

Decision No: [2012] NZREADT 24

Reference No: READT 053/10

IN THE MATTER OF an appeal under s.111 of the Real Estate Agents Act 2008

BETWEEN **TIANXU ZHAO**

Appellant

AND **REAL ESTATE AGENTS
AUTHORITY (CAC10055)**

First Respondent

AND **GRAHAME CAREY**

Second Respondent

BEFORE THE REAL ESTATE AGENTS DISCIPLINARY TRIBUNAL

Ms K Davenport - Chairperson
Mr J Gaukrodger - Member
Mr G Denley - Member

APPEARANCES

Mr J Ku and Ms C Oh for appellant
Mr L Clancy for First Respondent
Mr G Carey for Second Respondent

Date of hearing: 24 February 2012

ORAL JUDGMENT

[1] The appeal by Mr Zhao against the decision of the Complaints Assessment Committee came to be heard before the Tribunal on 24 February 2012. Mr Zhao's complaint was that the amount of compensation awarded by the Complaints Assessment Committee was insufficient to address the problem that he suffered, namely a leaking window.

[2] Evidence has been heard today from Mr Zhao and Mr Carey. Over the morning adjournment the parties have reached an agreement as to resolution of the issue of quantum payable and wish the Tribunal to record this decision to ensure that this appeal is disposed of appropriately. Accordingly the Tribunal record that pursuant to s 93(1)(b) the parties have reached a settlement as follows:

- (i) Mr Carey will pay to the appellant a further sum (in addition to the \$2,000 already paid) of \$5,000.

- (ii) Prior to the payment of this money the solicitors for the appellant will provide Mr Carey with a letter which records that the receipt of the sum will be in full and final satisfaction of any claim that the appellant has against Mr Carey arising out of the Agreement for Sale and Purchase of the property at 52 The Esplanade Road, Eastern Beach.
- (iii) Within seven days of Mr Carey receiving this letter he will post directly to the appellant a cheque for the sum of \$5,000 and he will advise the solicitors for the appellant when he has taken this step. Once the confirmation and cheque have been exchanged and received then this will bring to an end the appeal and all matters arising between the parties.


[3] Accordingly the Tribunal varies the decision of the Complaints Assessment Committee by recording that in addition to the \$2,000 ordered payable by the Complaints Assessment Committee the settlement set out above has been agreed by the parties and this will then form part of the Complaints Assessment Committee's order.

DATED at AUCKLAND this 3 day of May 2012

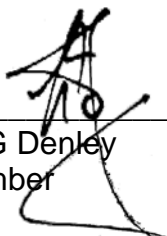


Ms K Davenport
Chairperson





Mr J Gaukrodger
Member



Mr G Denley
Member