

Landlords Beware

Last week a headline article in the media brought into sharp focus the essential need for both landlords and estate agents to be fully aware that by attempting to limit who may enter into a lease they are indeed treading on “perilous ground”

Clearly, any registered estate agent who has acquired the mandatory qualifications should know unquestionably that to take an instruction from a landlord that limits who they may introduce to the property with the intention of leasing same – is acting in total contravention of the Estate Agents Affairs Board’s CODE OF CONDUCT

The code of conduct (regulated by the Estate Agency Affairs Board - now the Property Practitioners Act) places a duty to protect the public’s interest on estate agents and in the case in point, the estate agent transgressed two clauses:

2.2

shall protect the interests of his client at all times to the best of his ability, with due regard to the interests of all other parties concerned

As well as clause 2.6

shall not deny equal services to any person for reason of race, creed, sex, or country of national origin

No real estate training course is complete without students not only reading the COC but actually understanding the consequences arising out of non- conformance.

Cases do arise where a landlord may insist that the agent not introduce a prospective client to their property falling into any of the classification mentioned under 2.6

My advice in such case has always been to politely have the agent explain to the landlord that by their actions, this would result in the agent contravening the code of conduct and as a result be subject to a disciplinary hearing while both more importantly, would be transgressing of one of the fundamental pillars of our democracy – with draconian consequences.

I trust both the landlord and agent in this (and other recorded cases) have “*heavy weight*” attorneys appointed to defend their actions.

With so many non- registered and untrained agents operating country-wide prospective landlords are urged to ensure whomever they appoint has at least the very minimum of educational training in the real estate field – the very first being to at least asking them to produce a valid Fidelity Fund Certificate.

Rob Mckee is an expert in the real estate training field and has been in the industry for 32 years