

**IN THE COUNCIL FOR THE BUILT ENVIRONMENT (CBE)
HELD AT PRETORIA**

In the matter between

SHANE VILJOEN

Appellant

And

SOUTH AFRICAN COUNCIL

FOR THE PROPERTY VALUERS

PROFESSION (SACPVP)

First Respondent

MAINE STEINMANN

Second Respondent

Heard on the 29th of May 2025

APPEAL RULING

APPEAL COMMITTEE MEMBERS:

Adv Bayethe Maswazi	-	Chairperson of the Appeals Committee
Mr Shoayb Loonat	-	Member of the Appeals Committee
Ms Cornelia Erasmus-Nel	-	Member of the Appeals Committee

FOR THE APPELLANT:

Shané Viljoen

FOR THE 1st RESPONDENT:

Gabriel Mashishi – Manager: Legal and Governance for SACPVP

FOR THE 2nd RESPONDENT:

Manie Steinmann

Mr Bouwer of P W Bouwer Attorneys

IN ATTENDANCE:

M. Chiloane CBE (The Officer)

INTRODUCTION

1. This appeal engages a question whether the first respondent in the exercise of its disciplinary powers under the provision of the Property valuers Profession Act, 2000¹ (the Act), was correct in deciding that there was no “prima facie grounds” to charge the second respondent after receiving a complaint laid by the appellant.
2. The second respondent is a property valuer registered in terms of the Act.² The jurisdiction of the Council for Built Environment is engaged by virtue of the provisions of section 21 of the Council For The Built Environment Act, 43 of 2000, (the CBE Act)³.

¹ Act 47 of 2000

² Section 20(1) of the Act

³ Appeal (1) (Any person who is aggrieved by a decision of any of the councils for the professions may upon payment of the prescribed fee and, within 30 days from that person becoming aware of such decision, in writing appeal to the council, and the council must consider and decide the appeal. The appellant must submit a copy of the appeal against a decision of a council for the profession and any documents or records supporting such appeal, to that council for the profession and furnish proof of such submission for the information of the council. The council must appoint an appeal committee consisting of - (a) a professional who has appropriate experience; (b) a person qualified in law and who has appropriate experience; and;(c) a person who specialises in the professional field concerning the appeal. The appeal committee must conduct the appeal in accordance with section 33 of the Constitution. The appeal committee must decide an appeal within 60 days from the date on which the appeal was lodged, and inform the appellant and the council concerned accordingly.

3. The Act entitles a person who was aggrieved by a decision of the first respondent to appeal to the CBE within 30 days from the date of becoming aware of the decision.
4. The CBE Appeal Committee must adjudicate the appeal in terms of section 21 of the CBE Act and the applicable policy regulating such appeals. The Appeal Committee must decide an appeal within 60 days from the date on which the appeal was lodged. This appeal is thus before us in terms of the above dispensation.
5. At the hearing of the appeal, the Appellant Ms Viljoen represented herself whilst the first respondent was represented by its Legal and Governance Manager, Mr Mashishi. The second respondent Mr Steinman was represented by his attorney, Mr Bouwer of P W Bouwer Attorneys.
6. At the centre of the appeal is the question whether the first respondent, a statutory body established in terms of the Property Valuers Profession Act, 2000⁴, was correct in deciding not to charge the second respondent after receiving a complaint laid by the appellant against the second respondent.

⁴ Section 2 of Act 47 of 2000

7. In terms of the Property Valuers Profession Act, 2000, the second respondent is a registered person as contemplated in section 19 of that Act. In other words, he is qualified to undertake work of property valuations.
8. The background to the matter is the property purchase agreement concluded between the appellant and Mr Izak Johan Viljoen on 19 September 2018. I deal with this background in turn.

