



Appeal Tribunal Decision
In the matter of Case No 03500 Underwood v Complete Residential Lettings
Appeals Tribunal Hearing on 5 May 2011
At
Arbon House, 6 Tournament Court, Edgehill Drive, Warwick

To consider the appeal following:
Disciplinary Tribunal Hearing
9 February 2011

Case of

Mr M Phythian MARLA, Complete Residential Lettings, 49b Allesley Old Road,
Coventry, CV5 8BU

A member of ARLA

At

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

The rules found to have been breached by Mr Phythian at a hearing held on 9 February 2011 and the penalties imposed were:

Bye-Law 1.38	-	£200
Bye-Law 8.7	-	£350

The Appeals Tribunal considered the case.

Appeal Tribunal's Decision

After hearing the appellant's submission, considering the evidence and after deliberation, the Appeal Tribunal made the following statement:-

"Mr Phythian, we are very grateful for your attendance today and for being so frank with us.

ARLA Bye-Law 1.38, Conduct and Behaviour. You have drawn our attention to the fact that you used photographs belonging to another agent without their permission in order to compete with them, this we find unacceptable. Accordingly we reject your appeal. You have also appealed against the fine imposed. We believe that a £200 fine is the least that could be levied for this lack of integrity and it is therefore upheld.

ARLA Bye-Law 8.7, Unprofessional Conduct, touting. You have brought to our attention the relaxation of ARLA rules on touting. ARLA members were emailed to advise of the change on 14 July 2010. The alleged touting took place before that date at a time when different rules were in place. We have given long and deliberate consideration to the allegation and have come to the conclusion that your behaviour at the time was unacceptable. Accordingly your appeal is rejected. With regard to the fine previously imposed of £350, we consider that to be fair and your appeal is therefore rejected.

To the costs originally imposed of £126 shall be added the costs of today's hearing in the sum of £95".