Guidance for TPO Members: Canvassing for New Business

This guidance supplements the TPO Code of Practice for Residential Estate Agents and the TPO Code of Practice for Residential Letting Agents and is aimed at assisting agents to understand and fulfil their obligations under the Codes in respect of canvassing for new business. This guidance provides advice on what might be seen as inappropriate practice and has been drafted with the aims of improving business standards and enhancing consumer protection.

Note that general guidance only can be given. You should make yourself familiar with the Consumer Protection from Unfair Trading Regulations 2008 for a fuller understanding of what is deemed an unfair or banned practice or what might constitute aggressive behaviour; and the rules of the Advertising Standards Authority in regard to what are acceptable forms of advertising.

Inappropriate practices when canvassing

- Door knocking or cold calling at properties for sale with other agents.
- Continuous unsolicited calls, texts, emails (including online communication) or general junk mail.
- Use of a ‘compliments slip’ or ‘note’ that does not explain its true purpose but merely makes a statement such as ‘contact me urgently’.
- Acting as someone you are not or using third parties to project your business.
- Specifically targeting tenants by whatever means for details of landlords so that unsolicited approaches can be made to those landlords.

Avoidance of these practices will help avert consumers from experiencing what could amount to harassment or being misled and will reduce aggravation caused from any raised expectation or resultant effort on their part.

Best practice

As a matter of best practice and to provide the consumer with the maximum amount of information to be able to make an informed decision and to further avoid them being subject to harassment:

- Any ‘flyer’ should state clearly who it is from, its purpose and the services you can offer.
- Note that any claim that your performance is better than another agent has to be capable of being substantiated otherwise it could be construed as a misleading practice under the Consumer Protection Regulations and the Business Protection from Misleading Marketing Regulations 2008.
- Any follow up telephone call to check on receipt of or to follow up a flyer should state who is calling and why and refer to the flyer. If the consumer makes clear they are not interested the call should be terminated and no further follow up made. Similar principles apply to email follow up.
- You must act promptly if a consumer asks you to stop canvassing as required by both the TPO Sales and Lettings Codes.
- In your canvassing material, if you seek to use a property you have recently sold and where completion has occurred, you must obtain the new owner’s prior permission in writing.
- Fees must be shown inclusive of VAT alongside a statement confirming that VAT is included.
- You must take decisions on the content of your advertisements independent of your competitors, such as how you advertise your fees, charges or any additional costs, or any special offers, discounts or other value offering.

Note that the TPO Sales Code requires that if as a result of an unsolicited approach the consumer expresses interest in engaging your services, you must draw to their attention and explain before they are committed to another contract the potential of paying fees to more than one agent where another agent has been previously instructed to sell their property.

As a matter of best practice the consumer should sign a declaration confirming that they have understood their potential liability.

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