FACTUAL BACKGROUND

9. On 19 September 2018, the appellant and Mr Izak Viljoen concluded a property purchase agreement in terms of which the latter sold to the former an immovable property known as Erf 5608 Hertenbos Mossel Bay held in terms of the deed of transfer being T43553/2007. As a consequence of the sale, the appellant sought property finance from Investec Limited, a banking institution duly registered in terms of company laws of the Republic and operating in terms of the Banks Act, 1990.⁵
10. In order to approve the appellant's application for finance for mortgage bond, Investec sought the services of the second respondent in his capacity as a professional property valuer to investigate various aspects of the property including the value thereof.

⁵ Act 94 of 1990.

11. Among the information which Investec needed was to ascertain whether the provisions of the Housing Consumers Protection Measures Act, 1998 applied to the property.⁶ The reason this information was needed by Investec was that, if the property was newly built and within the first five years of life, there were certain requirements applicable to the transfer of the property. If for instance the property was still within the first five years of its life, the transfer process would have required that the builder and the house itself comply with the requirements of Act 95 of 1998. If the property was more than five years from the time of construction, these requirements did not apply.
12. The gist of the appellant's complaint is that second respondent misrepresented to Investec that the above provisions were not applicable. This would have that the property was older than five years reckoned from the date of the completion of the construction. The appellant viewed the conduct of the second respondent in this regard to be in contravention of the Code of Conduct applicable to property valuers. The appellant thus a lodged a complaint with the first respondent. This complaint was lodged in terms of section 29 (b)
13. For its part, the first respondent seems to have found the complaint either unsubstantiated thus not worthy of investigation or investigated the complaint

⁶ Housing Consumer Protection Measures Act 95 of 1998.

and found no evidence. It is not clear precisely what the first respondent did with the complaint and what its findings are relative thereto. What is clear though is that as consequence of the complaint laid by the appellant, the second respondent was never charged with any act of misconduct.

14. For completeness, I deem it necessary to reproduce the relevant part of this letter dated 8 November 2024. It reads⁷:

*"Mr Viljoen SMJ
2 Secretary Bird Road
Monte Christo Estate
Hartebos*

By email shane.viljoen@gmail.com

IMPROPER CONDUCT: MR STEINMANN MJ/YOURSELF

Your complaint against the respondent, Mr Steinmann MJ was lodged with the council on or about 24 April 2024 has reference.

*The Investigation and Ethics Committee (IEC) established in terms of section 18 (1)(a) of the Property Valuers Profession Act, 2000 (Act 47 of 2000) has investigated the matter in terms of section 29 of the Act. Having regard to the caveat in the voestoots clause and other documents filed of record, it was recommended that no case has been made for investigations. Based on the recommendations of the Investigation and Ethics Committee (IEC), the Council has resolved that there are no **prima facie** grounds upon which charges must be brought"*

15. I shall revert to the interpretation of the content of the above letter in due course. Suffice it to state that the letter constitutes a decision possibly of the

⁷ The letter is at page 1 of the first bundle of the record

Investigation Committee not to investigate the complaint laid by the appellant.

In this sense, it is therefore the decision that the appellant appeals against.

16. In response to this letter, the appellant penned an elaborate request for reasons for the above decision. In her request, appellant implicated certain provisions of the Housing Consumer Protection Measures Act, 1998. She alleged that as a result of the failure of second respondent give Investec the correct information, the latter approved her application for the house that did not comply with the above legislation. In addition to her request for reasons, she also requested the names of the members of the Investigation Committee.
17. In a letter dated 13 March 2025 the first respondent replied to the appellant's request for reasons. In the letter, the same theme as in the previous letter was pursued, this time, with some further information.
18. In this letter, the first respondent after relaying the contents of its previous letter, stated as follows;

"You duly requested reasons in terms of the above section. The IEC based its recommendations on a number of factors and reasons mentioned below.

Prior to the promulgation of the Property Practitioners Act, 2019, a seller of the immovable property did not have a duty to disclose any defects in the property. In terms of the current dispensation, a seller of immovable now has a duty to disclose all defects in the property.

