

S/N 10/2017 – Bringing Discredit or Disrepute to the Estate Agency Industry by Driving and Pursuing Client, Blocking Client’s Vehicle and Confronting Client

Facts of Case

In or around August 2013, the Respondent was engaged by one Mr Z to look for a property for rent for his company’s workers. Within the same month, the Respondent helped Mr Z negotiate the rent of a property from \$4,500 to \$3,900 for a 12-month tenancy commencing on 8 September 2013. On 26 August 2013, the tenancy agreement was signed between Mr Z’s company and the landlord, and Mr Z subsequently paid the security deposit and first month’s rent to the landlord.

Subsequently, the Respondent repeatedly called Mr Z on the phone to ask for payment of \$1,950 as commission due to the Respondent’s estate agent. Mr Z requested that the Respondent issue an invoice to his company for the payment of the commission, but this was not done.

On 15 and 16 September 2013, the Respondent went to Mr Z’s home to look for him for the payment of the commission. On the morning of 16 September 2013 in particular, the Respondent had a chance encounter with Mr Z when he visited Mr Z’s home, and pursued Mr Z from the void deck of the latter’s HDB block to the car park. It was during this sequence of events that Mr Z noticed that the Respondent had pasted an A4-sized paper bearing an enlarged copy of his NRIC on the wall adjacent to the lift lobby.

During the walk to Mr Z’s car, an altercation between Mr Z and the Respondent started. In the midst of the altercation, Mr Z fisted the Respondent in the left ear and as a result, the Respondent tried to prevent Mr Z from driving off from the car park. At some point, Mr Z managed to get into his car and drive off.

The Respondent thereafter also got into his own car and pursued Mr Z from the latter’s HDB block along Choa Chu Kang Ave 4, first obstructing Mr Z’s car’s path at the traffic light junction of Choa Chu Kang Way and Choa Chu Kang Ave 4. As Mr Z managed to drive away, the Respondent drove at high speed in an attempt to catch up with Mr Z’s car.

The Respondent then pursued Mr Z to the junction of Bukit Batok Road and Bukit Batok West Ave 2 where he deliberately inclined his car to the left in front of Mr Z’s car, blocking his car at the traffic light junction when the traffic lights were red.

At the traffic light junction, the Respondent exited from his car and confronted Mr Z by the driver’s window. He asked Mr Z to get out from his vehicle. Mr Z refused to do so. When the traffic light turned green, Mr Z quickly moved his car to the next lane and drove off. The Respondent did not give chase.

The Respondent had pestered his client to extract the client’s payment of his commission. Not only that, this took place over two days which culminated in a car chase that was of potential danger to other road users.

Charges

The Respondent faced the following charge:

Charge

Doing an act which may bring discredit or disrepute to the estate agency trade or industry, by driving and pursuing his client from the car park at Blk 431 Choa Chu Kang Ave 4 to the junction of Bukit Batok Road and Bukit Batok West Ave 2 whereupon he blocked his client's vehicle at the traffic light junction with his vehicle before stepping out to confront his client, in contravention of paragraph 7(1) of the Code of Ethics and Professional Client Care.

Outcome

Following a trial, the DC found that the Respondent was guilty of the Charge. The DC imposed the following financial penalty and disciplinary order on the Respondent:

Charge: A financial penalty of \$3,000 and a suspension of 2 months.

Fixed costs of \$1,000 was imposed on the Respondent.

The DC noted that the Respondent was the sole breadwinner and had an intellectually-disabled son who required a high level of care and attention.