

Note: This case was referred to a CEA Disciplinary Committee (DC) before the operationalisation of the Estate Agents (Amendment) Act 2020 on 30 July 2021. With the Act amendments, the maximum financial penalty for disciplinary breaches has been raised and a DC can impose a higher financial penalty on errant offenders.

S/N 3 – Advertising Property Without Owner’s Consent and Misleading Act

Facts of Case

An owner of a HDB flat had granted an estate agent exclusive authority to sell his property. The estate agent posted a classified advertisement in the Straits Times. The Respondent saw the advertisement and advertised the property on the Property Guru website without seeking consent from the owner. The owner was aggrieved and complained to CEA.

Charges

The Respondent was charged for advertising the owner’s HDB flat in breach of paragraph 3.8 of the Practice Guidelines on Ethical Advertising read with paragraph 4(1) and paragraph 4(2)(a) of the Code of Ethics and Professional Client Care (‘First Charge’).

The Respondent was also charged for misleading the owner, of another HDB flat, that there were prospective viewers for such flat contrary to paragraph 7(1) read with paragraph 7(2)(a) of the Code of Ethics and Professional Client Care (‘Second Charge’).

Outcome

The Respondent pleaded guilty to, and was convicted of, the First Charge. The DC imposed a financial penalty of \$3,000 upon the Respondent for this charge.

However, the DC considered that the Second Charge was not established by the evidence.

The DC also ordered the Respondent to pay fixed costs of \$1,000.