It was noted that the transaction relating to the complaint took place prior to the promulgation of Act 22 of 2019. The respondent consequently did not have a duty to disclose all the defects in the property. Furthermore, the complainant purchased the property "voestoots"

The Code of Conduct for the registered persons must be read in the context of the duty to disclose. If the legal duty to disclose does not arise, there cannot be prima facie grounds upon which charges must be brought".

19. A few comments about the two letters reproduced above are necessary. First, the first letter is written by one Mr Mashishi who is the Manager: Legal Governance employed by the first respondent. The letter attaches no minutes of the meeting of the Investigation and Ethics Committee which is alleged to have considered the complaint. Secondly, the letter refers to the complaint having been investigated but later changes this to state that the complaint was not investigated. Thirdly, even on this appeal, the first respondent did not see it necessary to attach the minutes of the meeting of the Investigation and Ethics Committee in which the issue was considered. When I raised this aspect with Mr Mashishi during the hearing, it became clear that there was no serious consideration regarding the gravity of the complaint nor this very appeal. Fourthly, the letter does not refer to any provision of the Code of Conduct of the first respondent.
20. The second letter written by the Registrar, a Naidoo, confirms the contents of the previous letter. It too refers to the voestoots clause in the deed of sale as a centrepiece in the determination of the complaint. It adds that there was

never a duty to disclose the defects on the part of the second respondent and therefore there were no "*prima facie grounds*" for investigation. It concludes by stating that if the transaction had taken place after 2019, there would have been a duty to disclose on the part of second respondent since the Property Practitioners Act 2019, so goes the argument, imposes such a duty to disclose. It was not stated to whom such a duty to disclose is imposed.

21. Aggrieved by the decision, the appellant referred the matter to the Council For Built Environment (CBE) for an appeal. The CBE is enjoined to establish an appeal committee to deal with appeal from the relevant built professional councils.
22. I deal next with the legal framework governing and regulating complaints in terms of the Property Valuers Profession Act, 2000 and other legislative instrument relevant to the consideration of such complaints.

THE APPLICABLE LEGAL FRAMEWORK

23. The starting point is the legislation establishing the first respondent which is already alluded to above. Section 1 deals with the definition of registered person. It defines a registered person as one registered under one of the categories referred to in section 19 of the Act. On this definition, the second respondent is the registered person. This was not the issue between the

parties during the hearing nor was it canvassed in their respective heads of argument. I thus take it to be common cause. This is significant because if the second respondent is not a registered person, the provision of the act would not be applicable to him neither would the first respondent have jurisdiction over him.

24. It is correct that section 2 of the Valuers Professions Act, 2000 establishes the first respondent. One of the powers of the first respondent is to take steps it considers necessary for the protection of the public in their dealings with registered persons, for the maintenance of the integrity, and the enhancement of the of the status of the property valuation profession.⁸
25. The nature and texture of this power is self-explanatory. The first respondent has the power to protect the public in their dealings with the public against registered persons like the second respondent. This, so goes the provision, is done to maintain the integrity and enhance the reputation of the valuation profession.
26. Section 8 deals with the appointment of the Registrar and gives the power to the first respondent to appoint such a Registrar and assign her any of its functions from time to time. This means that the Registrar does not have

⁸ Section 15(g) of the Property Valuers Professions Act, 2000

statutory power, she performs such function and exercises such functions as may be assigned to her by the first respondents from time to time.

