

BEFORE THE REAL ESTATE AGENTS DISCIPLINARY TRIBUNAL

[2015] NZREADT 69

READT 027/15

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

BETWEEN **RYAN FAHEY and WENDY MORRISS**

Appellants

AND **REAL ESTATE AGENTS AUTHORITY (per CAC 301)**

First respondent

AND **DEBORAH BOON and MICHAEL HYDES**

Second respondent

BEFORE THE TRIBUNAL CHAIRPERSON – Judge P F Barber

DATE OF THIS RULING ON THE PAPERS 28 September 2015

No representation for the parties

DECISION OF THE TRIBUNAL

Background

[1] By its 3 February 2015 decision, Complaints Assessment Committee 301 determined that Ms Deborah Boon and Michael Hydes (licensees) engaged in unsatisfactory conduct as explained in that decision. In a later penalty decision, dated 6 May 2015, the Committee fined them \$2,000 each and ordered that they each be censured.

[2] By notice of appeal received by this Registry on 18 May 2015, the complainants appealed the said CAC decisions although it may be they only sought to appeal against penalty on the basis of them claiming some form of compensation against the licensees.

[3] In any event, in response to our case manager seeking to arrange a directions hearing for a timetable towards fixture, the complainants advised by telephone on 24 July 2015 that they “*did not wish to go down the path of READT*” and would pursue the licensees in a Small Claims Court (i.e. meaning a Disputes Tribunal).

[4] Accordingly, on 24 July 2015 by email the case manager sent out a standard form for withdrawal of an appeal to the complainants without response. Our case manager followed the matter up by further email on 5 August 2015 and again by email or telephone on 14 September 2015, but there has been no further communication from the complainants with our Registry.

[5] Accordingly, this appeal is struck out for non prosecution.

[6] Pursuant to s 113 of the Act, we record that any person affected by this decision may appeal against it to the High Court by virtue of s 116 of the Act.

Judge P F Barber
Chairperson
Wellington