

NEGOTIATORS CERTIFICATION COURSE (NCC) LAWS RELATING TO ESTATE AGENCY TRANSACTION



Organized by:

ASSOCIATION OF MUSLIM REAL ESTATE CONSULTANTS (PEHAM)

Endorsed by:

**BOARD OF VALUERS APPRAISERS, ESTATE AGENT AND PROPERTY
MANAGERS (BOVAEP)**



ZULHISHAM ABU NAWAR

EJEN HARTANAH BERDAFTAR (E2767)

IQI REALTY SDN BHD

0102261701

<https://gohartanah.com>



PROFIL

- Prinsipal IQI Realty Sdn Bhd
- Co-founder IQI iRealty Group
- Pengalaman lebih 13 tahun
- Ijazah Sarjana Muda Kejuruteraan Sistem Maklumat, UiTM
- Certified HRDF Train The Trainer (TTT)
- Islamic Financial Planner (IFP)
- Financial Adviser Representative (FAR)
- Speaker Negotiator Certification Course (NCC), CDP
- PEHAM, MIEA, FPAM, IBFIM



4 MAIN WRITTEN DOCUMENTS FOR ESTATE AGENTS

01

**VALUERS, APPRAISERS, ESTATE
AGENTS & PROPERTY MANAGERS ACT
1981 (ACT 242)**

02

**VALUERS, APPRAISERS, ESTATE
AGENTS & PROPERTY MANAGERS
RULES 1986**

03

**MALAYSIAN ESTATE AGENCY
STANDARDS 2ND EDITION (2014)**


04

CIRCULARS

VALUERS, APPRAISERS, ESTATE AGENTS & PROPERTY MANAGERS ACT 1981 (ACT 242)

- 16 – Authority to practice
- 22B (1A) Definition of estate agent. Be an agent for fee
- 22C (1) – Limitation of estate agency practice
- 22C (2) – Notwithstanding Subsection (1): (a) proprietor (b) license auctioneer (c) PA (d) REN
- 22C (2A) Definition REN
- 30 – Offences
- 30A (1) – Authority to investigate (Police inspector)

Authority To Practice Seksyen 16


FORM K
(RULE 23)
Certificate No **R0108323**

**BOARD OF VALUERS, APPRAISERS, ESTATE AGENTS
AND PROPERTY MANAGERS**

**RENEWAL OF AUTHORITY TO PRACTISE * VALUATION/
~~APPRAISAL~~ / ESTATE AGENCY / ~~PROPERTY MANAGEMENT~~**


This is to certify that :

Name **ZULHISHAM BIN ABU NAWAR**

Registration No. **E2767**

having complied with the requirements of the Valuers, Appraisers, Estate Agents and Property Managers Act 1981 and having paid the prescribed fee, has had his authority to practise ~~*valuation / appraisal /~~ estate agency / ~~property management~~ under and subject to the provisions of the Act renewed till 31 December ... **2023**

Date **14 December 2022**


Registrar
Board Of Valuers,
Appraisers, Estate Agents And
Property Managers

**REGISTERED
ESTATE AGENT**

The Board of Valuers, Appraisers, Estate
Agents & Property Managers





2023

IQI REALTY SDN BHD

ZULHISHAM BIN ABU NAWAR

E2767

Pendaftaran Ejen Hartanah

Seksyen 22B



Sijil / Diploma / Ijazah



Ejen Hartanah Percubaan
Probationary Estate Agent (PEA)



Tulis Work Diary
1 -2 tahun



Ujian Kecekapan
Profesional (TPC)

Siapa Yang Boleh Jual Hartanah dan dapat Fi Profesional Ejen Hartanah ?

Seksyen 22C



Pemilik Rumah



Pelelong Berlesen



Pemegang Surat Kuasa
Wakil (PA)

VALUERS, APPRAISERS & ESTATE AGENTS RULES 1986

- Schedule 7 – Estate Agency Fee

MALAYSIAN ESTATE AGENCY STANDARDS

- 10 Standards

Fi Ejen Hartanah

Maksima 3%

Minimum RM1,000

Boleh lebih dari 3%?