27. Importantly, in terms of section 28(1), the first respondent, in consultation with CBE and other relevant voluntary associations is required to draw up a Code of Conduct for registered persons. What is clear here is that the Code of Conduct comes into existence through the joint decision making of the first respondent, a voluntary association and the CBE. This is different to a situation where the Code of Conduct is adopted by the first respondent after consultation with the CBE and a voluntary association.
28. Section 29 deals with the investigation of charges for improper conduct. It provides that the first respondent must refer any matter brought against a registered person to an investigating committee contemplated in section 18, if the council has reasonable grounds to suspect that a registered person committed an act which may render him or her guilty of improper conduct or if a charge or allegation of improper conduct has been brought against a registered person by any person.
29. From this provision it is clear that there are two ways in which an allegation may arise warranting referral for investigation. The first is that first respondent itself may take notice of such a conduct and thus, on its own accord refer it to

the investigation committee. The second is that any person may bring such allegation or charge to the attention of the council.

30. In the first instance of the two, the first respondent itself must be satisfied that there is a reasonable suspicion of improper conduct. The second instance though is different, in that where the allegation of improper conduct is brought against a registered person, the first respondent has no choice but to refer such to the investigation committee it does not have to suspect that there is an improper conduct as in the first instance. This distinction is important to bear in mind.
31. In terms of section 29(2) it clear that once the investigation committee must investigate the matter and obtain evidence to determine whether or not in its opinion the registered person may be charged and if so recommend to the first respondent the charge or charges that may be preferred against the registered person.
32. It is clear that that the object of investigation by the investigation committee is to obtain evidence to determine not that the registered person is guilty of an improper conduct but rather whether the allegations so made are sufficient to constitute a charge. If there is information pointing to such a possibility, the investigation committee must then detail such charges as may be preferred

against the registered person. There is no doubt that the rule and Code of Conduct would be central in the work of the investigation committee.

33. In addition to the Code of Conduct, the first respondent has the power to make rules which with regard to any matter that is required or permitted to be prescribed in terms of the Act and any other matter for the better execution of the act or in relation to any power granted or duty performed. It is clear from this provision that the power of the first respondent is wide, it ranges from matters prescribed in the act to any matter relating to the power granted and duty performed.
34. This means that since under section 15 the first respondent has the power to protect the public against its registered persons, it may make rules to detail certain disciplinary processes and rules of conduct even in respect of registered persons.⁹
35. Significantly, section 28(3) requires all registered persons to comply with the Code of Conduct and that failure to do constitutes improper conduct. There is no definition of improper conduct in either the act or the Code of Conduct itself. This that an inquiry as to what constitutes improper conduct must be

⁹ There is no reference by any of the parties to such rules neither were we furnished with such rules as part of the appeal record.

sought from the dictionary meaning of the words read in the context of the act and the Code of Conduct and other practices of the profession of valuers.

36. The Code of Conduct as contemplated in the act deals with the conduct of registered persons. It provides that;

1. (Clause 5) In carrying on the property valuers profession, a registered person shall:

- (a) before accepting an assignment, disclose to his or her client the existence of any direct or indirect pecuniary interest which he or she may have in respect of such assignment;
- (b) order his or her conduct so as to uphold the dignity, standing and reputation of the property valuers profession by maintaining a high standard of professionalism, honesty and integrity;
- (c) discharge his or her duties to his or her employer or client in an efficient and competent manner, utilising the knowledge, skill and experience to complete the assignment to an acceptable professional standard, with complete fidelity and without undue delay;
- (d) act with the strictest independence, objectivity and impartiality in performing a property valuation;
- (e) when performing an assignment on the basis of specific instructions, record such instructions in any written submission in connection with such property assignment;
- (f) verify, or cause to be verified, all critical information relevant to a property valuation supplied by the client or any other person, unless specifically instructed by the client to perform the property valuation based on the information so supplied;
- (g) when performing a property valuation in terms of any law, acquaint himself or herself with the provisions of

such law relevant to property valuation and comply therewith;

- (h) sign all property valuation reports and other documentation relating to his or her work in the property valuers profession, prepared by or for him or her, and use his or her title as provided for in section 22(3) of the Act; and
- (i) ensure, where possible, that his or her name is shown on all accounts rendered in connection with property valuations signed by him or her.

