



## **THE INSTITUTE OF ESTATE AGENTS OF SOUTH AFRICA – NORTH ETHICAL COMPLAINTS DISPUTE PROCEDURE**

As a professional voluntary body, the Institute's Ethical Standards Committee has jurisdiction only in matters concerning members of the Institute. The following Ethical Complaint Procedure has been formulated with a view to formalize the procedure and to reducing the time frame for a case to be heard.

### **BEFORE THE INSTITUTE CAN BECOME INVOLVED IN A DISPUTE:**

- a) The parties must be members of the Institute and must agree to abide by the findings of the Institute's Ethical Panel appointed to hear the case.
- b) The relevant complaint is to be completed by someone who has the capacity to bind the Company or Individual to the finding of the Institute's Panel.
- c) Proof of an attempt to resolve the matter on a Principal - to - Principal level must be submitted.

### **1. THE COMPLAINANT MUST:**

- obtain the relevant complaint form from the Institute;
- complete it and send to the Institute by prepaid registered post/hand delivered to include:
- all relevant material in affidavit form (certified);
- a R1000 refundable deposit;
- copy of material and relevant complaint form must simultaneously be sent by the Complainant directly to the Respondent by prepaid registered post or hand delivered.

### **2. THE RESPONDENT MUST:**

- respond to the complaint within 14 days from receipt thereof;
- complete the Relevant Form and send to the Institute and include Reply Affidavit Form;
- copy of these documents to be sent by the Respondent directly to the Complainant by prepaid registered post or hand delivered.

### **3. THE COMPLAINANT HAS A RIGHT OF REPLY AND MUST:**

- respond to the Respondent's affidavit within 14 days from receipt thereof;
- reply to be in affidavit form to the Institute by pre-paid registered post/hand delivered under cover of a Respondent's Reply Letter;
- a request for a hearing date;
- copy of these documents to be sent by the Complainant directly to the Respondent by pre-paid registered post or hand delivered.

The Institute will convene an Ethical Panel to hear the case and set a date for the hearing not later than 30 days after receipt of the Complainant's reply, affidavit, and request for a hearing.

PROFORMA COMPLAINANT LETTER, RESPONDENT LETTER AND COMPLAINANT'S REPLY LETTER ARE ATTACHED.

The Secretary  
The Institute of Estate Agents  
of South Africa – North  
PO Box 14147  
HATFIELD  
0028

(By prepaid registered post)

### RESPONDENT LETTER

I/We \_\_\_\_\_  
of (Company) \_\_\_\_\_ Branch \_\_\_\_\_ wish to  
respond to a complaint with the North Branch of the Institute of Estate Agents of SA, in the matter of:

Name: \_\_\_\_\_  
of (Company) ) \_\_\_\_\_ Branch \_\_\_\_\_  
Address: \_\_\_\_\_

In support of the above allegation, attached hereto are copies of the following documents/ correspondence:

- 1) Affidavit (setting out details of above contravention)
- 2)
- 3)
- 4)

I/We hereby confirm that the Principal/ Managers of both companies did endeavour to, but were unable to settle the dispute Principal to Principal.

I/We (having the contractual capacity to bind my company), by signature hereof, agree to abide by the findings of the Ethical Standards Committee; hereby not waiving my right in terms of Article 1 (Review) to request a review of the committee's decision within 28 days of notification of the ruling.

Should I/We request a review, we agree that a deposit of R1000 (one thousand rand) is payable to the North Branch of the Institute of Estate Agents. If the ruling of the Ethical Standards Committee is upheld by the Adjudicator, this deposit will be forfeited. This deposit excludes the costs associated with the adjudicator, which costs will also be payable by my company in the event of the ruling of the Ethical Standards Committee being upheld.

\_\_\_\_\_  
RESPONDENT

\_\_\_\_\_  
Capacity

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

The Secretary  
The Institute of Estate Agents  
of South Africa – North  
PO Box 14147  
HATFIELD  
0028

(By prepaid registered post)

### COMPLAINANT LETTER

I/We \_\_\_\_\_  
of (Company) \_\_\_\_\_ Branch \_\_\_\_\_ wish to  
lodge a complaint with the North Branch of the Institute of Estate Agents of SA, about the conduct of:

Name: \_\_\_\_\_  
of (Company) ) \_\_\_\_\_ Branch \_\_\_\_\_  
Address: \_\_\_\_\_

I/We believe that the abovementioned agent has contravened:

Article(s) \_\_\_\_\_ of the Ethical Obligations of Members in terms of the Institute's  
Memorandum and Articles of Association.

In support of the above allegation, attached hereto are copies of the following documents/correspondence:

- 1) Affidavit (setting out details of above contravention)
- 2)
- 3)
- 4)

I/We hereby confirm that the Principal/ Managers of both companies did endeavour to, but were unable to settle the dispute Principal to Principal.

I/We herewith enclose a deposit of R1000 (one thousand rand) which is payable to the North Branch of the Institute of Estate Agents and will be refunded if the complainant's case is upheld.

I/We (having the contractual capacity to bind my company), by signature hereof, agree to abide by the findings of the Ethical Standards Committee; hereby not waiving my right in terms of Article 1 (review) to request a review of the Committee's decision within 28 days of notification of the ruling.

Should I/We request a review, we agree that a deposit of R1000 (one thousand rand) is payable to the North Branch of the Institute of Estate Agents. If the ruling of the Ethical Standards Committee is upheld by the Adjudicator, this deposit will be forfeited. This deposit excludes the costs associated with the adjudicator, which costs will also be payable by my company in the event of the ruling of the Ethical Standards Committee being upheld.

\_\_\_\_\_  
RESPONDENT

\_\_\_\_\_  
Capacity

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

The Secretary  
The Institute of Estate Agents  
of South Africa – North  
PO Box 14147  
HATFIELD  
0028

(By prepaid registered post)

### COMPLAINANT'S REPLY LETTER

I/We \_\_\_\_\_  
of (Company) \_\_\_\_\_ Branch \_\_\_\_\_ wish to  
reply to the Respondent's Letter dated \_\_\_\_\_ in the matter of:

Name: \_\_\_\_\_  
of (Company) ) \_\_\_\_\_ Branch \_\_\_\_\_  
Address: \_\_\_\_\_

In support of the above reply, attached hereto are copies of the following documents/correspondence:

- 1) Affidavit (setting out details of reply to Respondent's Letter)
- 2)
- 3)
- 4)

I/We (having the contractual capacity to bind my company), by signature hereof, do hereby request a hearing date for the above matter.

\_\_\_\_\_  
COMPLAINANT

\_\_\_\_\_  
Capacity

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_