



ESTATE AGENCY AFFAIRS BOARD  
OF SOUTH AFRICA

## Complaint Initiation Form

This form initiates an investigation by the Estate Agency Affairs Board (“the Board”) into the alleged improper conduct of an estate agent acting in their capacity as such. In terms of the Estate Agency Affairs Act, an estate agent found guilty of improper conduct by a Committee of Inquiry of the Board may be sentenced to a reprimand, a fine of up to R25 000.00, or, in severe cases, may have their Fidelity Fund Certificate withdrawn.

### Particulars of Complainant

**Please Note:** Fields marked \* must be filled in to initiate a complaint. Complaints received without this information will not be considered. Please note that Complainants have a duty to inform the Estate Agency Affairs Board of any change of particulars after lodging this complaint.

1. First names and Surname\*: .....

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2. Identity Number\*.....

3. Address\*:

Physical Address: .....

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.....Code:.....

Postal Address: .....

.....Code:.....

Please tick the address at which you will receive correspondence from us\*:

Postal:

Physical:

4. E-mail:.....

5. Telephone Number\* (provide at least one number):

(home).....

(work).....

(mobile).....

6. Fax Number:.....

**Particulars of Respondent**

1. Full name and Surname of individual Estate Agent (s) whose conduct gives rise to this complaint\*:

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2. Full name of Estate Agency Firm\*:

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3. Address of Estate Agency Firm \*:

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.....Code:.....

4. Name of Principal of Agency:

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5. Telephone Number of Individual and/or Firm:

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6. Have you ascertained whether the above Estate Agent is registered with the Estate Agency Affairs Board?.....

7. If 'yes' to 6 above, is the Estate Agent registered?.....

**Nature of Complaint\***

Please provide a description of the conduct of the estate agent that you feel aggrieved by. Please note that a copy of this document will be sent to the estate agent for their comment and we thus advise you not to make any defamatory remarks that could lead to civil action being taken against you.

**Note further that the complaint should contain sufficient detail in order for the estate agent to respond fully to the allegations.**

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**Please add additional pages if necessary**

**In support of your complaint, please attach the following documentation:**

- If your complaint relates to the purchase or sale of immovable property:
  1. Sale Agreement / Offer to purchase
  2. Mandate
- If your complaint relates to the leasing of immovable property:
  1. Lease agreement.
  2. Proof of monies paid as rent / deposit.

**Please attach and name any other documentation that you attach in support of your complaint:**

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**What action have you taken to resolve the dispute with the Estate Agent?**

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**Please take note of the following:**

This complaint initiates an investigation and could lead to disciplinary action against the respondent. Please note that the Estate Agency Affairs Board does not have the authority to, *inter alia*:

- Order the estate agent to reimburse you or pay damages to you;
- Cancel, interpret or enforce a contract;
- Prevent an eviction;
- Order any party to do or refrain from carrying out any action;
- Stop or intervene in any civil proceedings instituted against you;
- Resolve labour disputes.

Should your complaint be in relation to one of the above, we urge you to obtain independent legal advice.

**Please indicate what result you expect from the Estate Agency Affairs Board?**

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**This complaint initiation form must be completed and signed before a Commissioner of Oaths.** Non-adherence to this requirement entitles the Estate Agency Affairs Board to decline to investigate your complaint without further notice to you. Examples of a Commissioner of Oaths are an Attorney, Bank Manager, Post Master or Police Official.

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**Signature of Complainant**

I hereby certify that the deponent states that he / she understands the contents of the declaration which is, to the best of his / her knowledge, the truth, which declaration is signed and sworn to me at.....on this.....day of ..... and that the provisions as set out in Government Notice No R1648 of August 1977, as amended, have been complied with.

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**Commissioner of Oaths**

Full Name:.....

In my capacity as:.....

District:.....

## **Guidelines for initiating a complaint with the Estate Agency Affairs Board**

1. Send the form only once in respect of the same complaint to avoid duplication which may delay the investigation of your complaint. You may send your completed complaint form and all supporting documents by one of the following methods:
  - a. Email us at: [legal@eaab.org.za](mailto:legal@eaab.org.za);
  - b. By facsimile at: 086 613 8755;
  - c. Post: Private Bag X10, Benmore, 2010;
  - d. By Hand: Estate Agency Affairs Board, 63 Wierda Road East, Wierda Valley, Sandton, Johannesburg.
2. Should you not be contacted by our offices within 14 days of lodging this form with us, please contact our call centre on 011 731 5600.
3. Once you have been provided with a reference number for your complaint, you will be notified by the Board of the progress of your complaint. Please refrain from contacting the Board regarding the progress of your complaint unless more than 8 weeks have elapsed from the Board's last communication with you.
4. The Estate Agency Affairs Board does not have jurisdiction over the actions of estate agents in their private capacity.
5. The Estate Agency Affairs Board is not a civil court and cannot usurp the powers of one.
6. Should your complaint be referred to a disciplinary enquiry you will have to be present to testify against the respondent estate agent.
7. Should any correspondence sent to the address as provided by the complainant be returned by the postal authorities, we will summarily close our file.
8. Any further documentation requested by the Board in respect of a complaint should be sent directly to the specified person at the number/address provided.
9. Should your complaint be deemed to be founding a possible claim against the Fidelity Fund you will be contacted by our claims department who may request further information from you.
10. A claim will only be considered after finalization or suspension of your complaint.

**I acknowledge that I understand and accept the above guidelines:**

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**Signature of complainant**

**(Please note – this form is invalid without the signature of the complainant)**