37. This legal framework constitutes a standard against which the conduct of the first respondents must be calibrated and thus the merits of the appeal. I deal in turn with respective contentions of the parties.

38. Perforce, a decision of the first respondent not to investigate a complaint constitutes administrative action in terms of the Promotion of Administrative Justice Act, 2000¹⁰. This is because such a decision a decision of an administrative nature made...under an empowering provision [and] taken...by an organ of state, when exercising a power in terms of the Constitution or a provincial constitution, or exercising a public power or performing a public function in terms of any legislation, or [taken by] a natural or juristic person, other than an organ of state, when exercising a public power or performing a public function in terms of an empowering provision, which

¹⁰ Act 3 of 2000

adversely affects the rights of any person and which has a direct, external legal effect.¹¹

CONTENTIONS OF THE PARTIES

39. According to the appellant, second respondent was contractually bound to inform Investec that the property was newly constructed because this information was in his possession as he performed in the form of the Lightstone Property Report.¹²
40. This report, so goes the argument, demonstrates that as at the date the second respondents performed the functions, the property was newly constructed on what was previously empty land. The appellant contends that this factor ought to have compelled second respondent to inform Investec that the provisions of the Housing Consumer Protection Measures Act, 1998 were applicable.
41. The argument further goes that had Investec been informed that the property was a newly built, it would have sought a certificate from a conveyancer to the effect that the house was duly enrolled in terms of the above act and the homebuilder was similarly registered as a homebuilder with National Homebuilders Registration Council as required.

¹¹ *Grey's Marine Hout Bay Pty Ltd v Minister of Public Works and Others* 2005(6) SA 313 par 21

¹² Page 66 of the appeal record

42. If neither the home is enrolled nor the homebuilder registered as required, Investec would not have approved the home loan and without that approval, appellant would not have purchased the house. According to the appellant, the approval of the loan with the correct information provided by the second respondent would have meant that the Investec was complicit in the offence of the homebuilder and contractor since the former had not enrolled the house and the latter was not registered with the National Homebuilders Registration Council.

43. Pivoting to the first respondent's Code of Conduct, appellant argued that in failing to supply the correct information to Investec, second respondent violated;

43.1 Section 5(c) of the Code in that he did not discharge his duties in a manner that is efficient and competent manner.

43.2 Section 5(f) which requires a registered person in the performance of his duties to verify all critical information supplied by the client or any other person.

43.3 Section 5(g) which required a registered person to acquaint himself with the applicable law applicable to the transaction that he is undertaking.

44. The relevant law which the second respondent ought to have acquainted himself with is the Housing Consumer Protection Measures Act, 1998, particularly those provisions which apply to the enrolment of the newly built homes and registration of the homebuilders¹³.

45. For his part the second respondent conceded that he made a mistake by not *“changing the default settings”* in the form he was supplied with by Investec. However, it was contended that the proper interpretation of the Housing Consumer Protection Measures Act, excluded the seller of the property from whom the appellant purchased the property as a homebuilder. Therefore, so it was contended, if the seller was not a homebuilder, the provisions of the Housing Consumer Protection Measures Act, 1998 are not applicable. According to this argument, there was no duty on the part of the second respondent to disclose anything to Investec.

¹³ This would be section 10(10) which provides that;

No person shall— (a) (b) carry on the business of a home builder; or receive any consideration in terms of any agreement with a housing consumer in respect of the sale or construction of a home, unless that person is a registered home builder. No home builder shall construct a home unless that home builder is a registered home builder.

AND section 18(1) which provides;

No financial institution shall lend money to a housing consumer against the security of a mortgage bond registered in respect of a home, with a view to enabling the housing consumer to purchase the home from a home builder, unless that institution is satisfied that the home builder is registered in terms of this Act and that the home is or shall be enrolled with the Council and that the prescribed fees have been or shall be paid.

