



PPRA

**PROPERTY PRACTITIONERS
REGULATORY AUTHORITY**



WHAT YOU NEED TO KNOW ABOUT LODGING A COMPLAINT OR A CLAIM

How do I lodge a complaint ?

Complaints must be in writing and submitted using the prescribed Complaints Form. It may be lodged in the following ways:

- By completing and submitting the complaint form on the PPRA's website – when doing so, please read and follow the guidelines provided;
- By downloading a complaint form to be completed and then emailed to: legal@theppra.org.za or handing it to the PPRA's offices at 63 Wierda Road East, Wierda Valley, Sandton; or
- If your complaint is about verification of a property practitioner registration, please contact the call centre on 087 285 3222 to speak one of the call centre agents who will advise you accordingly.

What happens after I have lodged my complaint ?

The complainant will be contacted in writing within 14 working days after lodging the complaint and will be provided with a reference number for the complaint.



Block A & B, 63 Wierda Road East, Wierda Valley, Sandton

Tel: 087 285 3222 | www.theppra.org.za

What type of complaints may I lodge with the PPRA ?

You may lodge a complaint alleging improper conduct on the part of a property practitioner i.e., conduct which contravenes a provision of the Property Practitioners Act 22 of 2019 and/or a provision of the Property Practitioners Regulations, 2022 as published under Proclamation 47 in Government Gazette 45735 of 14 January 2022.

What documents should I submit with my complaint ?

If the complaint relates to the purchase or sale of immovable property or a lease of a property:

- The sale agreement and/or offer to purchase;
- A copy of a lease agreement; and
- The mandate granted to the property practitioner, if in writing.

If the complaint relates to a commission dispute or a dispute between property practitioners:

- Any document you may regard as relevant to the dispute; and
- Proof that the mediation fee was paid.

What type of complaints may I not lodge with the PPRA ?

You may not lodge the following types of complaints with the PPRA:

- Complaints about the conduct of property practitioners acting in their private capacity;
- Complaints requesting the PPRA to order the property practitioner to reimburse or pay damages to the complainant;
- Complaints requesting the PPRA to cancel, interpret or enforce a contract;
- Complaints requesting the PPRA to stop or prevent an eviction;
- Complaints requesting the PPRA to order any party (other than a property practitioner) to perform or refrain from performing any action; and/or
- Complaints requesting the PPRA to resolve labour disputes.

How long will the PPRA take to resolve my complaint ?

The timeframe for resolving the complaint will depend on the nature and complexity of the matter as well as the various prescribed procedural timeframes that must be complied with. The proper investigation of a complaint can thus take as long as 8 weeks, or more, before significant progress is made. The PPRA will, however, endeavour to finalise all complaints within a period of six months.

What are the possible outcomes for my complaint ?

After receiving the complaint, the PPRA may do the following:

- If the PPRA is of the opinion that there is insufficient evidence to substantiate the complaint, the PPRA shall, in writing, notify the complainant and the respondent that the matter will be closed;
- If the PPRA believes that a complaint may be resolved through mediation, or on application by the person concerned, it may refer the complaint to mediation;
- The PPRA may charge the respondent and refer the matter to an adjudicator who will, after adjudication proceedings, determine whether the respondent is guilty or not guilty; and
- A person who is aggrieved by the decision of an adjudicator may appeal against such decision to the Adjudication Appeal Committee.

What is the status of an order issued by an adjudicator ?

Orders issued by an adjudicator have the status of an order of a magistrates court and must be executed accordingly.

What sanctions may an adjudicator impose on a property practitioner found guilty of misconduct ?

An adjudicator may impose the following sanctions:

- A fine which may not exceed the amount determined by the Minister of Justice for the purpose of Section 29(1)(a) of the Magistrates' Court Act 32 of 1944;
- An order that the property practitioner pays not more than 80 percent of the fine as a compensation award to the complainant; and/or other appropriate order under the circumstances; and/or
- The practitioners fidelity fund certificate can be withdrawn so that he can no longer operate, or where the contravention is minor, a reprimand may be issued.

May property practitioners refer inter-property practitioner disputes to the PPRA for mediation ?

Yes, property practitioners may consent to refer such disputes to the PPRA for mediation. The PPRA may provide such a mediation service on a cost recovery basis.

How do I submit a claim in cases where the property practitioner has misappropriated trust money ?

You must first lodge a complaint against the property practitioner concerned. The complaint may be lodged in the manner described above. You must describe the details of the incident giving rise to your claim in your complaint form. You must indicate on the form that you wish to lodge a claim against the fidelity fund. Once the investigations officer has verified the existence of a possible claim, your claim will be referred to the PPRA's Claims Department who will contact you.



What important information do I need to know when lodging a claim ?

You need to know that your claim will only be considered if the following requirements have been met:

- The claim must be lodged within 3 years of the incident giving rise thereto;
- The claim must relate to financial loss arising from the theft of trust monies by a property practitioner who was in possession of a fidelity fund certificate at the time of the theft, or the failure to open a trust account, or loss arising from the failure to retain money in a trust account until lawfully entitled to it or instructed to pay such money to a third party;
- A person is not entitled to claim against the PPRA in respect of theft of trust money by a property practitioner unless such a person has, before lodging a claim with the PPRA, laid a criminal charge against that property practitioner;
- You further need to know that a person who has lodged a claim must upon request by the PPRA, participate, cooperate and assist the PPRA in respect of any matter concerning the claim or any government department who is investigating the matter, including the SAPS;
- All claims are capped at a maximum of R 2 million;
- All documents proving that the trust money lost was in fact paid to the property practitioner in respect of a property transaction; and
- Where the property practitioner has been liquidated or sequestrated, you may be required to first lodge your claim with the curator or liquidator for payment.



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