

Buyer Agency/Tenant Representation Form Revisions

The newly revised WB-36, WB-38 and WB-47 all have the same optional use date of July 1, 2017 and a mandatory use date of October 1, 2017. These forms are now available from the WRA in paper copy and on zipForm.

WB-36 Buyer Agency/Tenant Representation Agreement

- Reconfigured so that it can be used for just buyer agency, for just tenant representation or for both.
- While this form was developed with an eye towards residential transactions and to give those working with residential rentals a platform to work from, this form may be used with any property type.
- Updated in the sense that it includes the mandatory Disclosure to Clients language that went into effect in 2016. No longer need a separate agency disclosure document
- Email delivery is now included, no longer need the Addendum D
- For the purchase provisions there is a purchase price range section that helps establish the initial search parameters but that does not affect the scope of the agreement nor the firm's ability to earn commission. Rather the exclusions from the agreement – and the firm's authority and ability to earn commission -- come from three sections:
 - Excluded Properties where the client and firm can list specific properties as well as limitations regarding property type, geography or other criteria.
 - Excluded Properties Subject to a Prior Agreement where the client and the firm can list protected properties from other buyer agency agreements or other tenant representation agreements, as the case may be.
 - Limited Exclusion Properties which refers to particular properties where there has been prior negotiation or the properties are owned by friends, family or neighbors
- Commission section has subsections and headings like we have in the WB-1 Residential Listing Contract.

WB-38 Commercial Buyer Agency/Tenant Representation Agreement – NEW!

- Even though the word “commercial” is used in the title, there is nothing else in this agreement that limits it to just commercial property so it may be used for other types of properties if desired. What makes this agreement “commercial” is that the format and style better match the practice of the commercial brokers.
- Assumes that the firm will represent the client as a buyer's agent or as a tenant's representative or both
- Has both a purchase price range and a rent range stated on the first page as well as search guidelines where the client and the firm can state what type of property the client is looking for in terms of function, size, location and other criteria. These are intended to guide the firm's initial search efforts but are not exclusions from the scope of the agreement.
- Exclusions from the firm's authority and ability to earn commission -- come from two sections:
 - Excluded Property Types where the client and firm can list limitations regarding property type, geography or other criteria.
 - Excluded Properties where the client and the firm can list protected properties from other buyer agency or tenant representation agreements, as well as other particular properties that are being excluded.
- Has separate sections detailing the commission for either a purchase and for a lease.
- Includes the mandatory Disclosure to Clients language that went into effect in 2016.
- Email delivery is included, so no need for an Addendum D
- Lien notice for commercial commission liens, and two signature blocks for client entities as well as signature lines for individual clients.

WB-47 Amendment to Buyer Agency/Tenant Representation Agreement

- Revised to make many of the same modifications as were done in the WB-42 Amendment to Listing Contract. For example the check boxes were removed. Also similar changes were made to facilitate a termination by the Firm under the signature of the supervising broker.
- Includes the same caution as the WB-42: CAUTION: This Agreement belongs to the Firm. Agents for Firm do not have the authority to enter into a mutual agreement to terminate a listing contract, amend the commission amount or shorten the term of a listing contract, without the written consent of the Agent(s)' supervising broker.
- Adds one signature block for a buyer or tenant that is an entity and the form refers to "client" rather than buyer or tenant.