

Complaints Assessment Committee – Decision on Orders

Decision

The Complaints Assessment Committee has determined under section 89(2)(b) of the REAA that it has been proved that on the balance of probabilities, that XYZ has engaged in unsatisfactory conduct albeit at a lower level.

It is clear from the evidence provided to the Committee, that the behavior of XYZ during the period of 24 and 25 October 2009 fell short of the standard that a reasonable member of the public is entitled to expect from a reasonable competent licensee (s72(a) of the Act).

It is the determination of the Committee that the service provided to Mrs P was not as good as it could have been.

For these reasons the Committee has determined under section 89(2)(b) of the REEA that it has been proved, on the balance of probabilities, that XYZ has engaged in unsatisfactory conduct as set out in s72(a) of the Act albeit at a lower level.

The Committee makes a determination under s93 (a) in that it makes an order censuring XYZ. The Committee also makes a determination under s93 (c) and makes an order that Mr W, Principal of XYZ, apologise in person to Mrs P.

Mr W is to apologise to Mrs P within 30 days of receiving this notice and Mr W is to notify the Committee in writing that this has been done.

Publication

One of the functions of the Complaints Assessment Committee is to publish its decisions (section 78(h)).

The Committee has determined that this decision should be published in the interests of ensuring the disciplinary process remains transparent, independent and effective. The Committee also regards publication of this decision as desirable for the purposes of standard setting and it is in the public interest that the decision be published.

The Committee directs publication of its decision but omitting the names and identifying details of the complainant (including the address of the property), the licensee (including the name of his employer) and any third parties in the publication of its decision.

Right of Appeal

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

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

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

Signed

A handwritten signature in blue ink, appearing to read 'Sandy Gill', with a large, sweeping flourish at the end.

Sandy Gill
Chairperson
Complaints Assessment Committee
Real Estate Agents Authority

Date: 22 September 2010