

In the Matter of **Part 4 of the Real Estate Agents Act 2008**

And

In the Matter of **Complaint No.CA2402841, CA2402877**

In the Matter of **Mr A**
Licence No XXXXXXXX

Mr B
Licence No XXXXXXXX

DETERMINATION OF COMPLAINTS ASSESSMENT COMMITTEE

Dated : 14 May 2010

Complaints Assessment Committee:

CAC No 100016

DETERMINATION OF COMPLAINTS ASSESSMENT COMMITTEE

1. Licensee Background

- 1.1 The licensees, Mr A and Mr B are agents with XYZ Ltd in Christchurch, a member of ABC Realty Group.

2. Complaint

- 2.1 The complaint was lodged by Mr C, the Chief Executive of The Company. Marketing by the licensees of a property in Christchurch in January 2010 referred to a house designed by 'renowned Christchurch architect Mr H'.
- 2.2 Mr H is not an architect and therefore claiming that Mr H is a registered architect is misleading.
- 2.3 Mr C goes on to point out that Mr A and Mr B cannot claim that this is an innocent error as the same mistake was made by them on 6 March 2009 and Mr C had written to ABC on 2 April 2009 advising them of the error. ABC had responded by email at that time saying that they had advised their agents of the need to get this right.

3. Licensees Response

- 3.1 The licensees responded by letter on 24 March 2010. The licensees acknowledge that they were advised by Mr C in April 2009 of the previous error referring to Mr H as a registered architect. At that time they acknowledged the error and stated that they had advised their whole team of the correct protocols when referring to architects. They acknowledged their mistake at the time in writing to Mr C.
- 3.2 The property did not sell and in early 2010 ABC were again instructed to offer the property for sale. When setting up the listing on the website, the website software triggered the old incorrect text to appear in the text area of the website listing and went

unnoticed by the agents until they were notified by the Real Estate Agents Authority at which time it was immediately remedied.

3.3 The licensees point out that all other marketing material prepared for the 2010 listing in newspapers and brochures did not make the error in relation to Mr H and described him correctly.

3.4 The licensees acknowledge their mistake and have made every attempt to ensure it does not happen again.

3.5 Each of the licensees have sent a letter of apology to Mr C.

4. Complaints Assessment Committee Determination and Reasons

4.1 Having received written responses from the licensee and having satisfied itself that it had completed its enquiry into the complaint on 6 May 2010, the Complaints Assessment Committee conducted a hearing with regard to the complaint under Section 89 (1) of the REAA.

4.2 The hearing was conducted on the papers pursuant to Section 90 of the REAA. Pursuant to Section 90 (2) the Committee made its determination on the basis of the written material before it.

4.3 The Complaints Assessment Committee has determined under Section 89 (2) (c) of the REAA that no further action be taken with regard to the complaint.

4.4 Having received the information outlined above, and having considered all of that information, it appears to the Committee that having regard to all the circumstances of the case, no further action is necessary.

4.5 The Committee is satisfied that the licensee has provided reasonable explanations for all the issues raised in the complaint.

4.6 The Committee are satisfied that the mistake made by the licensees was unintentional and has been corrected immediately.

4.7 The Committee do not believe that the mistake made amounts to unsatisfactory conduct.

5. Right of Appeal

5.1 A person affected by a determination of a Committee may appeal to the Disciplinary Tribunal against a determination of the Committee within 20 working days of the date of this notice.

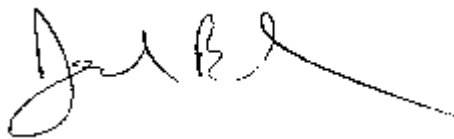
5.2 Appeal is by way of written notice to the Tribunal. You should include a copy of this Notice with your Appeal.

5.3 Further information on lodging an appeal is available by referring to the Guide to Lodging an Appeal at www.justice.govt.nz/tribunals.

6. Publication

6.1 The Committee directs that this decision be published with details of the names and location of the parties to be removed.

DATED : 14 May 2010



DAVID BARKER