Malaysian Estate Agency Standard (MEAS)

10 Standards

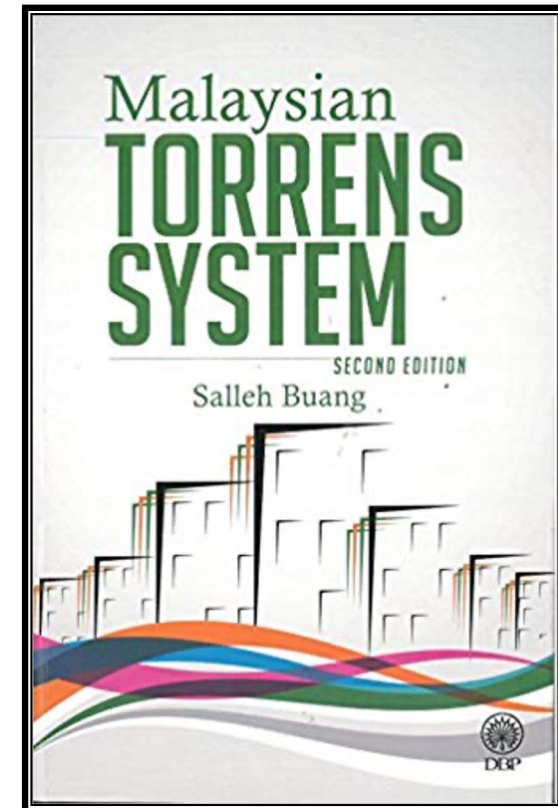
S2 : Siapa REN?

S3 : Jenis Lantikan

S7 : Co-Agency

TORRENS SYSTEM

- Based on title registration
- Indefeasibility
- Mirror & Curtain principles
- Register Document of Title (RDT) & Issue Document of Title



BORANG 5BK
(Jadual Keempat, Belas)

GERAN

No. Hakmilik :	Cukai Tahunan : RM80.00
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Negeri : Selangor
 Daerah : Ulu Langat
 Bandar/Pekan/Mukim : Mukim Beranang
 No. Lot : Lot 4388
 Luas Lot : 1284 Meter Persegi
 Kategori Penggunaan Tanah : Bangunan
 No. Lembaran Piawai : 110-D
 No. Pelan Diperakui : PA 89495
 No. Fail : PTG/BPT/SEL 2/79/08(UL)

Tanah yang diperihalkan di atas adalah dipegang untuk selama-lamanya oleh tuan punya pada masa namanya disebut dalam rekod ketuanpunyaan di bawah, tertakluk kepada peruntukan-peruntukan Kanun Tanah Negara, kepada kategori yang dinyatakan di atas dan kepada syarat-syarat nyata dan sekatan-sekatan kepentingan yang dinyatakan di bawah, sebagai balasan bagi pembayaran cukai tahunan yang sewajarnya.


Dengan perintah Pihak Berkuasa Negeri
 Didaftarkan pada 25 November 2008

T.M I.L.
 Pendaftar

Pelan tanah, bagi maksud pengenalan, adalah dikepilkkan pada Borang B1.

SYARAT-SYARAT NYATA
 Bangunan kediaman

SEKATAN-SEKATAN KEPENTINGAN
 Tiada



Hakmilik	100601GRN00225461
Tarikh	04/12/2013
No. Versi	3
No. Salinan	
Muka Surat	

Df

Hendaklah dipenuhkan apabila hakmilik dikeluarkan bagi sambungan

Jika mula-mula pemberimilikan
 No. hakmilik asal (Tetap atau sementara)

GRN - 4459 Mukim Beranang
EMR - 2482 Mukim Beranang
EMR - 2483 Mukim Beranang
EMR - 2484 Mukim Beranang
EMR - 2485 Mukim Beranang
EMR - 2486 Mukim Beranang
EMR - 2487 Mukim Beranang
EMR - 2488 Mukim Beranang
EMR - 2489 Mukim Beranang
EMR - 2490 Mukim Beranang
EMR - 2491 Mukim Beranang
EMR - 2492 Mukim Beranang
EMR - 2493 Mukim Beranang
EMR - 2494 Mukim Beranang
EMR - 2495 Mukim Beranang
EMR - 2496 Mukim Beranang
EMR - 2497 Mukim Beranang
EMR - 2498 Mukim Beranang
GRN - 5134 Mukim Beranang
HSD - 47850 Mukim Beranang
HSD - 61830 Mukim Beranang

