

**BEFORE THE REAL ESTATE AGENTS DISCIPLINARY TRIBUNAL**

Decision No: [2013] NZREADT 80

Reference No: READT 102/12

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

**BETWEEN** **ROBERT GALLACHER**

Appellant

**AND** **REAL ESTATE AGENTS  
AUTHORITY (CAC20004)**

First Respondent

**AND** **PATRICIA LOVELL**

Second Respondent

**MEMBERS OF TRIBUNAL**

Ms K Davenport QC - Deputy Chairperson  
Mr J Gaukrodger - Member  
Ms N Dangen - Member

**DATE OF THIS DECISION** 20 September 2013

**DECISION OF THE TRIBUNAL**

In the Tribunal's minute dated 25 February 2013 the Appellant, Mr Gallacher, was ordered to file briefs of evidence and submissions by 19 July 2013. Mr Gallacher failed to comply with this order. The Tribunal's minute dated 7 August 2013 vacated the 30 August 2013 hearing date as a result of the failure of the Appellant to comply. A teleconference was instead scheduled for this date to address this failure and the protest of jurisdiction filed on behalf of the Second Respondent. Mr Gallacher did not attend the telephone conference. The Tribunal issued a minute dated 30 August 2013 and directed Mr Gallacher to file an explanation and reasons for his non-compliance with previous timetable orders by 13 September 2013 or his appeal would be struck out for non-prosecution.

Mr Gallacher has failed to comply with this direction and has not provided the Tribunal with any reason for his continued non-compliance with orders of the Tribunal. It is unfair to the respondents to continue this appeal if the appellant is not prepared to prosecute the appeal. Mr Gallacher has failed to file any evidence or comply with any timetable orders. The minutes referred to above were sent to Mr

Gallacher (who resides out of New Zealand) by email. This is the only contact address that the Tribunal have for him.

The emails were not returned. However the Tribunal has heard nothing at all from Mr Gallacher. In all the circumstances therefore the Tribunal strike out this appeal.

The Tribunal draws the parties attention to s.116 Real Estate Agents Act 2008.

**DATED** at AUCKLAND this 20<sup>th</sup> day of September 2013

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Ms K Davenport QC  
Deputy Chairperson

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Mr J Gaukrodger  
Member

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Ms N Dangen  
Member