**Agency Letterhead**

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

To: The Body Corporate / Home Owners Association of **(insert Estate name)**

**LETTER OF NOTIFICATION IN TERMS OF SECTION 35 OF THE PROPERTY PRACTITIONERS ACT 22 OF 2019**

I, **(insert name and surname of Estate Agent)**, as employed by **(Estate agency firm name)**, would like to bring the following facts to the attention of the reader hereof:

1. In terms of section 63(1) of the Property Practitioners Act, 2019 (‘the Act”) read with regulation 35(1) of the Property Practitioners Regulations, 2022, the following business practices have been declared undesirable and therefore prohibited:
	1. “35.1.1.2 any arrangement in terms of which any party or person that directly or indirectly controls or manages any residential property development, including any body corporate or homeowners' association (the 'managing organisation')-
	2. 35.1.1.3 receives money or any other reward in exchange for a benefit, advantage or other form of preferential treatment in respect of the marketing of properties in such property development;
	3. 35.1.1.6 effectively provides an advantage to any one property practitioner or group of property practitioners over and above any other property practitioners, in providing services in relation to properties in such property development; or
	4. 35.1.1.7 effectively excludes or disadvantages any property practitioner or group of property practitioners from being able to provide services in relation to properties in such property development.”

In lieu of the above, Property Practitioners have an obligation to comply with the provisions of the Property Practitioners Act, and therefore are prohibited from paying any sort of Accreditation fee or alike. The Property Practitioners Regulatory Authority has formally discouraged Property Practitioners from the practice of paying Accreditation fees, as follows:

1. Property practitioners’ duty to comply with the provisions of the Act:
	1. In accordance with the aforementioned provisions of the Act, all property practitioners and their firms are hereby discouraged from entering into arrangements with any body corporate or homeowners’ association in terms of which money is exchanged for a benefit, advantage or other form of preferential treatment in respect of the marketing of properties in such property developments.
	2. Any such arrangement which effectively provides an advantage to any one property practitioner or group of property practitioners over any other property practitioners, or effectively excludes or disadvantages any property practitioner or group of property practitioners from being able to provide services in relation to properties in such property developments is prohibited.

Property Practitioners are prohibited from performing any activities classified as undesirable business practices, as per Section 63 of the Property Practitioners Act, and will be disciplined if they are found to be in contravention of the Act.

1. In light of the above, I formally confirm I will not be paying any Accreditation fees to gain access to your estate. I will gain access to your estate by means of my seller or lessor, as the case may be, as is their right to use a Property Practitioner of their choosing.
2. I reserve my right to report any undesirable business practice to the Property Practitioners Regulatory Authority.

Please feel free to contact our offices at **(insert office telephone number)** if further information is required or if you have any questions.

Kind Regards,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(Name and surname of Estate Agent)**

Property Practitioner

**(Estate agency firm name)**