No. hakmilik yang terdahulu daripada ini
(jika bertlain daripada di atas)

REKOD KETUANPUNYAAN

Nama Pemilik Terkini

REKOD URUSAN

Detail Bank Terkini

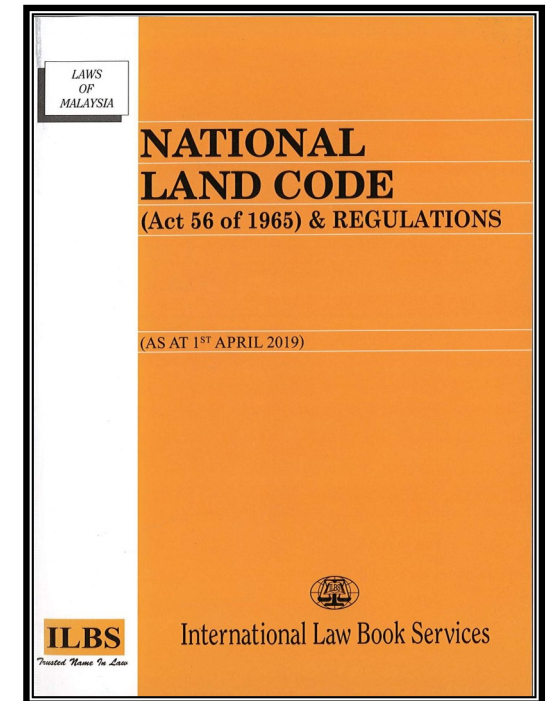
PERKARA LAIN YANG MELIBATKAN HAKMILIK

Hakmilik	100601GRN00225461
Tarikh	04/12/2013
No. Versi	3
No. Salinan	
Muka Surat	

NATIONAL LAND CODE (NLC) 1965

KANUN TANAH NEGARA (KTN) 1965

- Dealings – Transfer, Lease, Charge, Easement
- Caveat – Registrar, Private, Lien, Trustee
- Express Conditions & Implied Conditions
- Subdivision, Partition, Amalgamation
- Qualified Title v Final Title



Kanun Tanah Negara (KTN)

4 Urus Niaga

Pindah milik, Pajak, Gadaian, Easement

Kaveat

Halangan untuk melakukan URUSNIAGA

LAW OF CONTRACT

- Contract Act 1950
- 2(a) offer – ‘proposal’
- 2(b) acceptance
- 2(e) consideration of each other – agreement
- 2(h) agreement enforceable by law is contract
- Elements: 1) Offer 2) Consideration 3) Intention to create legal relations 4) Capacity to contract 5) Free consent

Law of Contract



BOOKING FORM

BINDING DOCUMENTS

- Engagement Letter
- Employment Letter
- Appointment Letter
- Co-Agency Letter
- Agreement to Purchase / Rent
- Sale & Purchase Agreement (SPA)
- Tenancy Agreement

STAMP ACT 1949

- Stamp Duty – RM10
- Adjudication: to protect the parties to the contract in respect of the admissibility of the instrument as evidence in court during a civil proceeding
- Fixed Duty & Ad Valorem

Consideration or Adjudicated Value	Scale of Fees
First RM100,000	1%
RM100,001-RM500,000	2%
RM500,001-RM1,000,000	3%
RM1,000,00 ONWARDS	4%