46. However, it was not suggested that the second respondent made his decision to inform Investec that the Housing Consumer Protection Measures Act, 1998, was not applicable, based on the informed understanding that there was a distinction between the homebuilder and the seller. This for me, is the missing link in the submission.
47. Continuing with this line of argument Mr Bouwer who appeared for the second respondent submitted that in the absence of the statutory provisions referred to above, the voetstoots clause kicked in and obviated the guilt of the seller for structural defects.
48. In the next section of this ruling, I must synergise these contentions with the legal framework described above and determine whether on their basis and on the facts, the first respondent took the correct decision in rejecting the appellant's complaint against the second respondent.

APPLICATION

49. Before I deal with the application of the law to the facts of this matter, a word of caution is apposite. The Appeals Committee was not dealing with the question whether the second respondent is guilty of any misconduct. On the contrary, we are dealing with the question whether the first respondent was correct in terms of the applicable legislation and the Code of Conduct to decide that there were no grounds for charges to be preferred against the

second respondent. This question requires us to consider whether the Investigation and Ethics Committee of the first respondent properly investigated the appellant's complaint.

50. The record placed before the Appeals Committee was composed of various documents many of which are documents which obviously originated from the appellant. Documents that were before the Investigation Committee or that came into existence as a result of the investigation of the complaint by that committee were conspicuous by their absence. These documents for instance could have been; the minutes and deliberations of that committee, correspondence between the committee and individuals or entities considered by the committee as having information to assist in the investigation and correspondence received from any of the parties in either substantiation or refutation of the complaint. All these efforts could have been embarked upon by the committee in the process of its investigation of the complaint. However, for unexplained reasons, none of this information formed part of the record of the appeal.

51. Prior to the hearing, I directed, after consulting other members of the committee, that the Code of Conduct be made available as part of the record and thereafter be sent to the parties. This process could not have been necessary because the starting point in the investigation by the committee constituted in terms of the Act, would have been to view the allegations of the

appellant through the lens of the Code of Conduct and the Rules. Thus, the Code of Conduct should have been before the Investigating Committee as part of its investigation. Otherwise, how else would the Committee know whether the appellant's complaint disclosed, even at the barest minimum level, a basis for a complaint against the second respondent without considering the Code of Conduct?

52. When the appellant decided to take the matter on appeal, the first respondent inexplicably filed a notice to abide the decision of the Appeals Committee. Nor were the minutes of the investigation availed. There was, during the hearing, an offer to avail such minutes. The Committee considered the offer during its deliberations and concluded that it was opportunistic of the first respondent to offer to avail such minutes at that late stage.
53. In the two letters that the first respondent wrote to the appellant, the idea that the complaint was investigated came out in a rather timid fashion. In the first letter, the essence of the message sent to the appellant was that the complaint was investigated but by the same vein, it was not investigated. This conclusion is not one to be expected from public functionary like the first respondent exercising public power in terms of legislation.
54. In the same letter, the first respondent made reference to the voetstoots clause in the deed of sale as a justification for the refusal to take any steps

further than the so called investigation by its Investigation and Ethics Committee.

55. In the second letter, the first respondent beyond reiterating the investigation and the voetstoots clause, went further and suggested that;

“the Code of Conduct for Registered must be read in the context of the of the legal duty to disclose. If there the legal duty to disclose does not arise, there cannot be prima facie grounds upon which charges must be brought”

56. From both letters, it is clear that the first respondent misconceived its duties and the scope of investigation under the Act and the Code of Conduct. On the proper interpretation of the Act, once the first respondent receives a complaint or charge from a member of the public, the first respondent must request its Investigation Committee to investigate the complaint and decide whether on the basis of evidence uncovered in such investigation, there is a ground for the charges to be preferred against the registered person.
57. The process of investigation envisaged in the Act requires that the Investigation Committee must obtain evidence whether or not in its opinion the registered person may be charged. On the proper interpretation of the Act, the registered person may be charged if the process grounds a reasonable basis which engenders an opinion on the part of the investigation committee that a contravention of the Code of Conduct has occurred.

