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| Title | Evaluate and support licensees and employees with real estate contracts and property management | | |
| Level | 5 | Credits | 5 |

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| Purpose | <p>This unit standard is for people who intend to operate as branch managers or agents in the real estate industry.</p> <p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> – describe concepts of real estate contracts; – evaluate and support licensees in the preparation of real estate contracts; – support licensees with the discharge of real estate contracts; – demonstrate knowledge of real estate leases; and – demonstrate knowledge of property management legislation and processes. |
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| Classification | Real Estate > Real Estate Management |
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| Available grade | Achieved |
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Guidance Information

- 1 Legislation and regulations relevant to this standard include:
 - Building Act 2004;
 - Consumer Guarantees Act 1993;
 - Contract and Commercial Law Act 2017;
 - Fair Trading Act 1986;
 - Health and Safety at Work Act 2015;
 - Human Rights Act 1993;
 - Privacy Act 2000;
 - Property Law Act 2007;
 - Property (Relationships) Act 1976;
 - Overseas Investment Act 2005;
 - Overseas Investment Regulations 2005;
 - Real Estate Agents Act 2008;
 - Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012;
 - Residential Tenancies Act 1986;
 - Unit Titles Act 2010;
 - and all subsequent amendments and replacements.
- 2 References
 - The Real Estate Authority Code of Conduct, available at <https://www.rea.govt.nz/real-estate-professionals/education-and-obligations/the-code-of-conduct/>

The Real Estate Institute of New Zealand Codes of Practice, available at <https://reinz.co.nz/code-of-practice>.

3 Definitions

Agent refers to a real estate agent who holds, or is deemed to hold, a current licence as an agent under the Real Estate Act 2008.

Agency agreement is a legally binding contract between the seller of a property and a real estate agency.

Branch Manager means a person who holds, or is deemed to hold, a current licence as a branch manager under the Real Estate Agents Act 2008.

Employees refer to staff who have an employment agreement with an agency.

Industry requirements – all actions by licensees and employees which must comply with relevant professional standards, legislation, and rules made under the provision of applicable legislation.

Licensee refers to a salesperson, branch manager, or agent, based on the meeting of individual qualifications and licensing requirements set the Real Estate Agents (Licensing) Regulations 2009.

Plain English is clear and unambiguous language, without the use of technical or difficult terms.

Real estate contract is a contract between parties for the purchase and sale, exchange, or other conveyance of real estate.

4 Assessment

Evidence provided for assessment against this unit standard must be derived from a real or a simulated workplace situation, in which the simulation reflects industry requirements and requires performance that replicates a real working environment.

Outcomes and performance criteria

Outcome 1

Describe concepts of real estate contracts.

Performance criteria

1.1 Describe concepts of real estate contracts consistent with the law of agency.

Range concepts include but are not limited to – nature and effects of relationships among principals, agents, and licensees; formation of agency agreement, the rights, obligations, and liabilities of parties in contracts of agency.

Outcome 2

Evaluate and support licensees in the preparation of real estate contracts.

Performance criteria

- 2.1 Support a licensee to prepare an agency agreement and presentation material in accordance with industry requirements.
- Range evidence of constructive written feedback to the licensee during preparation of both an agency agreement and presentation material to ensure accuracy and compliance with industry requirements is required.
- 2.2 Explain legal definitions and terms in the sale and purchase agreement in plain English.
- Range evidence of four different legal definitions and terms is required.
- 2.3 Draft a valid and enforceable special clause for a sale and purchase agreement.
- Range evidence of two different situations is required.
- 2.4 Evaluate a sale and purchase agreement prepared by a licensee and provide feedback to ensure accuracy and compliance with applicable legislation.
- 2.5 Evaluate a commercial lease agreement or tenancy agreement prepared by a licensee and provide feedback to ensure accuracy and compliance with applicable legislation.
- 2.6 Provide support to a licensee or property management employee for the preparation and execution of a real estate contract, consistent with industry requirements.
- Range evidence of constructive written feedback to the licensee during preparation and execution of a real estate contract to ensure accuracy and compliance with industry requirements is required.

Outcome 3

Support licensees with the discharge of real estate contracts.

Performance criteria

- 3.1 Provide support to a licensee to remedy or correct invalid or unenforceable contracts to enable discharge.
- 3.2 Evaluate the rights and obligations of contracting parties in respect of contractual terms and conditions.
- Range terms and conditions may include but are not limited to – pre-unconditional activities, timeframes, vendor warranties, disclosures, requisition of title.
evidence of three terms and conditions are required.

Outcome 4

Demonstrate knowledge of real estate leases.

Performance criteria

4.1 Communicate the rights and responsibilities of lessees and lessors arising from lease agreements and legislation.

Range evidence of written communication is required.

4.2 Analyse the responsibilities of a branch manager or agent when leasing a property or business in accordance with industry requirements.

Range responsibilities include but are not limited to – vacating premises, re-leasing, assignment, subletting.

Outcome 5

Demonstrate knowledge of property management legislation and processes.

Performance criteria

5.1 Investigate the legislation that provides support and supervision to property management staff.

Range legislation includes but is not limited to – Residential Tenancies Act 1986, Building act 2004, Unit Titles Act 2010, Human Rights Act 1993, Privacy Act 1993, Health and Safety at Work Act 2015, Property Law Act 2007.

5.2 Evaluate the functions of Tenancy Services and the Tenancy Tribunal.

5.3 Analyse how a branch manager or agent should supervise and support a property manager with a Tenancy Tribunal case in accordance with the Residential Tenancies Act 1986.

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| Replacement information | This unit standard replaced unit standards 4703, 4704, 4705 and 4707. |
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| Planned review date | 31 December 2026 |
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Status information and last date for assessment for superseded versions

| Process | Version | Date | Last Date for Assessment |
|--------------|---------|-----------------|--------------------------|
| Registration | 1 | 26 October 2017 | 31 December 2021 |
| Review | 2 | 29 July 2021 | N/A |

Consent and Moderation Requirements (CMR) reference

0003

This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

Comments on this unit standard

Please contact The Skills Organisation reviewcomments@skills.org.nz if you wish to suggest changes to the content of this unit standard.