DUTY STAMP MOT

HARGA JUAL RM 500,000

RM100K pertama (1%) = RM1,000

RM400K seterusnya (2%) = RM8,000

Jumlah MOT = RM9,000

HARGA JUAL RM 900,000

RM100K pertama (1%) = RM1,000

RM400K seterusnya (2%) = RM8,000

RM400K seterusnya (3%) = RM12,000

Jumlah MOT = RM21,000

REAL PROPERTY GAINS TAX ACT 1976

- Rates
- Formula (Disposal – Acquisition)
- Exemptions

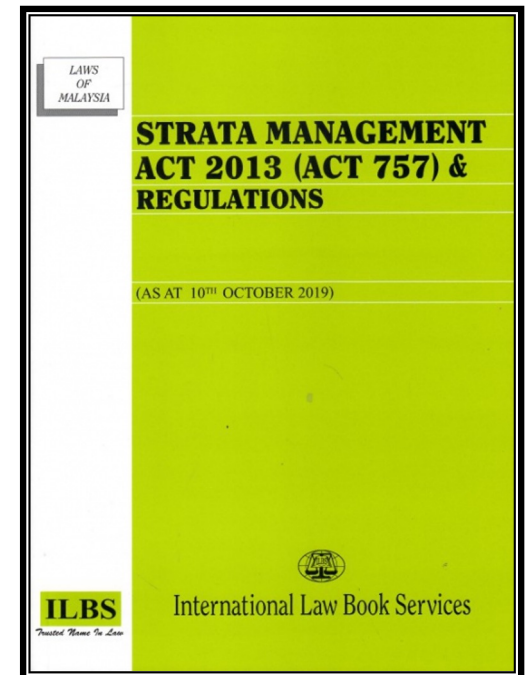
Disposal year	Individual		Company incorporated in Malaysia / Trustee / Body of person registered under any written law in Malaysia	Company not incorporated in Malaysia
	2019 – 2021	2022		
Within 3 years	30%	30%	30%	30%
4 th year	20%	20%	20%	30%
5 th year	15%	15%	15%	30%
6 th year onwards	5%	0%	10%	10%

REAL PROPERTY GAINS TAX ACT 1976

- **Formula**
 - (Disposal – Acquisition)
 - Allowable enhancement
~ money spent on refurbishment, extensions, improvements work
 - Preservation
~ expenses for preservation of a heritage building

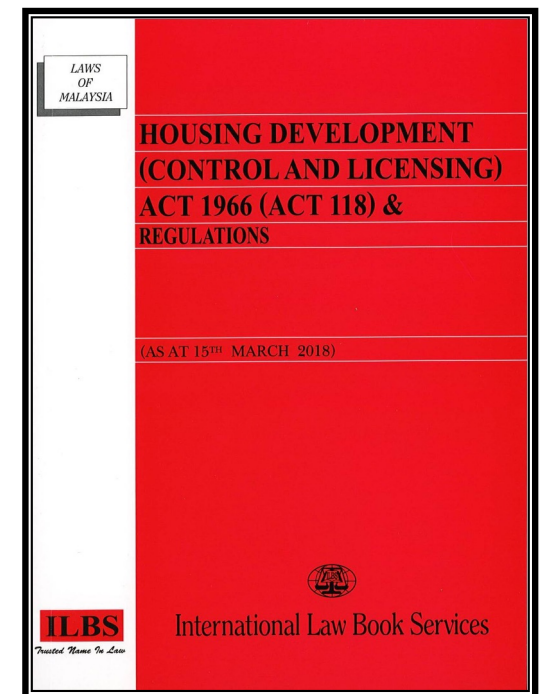
STRATA MANAGEMENT ACT 2013

- Effective 1st June 2015
- Joint Management Body (JMB)
- Management Corporation (MC)
- Common area
- Maintenance fees & Sinking Fund
- Withhold payment: Late fees, Seizure of movable properties, fine & imprisonment



HOUSING DEVELOPMENT (CONTROL AND LICENSING) ACT 1966

- Defect Liability Period - Starting from vacant possession date
- Agreed specifications in SPA
- Homebuyer Tribunal
- Only protects Residential Title – not protecting Commercial & Secondary market
- *APDL (Advertising Permit and Developer License) - approval obtained from the local housing ministry to advertise and start selling their products.



ANTI-MONEY LAUNDERING, ANTITERRORISM FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES (AMLA) 2001 – ACT 613

- S3: “money laundering”
- “proceeds of any unlawful activity”
- Importance of Client’s Account
- S4(2) Conviction of an offence of money laundering
- Income Tax: CP58, EA Form