



Policy for the granting of exemption for practicing estate agents who are 60 years or older

1. The application

- 1.1 This policy applies to Estate Agents (principals and non-principals) who are 60 years and older and who applies for exemption from completing the NQF 4 and or NQF 5 Qualifications in Real Estates.
- 1.2 This policy also applies to Estate Agents (principals and non-principals) who are 60 years and older and who applies for exemption from completing the Professional Designation Examination (PDE) against the NQF 4 and or NQF 5 Qualifications in Real Estates.
- 1.3 Qualifying candidates must apply to the EAAB for the grant of an exemption. Applicants must provide acceptable proof both of their age and of the fact that they have held a valid fidelity fund certificate issued by the EAAB for a continuous period of at least five (5) years. Candidates must, in addition, hold a valid fidelity fund certificate for the current year.
- 1.4 Upon receipt of applications the EAAB will investigate the position to ensure that candidates are estate agents in good standing and that they have no previous criminal convictions or convictions for any estate agency related offences.
- 1.5 Applications for the exemption submitted to the EAAB must be accompanied by the fee prescribed by the EAAB from time to time for the exemption.



2. **Compilation of a portfolio of naturally occurring evidence**

2.1 A list of the naturally occurring evidence requirements to be supplied by applicants for the exemption will be sent to all qualifying candidates. Candidates must ensure that the required evidence is properly collected and duly collated into a Portfolio of Evidence (“PoE”) for submission to the EAAB. The PoE must include the following sections, namely:

2.1.1 **Administration:**

- a certified copy of the applicant’s identity document;
- a certified copy of any certificates of achievement that have been awarded to the applicant; and
- a certified copy of any certificates of competence (such as, for instance, a matriculation certificate or certificates received in respect of courses and/or seminars and/or workshops that may have been attended) that may be relevant to the assessment of the application.

2.1.2 **Workplace evidence**

Each applicant will be required, based on at least one property that has recently been marketed for sale, and sold, and at least one property that has recently been let, to provide the following information, namely:

- Evidence as to how the applicant goes about canvassing for properties to market for sale or to let including, for example, examples of canvassing letters, pamphlets and advertisements, photographs of bill boards used and so forth.
- Evidence indicating the procedure adopted by the applicant when determining an initial sales, or rental, price for the property such as, for instance, the use of a comparative marketing analysis,



references to recent sales of similar properties in the area, property inspections and so forth.

- Evidence of the way in which the size of properties is determined to be accompanied by a floor plan of a recently marketed property, whether an architectural plan or a hand drawn one.
- Evidence showing the manner in which the applicant communicates with clients, whether sellers and/or landlords.
- A copy of the sole mandate selling and letting document used by the applicant and recently signed by a seller and /or landlord is required.
- A copy of the marketing plan that is usually used by the applicant is required. This plan should indicate, amongst others, how show days are to be scheduled and held, what advertisement will be placed for the property in question and which media will be used, interactions with the client and so forth.
- Evidence as to the way in which a property that was recently sold or let by the applicant was actually marketed such as, for example, by the use of newspaper advertisements, marketing pamphlets and flyers, business cards and so forth.
- The applicant is required to furnish a comprehensive report on the applicant's daily work activities including attending meetings, canvassing, listing properties, marketing properties for sale and/or to let and on the interactions that the applicants has with members of the public, consumers and stakeholders.
- The applicant must furnish a report on negotiating strategies adopted with clients, consumers and stakeholders. How are problems resolved and how is consensus sought and obtained?



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- A copy of at least three actual contracts completed by the applicants and signed by the parties, including all documentation relevant to the contracts in question, is required. At least one such contract must be in respect of a lease agreement concluded.
- The applicant must submit a flow diagram indicating all activities undertaken from the time a contract of sale is concluded between the parties until the property is registered into the name of the purchaser. All documentation relevant to the process must be indicated and a copy of each such document must also be provided.
- The applicant must indicate, in a signed statement, that the applicant has read and fully understands the Code of Conduct for Estate Agents and that the applicant will abide by the provisions of the Code of Conduct. (Applicants will be questioned as to their understanding of certain provisions of the Code of Conduct).
- The applicant must provide a summary of the main legislative acts that the applicant believes that estate agents must be aware and, in addition, provide an indication of the implication of the relevant legislation on estate agents. (Applicants will be questioned regarding their choice of legislation while questions will also be posed on other legislation that may, perhaps, have been omitted by applicants).

2.2 Once the required PoE has been submitted to the EAAB it will be reviewed using a standard checklist. The interview panel will also compile relevant questions to be posed to the applicant during the required personal interview.



3. Conducting the interview

Possible matters that could be discussed during the interview would, for instance, include:

- 3.1 The presentation to the applicant of a floor plan of a property to enable the applicant to calculate the area of a given room(s) and to enable the applicant to explain how that calculation was performed.
- 3.2 The effective use by the applicant of appropriate pricing and negotiating techniques.
- 3.3 The effective use of advertisements and reaching the intended target market. .
- 3.4 Factors that should be borne in mind when selling or letting immovable property.
- 3.5 Methods that can be used to elicit information regarding any potential hidden defects in the property from the seller.
- 3.6 Dealing with post-sale problems such as, for instance, what the applicant might do if approached by the buyer after the first heavy rains of the season and informed that the roof of the property purchased leaks.
- 3.7 Appropriate dealing with another estate agent who infringes on a sole mandate.
- 3.8 Considering the question of praedial and personal servitudes and their impact when marketing a property for sale.
- 3.9 Explaining the difference between suspensive and resolutive conditions in a sales contract as well as the essentials that must be contained in both a contract of sale and lease.



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- 3.10 Looking at the impact of the broader national economy on estate agency in general and on the particular area of estate agency operations of the applicant in particular.
- 3.11 Considering the FIC Act, explaining the concept of anti-money laundering and examining the requirements for compliance with the FIV Act by estate agents.
- 3.12 Considering FAIS and how this legislation could possibly impact on estate agents.
- 3.13 Considering ethical scenarios and the compliance powers of the Estate Agency Affairs Board.
- 3.14 A discussion of any other applicable legislation and the impact that such legislation has on the estate agency sector in general and estate agents in particular.
- 3.15 The questions that will be posed to applicants and the discussions that will be engaged in depend, to a large extent, on the evidence that will have been provided by the particular applicants.

4. The interviewing panel

The interviewing panel will comprise at least three competent members to be appointed by the Board. In addition to Board members the panel could conceivably comprise practicing principal estate agents having at least 5 (five) years experience as principals in the estate agency sector.

Members of the interview panel must be empathetic and patient and will be required to sign a confidentiality agreement.

It should be noted that, depending on the number of applications that are received, the interview process could well become both time-consuming and expensive.