，您的前任房地產專業人員必須維持您在由該名房地產專業人員代表期間可能分享了資料的保密性，例如：
 - 您的最低/最高價
 - 您屬意的合約條款
 - 任何其他重要資料
- 您可選擇在交易裏由另一名房地產專業人員代表，或者不用代表。

Instructions for Agreement Regarding Conflict of Interest Between Clients

Real Estate Professional: If all parties agree to the terms proposed in the following agreement, promptly submit the completed, signed and dated agreement to your brokerage.

If one or more clients do not agree to the terms of the agreement, you must stop acting for all clients. You may refer each client to another real estate professional who can represent their interests in the transaction.

Agreement Regarding Conflict of Interest Between Clients

This is an agreement made in compliance with section 5-18 of the Rules under the *Real Estate Services Act*. For this agreement to take effect it must be completed and signed by all parties.

Parties (please print)

Real Estate Professional: _____ Date: _____

Continuing Client: _____ Released Client: _____

The Continuing Client is the:

- Seller
- Potential buyer
- Lessor
- Potential lessee
- Assignor
- Potential assignee
- Other (describe) _____

The Released Client is the:

- Seller
- Potential buyer
- Lessor
- Potential lessee
- Assignor
- Potential assignee
- Other (describe) _____

Of the Property Located at:

Background

1. The Real Estate Professional is separately representing the Continuing Client and the Released Client, who have conflicting interests in respect of a real estate transaction or potential transaction involving a property located at the address indicated above (the "Transaction").
2. The Real Estate Professional cannot represent both the Continuing Client and the Released Client in the Transaction as to do so would amount to "dual agency", which is prohibited by Section 5-16 of the Rules made under the *Real Estate Services Act*.
3. The Real Estate Professional proposes to stop representing the Released Client in respect of the Transaction and to continue representing the Continuing Client in respect of the Transaction.

Agreement

The Released Client and the Continuing Client acknowledge and agree that:

1. The Real Estate Professional has disclosed that there is a conflict between the Continuing Client and the Released Client as follows: (select one)

- Potential buyer is interested in purchasing seller's property
 - Two separate potential buyers are interested in purchasing the same property
 - Lessee is interested in leasing lessor's property
 - Two separate existing clients wish to enter into an assignment agreement together
 - Other: (describe)
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2. The Real Estate Professional will continue to represent the Continuing Client in respect of the Transaction.
3. The Real Estate Professional will no longer be representing the Released Client in respect of the Transaction. This means that:
 - a. the Real Estate Professional will not give the Released Client advice in the Transaction, or negotiate on the Released Client's behalf in the Transaction; and
 - b. in the Transaction, the Real Estate Professional will not owe the Released Client the following special legal duties: loyalty, full disclosure, or the duty to avoid conflicts.
4. The Real Estate Professional will continue to protect any confidential information that was disclosed by the Released Client to the Real Estate Professional in the course of the Real Estate Professional's representation of the Released Client ("Previous Confidential Information").
5. Even if the Previous Confidential Information would be relevant to the Continuing Client in the Transaction, the Real Estate Professional:
 - a. is prohibited from disclosing the Previous Confidential Information to the Continuing Client; and
 - b. the advice and information the Real Estate Professional may provide to the Continuing Client may be limited due to the Real Estate Professional's ongoing duty not to disclose the Previous Confidential Information.

The Real Estate Professional has advised the Released Client and the Continuing Client to seek independent professional advice in respect of the Transaction.

Consumers: You are strongly advised to read this entire document and seek independent professional advice before signing this agreement.

If you agree to the terms of this agreement, complete and sign as either the Continuing Client or Released Client.

Signatures


Real Estate Professional (please print) _____ Date: _____

Signature: _____ 

Continuing Client (please print) _____ Date: _____

Signature: _____ 

Released Client (please print) _____ Date: _____

Signature: _____ 

消費者私隱聲明

房地產專業人員收集在這份表格上您的個人資料，目的是遵從《房地產服務法》(Real Estate Services Act, S.B.C. 2004, c. 42) 訂明的規則。這份表格的副本，包括您提供的任何個人資料，例如姓名或簽名，將會提供給表格上列明的協議各方，以及那名房地產專業人員的經紀行。卑詩省房地產委員會是本省負責監管房地產專業人員的機構，可能會審視這份表格，目的是監察是否有遵從規則。

在卑詩省房地產委員會收集和使用您的個人資料方面，您如有任何問題，請聯絡：

Privacy Officer (私隱主任), Real Estate Council of BC, 900-750 West Pender Street, Vancouver, BC, V6C 2T8 ;

電話：604.683.9664 或免費長途電話：1.877.683.9664；電郵：privacy@recbc.ca

除非特別要求，否則毋須向卑詩省房地產委員會提供此披露表格的副本。