

**In the matter of
Case No. 03813 Mr M Dunson-Odunsanya v Mr Mohammad Bashir, Director of
Centralparkestates.co.uk Limited**

**Disciplinary Tribunal Hearing held on
Wednesday 8 June 2011**

Case of

Mr Mohammad Bashir, Director, Centralparkestates.co.uk Limited, 108 High Street
South, East Ham, London, E6 3RL

A former member of ARLA

At

NFoPP, Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

Alleged breaches as set out by the Disciplinary Caseworker

Bye-Law 1.11

Internal Complaint procedure

A Partner/Principal/Director (PPD) Member must maintain and operate (appropriate to its size and structure) a prescribed procedure to deal with formal complaints from clients and customers and an explanation of that process must be provided in written form to a complainant, upon request.

Bye-Law 1.38

Conduct and Behaviour

An individual member shall conduct themselves at all times in accordance with the Association's core value, e.g. "promoting the highest standards in residential lettings...". This means they are expected to act with integrity; be open and transparent in their dealings; always be honest; know and act within their limitations; be accountable for their actions; treat others with respect; be objective at all times and set a good example.

Incorporating the Code of Practice

Clause 1d

You are expected to provide a service consistent with fairness, integrity and best practice.

Clause 12d

Irrespective of how the tenancy deposit has been held by you, where subsequently contractually involved in negotiations between the parties at the end of the tenancy, you should communicate promptly, regularly, politely and fairly. Major pertinent details and recommendations or suggestions should be confirmed in writing and copies of relevant significant information (such as quotes or invoices) provided.

Clause 15g

Following the conclusions of your In-House Review, a written statement – expressing your final viewpoint, and including any offer made – must be sent to the complainant. This letter must also tell the complainant how the matter can be referred to the Ombudsman, pointing out that any such referral by the complainant must be made within six months of your final viewpoint.

The NFOPP's Head of Legal & Policy entered a plea of not guilty to the alleged breaches in the member's absence.

After hearing the respective submissions and having considered the evidence presented, the Tribunal found as follows:

Alleged Breach	Findings	Sanction
Byelaw 1.11	Proven	£500 fine
Byelaw 1.38	Proven	£1,000 fine
TPOS Code of Practice 1(d) & 15(g)	Proven	£100 fine
TPOS Code of Practice 12(d)	Not proven	N/A

Costs of £155.00 were awarded in favour of the NFOPP.

Publication

This determination falls within the NFOPP publications policy.

The Tribunal issued the following statement:

“The Tribunal greatly acknowledges the attendance today of Mr Dunson-Odunsanya as complainant in this matter.

From the papers presented there has been a clear case, as found by the County Court, that papers were modified, after signing, in an attempt to take advantage of Mr Dunson-Odunsanya.

The failure to operate a formal complaints procedure in this matter compounds the member's failings.

Mr Bashir has resigned from membership of ARLA. Had this not been the case the Tribunal would have had no hesitation in expelling him from membership.”