Agent caught out

Auction conduct 'unprofessional'

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A REAL estate agent who attended a rival's auction and badmouthed the property to an onlooker before the bidding started behaved unprofessionally, a tribunal has found.

McKinnon agent Eric Cohen was accused of making disparaging comments about the home, unaware he was talking to the vendor's relative.

A tribunal heard Eric Cohen Real Estate had been among several companies invited to appraise the property,

but the elderly owner had ultimately listed it with rival firm Buxton Bentleigh.

On auction day Mr Cohen, wearing a suit, was alleged to have approached the vendor's daughter-in-law, who was standing in the crowd of about 70 onlookers. The woman gave evidence she was taken aback when Mr Cohen told her there were issues with the property.

"He claimed that it was

poorly designed and that there were problems with the plumbing, in particular water seepage into the garage," she told the tribunal. "These comments took me by complete surprise as I did not know this man, let alone request any advice from him."

The property was passed in after one bid for $800,000, well below the reserve price.

It sold after the auction.

The vendor's family complained to Consumer Affairs Victoria, which launched the tribunal proceedings.

Mr Cohen denied attending the auction to cause mischief, and said he was checking the market for his sister, who was looking to relocate.

He claimed the woman had started their conversation, and that he'd commented the house was old and would

probably be built differently these days.

"I never said any words about flooding, sewerage or a plumbing issue," he said.

"It was simply about rising damp and the fence."

Tribunal member Rebecca French noted competing versions of events from witnesses at the three-day hearing, but said she preferred the woman's evidence over Mr Cohen's.

He must attend a hearing on February 19 to decide what penalty, if any, he faces.

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