58. A reasonable, unitary and contextual interpretation of the Act commends itself of no other meaning. This approach to interpretation is decreed by the approach to the interpretation of documents now accepted as trite in our law.¹⁴
59. The question then that arises naturally is: what evidence did the Investigation Committee of the first respondent obtain? The immediate answer is that there is none. Thus, a decision to dismiss the complaint was made in the vacuum. This is clearly impermissible on the letter and spirit of the Act properly interpreted.
60. When the allegations of the appellant against the second respondent are viewed in the light of the Code of Conduct, the decision of the Investigation Committee becomes incongruent. The fact that the Investigation Committee, on the evidence placed before us, did not consider the Code of Conduct, degenerates the quality of the decision making process of the Investigation Committee that ultimately that of the first respondent.
61. This situation is not made better by the fact that when the appellant sought reasons for the decision not to admit her complaint she was given none except a resort to the voetstoots clause in the deed of sale.

¹⁴ *Endumeni Local Municipality v Natal Joint Pension Fund* 2012(4) 593 par 18 see also *University of Johannesburg v Auckland Park Theological Seminary* 2021(6) SA 1 (CC) at par 68-69

62. Nothing illustrates the misconception of the complaint on the part of the first respondent more than the reference to the voetstoots clause. In the main, the second respondent was not a party to the deed of sale, he thus did not feature in any duty to disclose. However, when his failure to record accurately the facts with regard to the property he was asked to value and report to Investec, his conscientiousness is suspect. This ought to have triggered a need to investigate further on the part of the first respondent. This is not to say that the second respondent is guilty of misconduct, it is to underscore the need for a proper investigation.
63. When read with the duties of the registered persons as set out in section 28(3) of the Act, the failure of the first respondent to investigate the conduct of the second respondent becomes glaring.
64. I therefore have no hesitation in holding that the appeal must succeed.

COSTS OF THE HEARING


65. Section 22.4 of the CBE's Policy on Conducting Appeals, provides that if the appeal outcome is in favour of the appellant, the CBE may hold the unsuccessful professional council from which the decision appealed against emanates responsible for the costs incurred by the CBE for the appeal.

66. The Appeal Committee is unanimous that the instant appeal is one where such a ruling must manifest.
67. The reason for such an approach is not far to seek. This matter demonstrates that the first respondent being the professional council from which the appeal emanates has rather been neglectful of its duties to investigate complaints brought against registered persons.
68. This neglect by the first respondent of its statutory duties is inimical to the letter and spirit of the provision of the act which requires the first respondent to protect the public interest against the wayward conduct of the registered persons.¹⁵
69. For these reasons the first respondent must bear the costs of the CBE for the appeal process.
70. The following ruling shall issue;
- 70.1 The appeal is upheld.**
- 70.2 The decision of the first respondent not to investigate the appellant's complaint communicated to the appellant through the letter dated 8 November 2024 is hereby set aside.**
- 70.3 The matter is remitted back to the first respondent to investigate the appellant's complaint in terms of section 28 of the Property Valuers Act, 2000.**

¹⁵ Section 15(g) of the Act

70.4

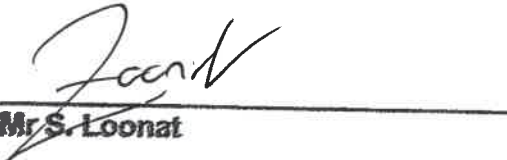
The first respondent shall pay the costs of the CBE for the appeal process.



Adv. B. Maswazi
Chairperson of the Appeals Committee

05-06-2025

Date



Mr S. Loonat
Member of the Appeals Committee

05-06-2025

Date



Ms C. Erasmus-Nel
Member of the Appeals Committee

05-06-2025

Date