



ENFORCEABLE UNDERTAKING

Pursuant to section 198(1)(b) of the Australian Consumer Law and Fair Trading Act 2012 (Victoria)

The commitments in this Enforceable Undertaking are offered to the Director of Consumer Affairs Victoria by:

CAN ESTATE AGENTS PTY LTD

(ACN 602 104 361)

of 3/490 Spencer St, West Melbourne VIC 3003



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Parties

The Director

1. The Director of Consumer Affairs Victoria (**the Director**) is established under section 107 of the *Australian Consumer Law and Fair Trading Act 2012 (ACLFTA)*. The Director has responsibility for the operation of Consumer Affairs Victoria (**CAV**).
2. The Director is responsible for the administration of the ACLFTA, the Australian Consumer Law (**ACL**), which is Schedule 2 to the *Competition and Consumer Act 2010 (Cth)* and Victoria's other consumer protection legislation.
3. The Director may accept an Undertaking under section 198(1)(b) of the ACLFTA in connection to a contravention of any other Consumer Act.
4. The *Residential Tenancies Act 1997 (RTA)* is named as a Consumer Act pursuant to Schedule 1 of the ACLFTA, and the Director may accept a written undertaking in connection with a contravention of the RTA.

CAN ESTATE AGENTS PTY LTD

5. CAN ESTATE AGENTS PTY LTD (**CAN**) is an Australian proprietary company limited by shares, which was registered on 30 September 2014.
6. CAN has its registered office at 3/490 Spencer St, West Melbourne VIC 3003.
7. Qi Zhao (**Mr Zhao**) was and is:
 - (a) the sole director and majority shareholder of CAN from 30 September 2014; and
 - (b) a person who acts on behalf of CAN, in the usual and ordinary course of its business.

Background

8. CAN has been a licensed estate agent (licence number: 077243L) since 21 April 2015.
9. Section 30F(1) of the RTA prohibits an estate agent or a residential rental provider from advertising or offering a premises for rent unless the rent under the residential rental agreement is advertised or offered as a fixed amount.
10. A person who contravenes section 30F(1) of the RTA is liable, upon a proven contravention by a court, to a criminal pecuniary penalty in respect of each contravention, of not more than:
 - (a) 60 penalty units for a natural person; and
 - (b) 300 penalty units for a body corporate.
11. On 17 August 2024, in the State of Victoria, CAN advertised or offered 1701/228 A'Beckett Street, Melbourne, VIC 3000 on realestate.com.au and did fail to advertise or offer the rent under the residential rental agreement as a fixed amount, with the words "Contract Agent".
12. On 19 August 2024, CAN amended the listing description and fixed the advertisement to display the rent at \$750 per week.

13. On 17 September 2024, in the State of Victoria, CAN received an Infringement Notice Number: C006800 for breaching section 30F(1) of the RTA.
14. On 19 March 2025, following its request for internal review, CAV confirmed the infringement and notified CAN in writing.
15. The Director is concerned that CAN's current business practices and internal processes do not ensure compliance with section 30F(1) of the RTA.
16. To address the Director's concerns, Mr Zhao as director of CAN has offered this Undertaking to the Director pursuant to section 198(1)(b) of the ACLFTA.

Legislation

Section 30F of the RTA – Relevant Provision

17. Section 30F(1) of the RTA prohibits a residential rental provider or that person's agent from advertising or otherwise offering premises for rent unless the rent under the residential rental agreement is advertised or offered as a fixed amount.

Undertakings

Acknowledgement of breach

18. CAN acknowledges that the conduct referred to at paragraph 11 breaches section 30F(1) of the RTA.

Refrain from further non-compliant conduct

19. CAN undertakes that it will comply with conditions imposed under section 30F(1) of the RTA.

Education and training

20. CAN undertakes that it will:
 - (a) create and maintain a dedicated internal auditing process (**auditing process**), in accordance with Annexure "A" that must be followed, prior to CAN advertising or otherwise offering residential premises for rent; and
 - (b) deliver appropriate training for this auditing process to relevant staff including its agents, agent's representatives, and employees designed to ensure that CAN complies with the requirements of section 30F(1) of the RTA.
 - (c) provide a written copy of the auditing process to the Director within 7 days of the commencement date

Payment to the Victorian Property Fund

19. CAN undertakes, within 7 days of commencement of this Undertaking, pay to the Director, on behalf of the Victorian Property Fund, a penalty of \$2035.10.

Commencement

20. This Undertaking comes into effect when:

- (a) this Undertaking is executed by CAN; and
- (b) the Director has accepted the Undertaking (Commencement Date).

Duration

21. This Undertaking has effect for two years from the Commencement Date.

Public Nature of Undertaking

- 22. CAV will make this Undertaking publicly available, including by publishing it on CAV's public register of undertakings on its website and making it available for public inspection pursuant to section 200 of the ACLFTA.
- 23. This Undertaking in no way derogates from rights and remedies available to the Director or any other person arising from the alleged conduct.
- 24. This Undertaking in no way derogates from the obligation of CAN, its officers, employees, and agents to fully comply with the provisions of the RTA and associated regulations in the marketing and conduct of its business at all times.

Execution

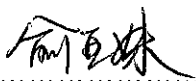
Signed by:



QI ZHAO, personally and as director of CAN ESTATE AGENT PTY LTD

On: 01 / 10 / 2025

In the presence of.....

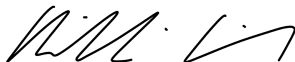


Witness

(PRINT NAME) YAMEI YU

On: 01 / 10 / 2025

Accepted by:



Nicole Rich, Director of Consumer Affairs Victoria, pursuant to section 218 of the ACL (Vic).

On:.....03 October.....2025

APPENDIX A

CAN Estate Agents Pty Ltd undertakes to implement the following compliance measures to ensure ongoing compliance with section 30F of the Residential Tenancies Act 1997 (Vic):

1. Commitment to Compliance

1.1 CAN confirms its commitment to advertising all rental properties only with a fixed amount of rent, as required by section 30F of the Residential Tenancies Act 1997 (Vic).

2. Review Process for Listings

2.1 Each rental advertisement will be uploaded and self-checked by the staff member responsible.

2.2 The listing will then be independently reviewed by the Property Manager.

2.3 The Director will receive an automatic email notification when a new listing goes online, allowing for immediate spot-checks.

3. System and Platform Checks

3.1 CAN will periodically confirm with Mantis Technologies Pty Ltd (the listing platform provider) that rental prices are displayed correctly in the backend system and on live advertisements.

3.2 CAN has verified that the current system defaults to displaying rent, the "Hide Price" function must now be manually activated, and previous settings are no longer carried over unintentionally.

4. Training and Awareness

4.1 Staff responsible for uploading listings will be reminded of the legal requirement under section 30F before publishing advertisements.

4.2 Compliance with this requirement will be reinforced during staff induction and periodic internal reminders.

5. Record Keeping

5.1 CAN will retain simple evidence of compliance, including automatic email notifications and review confirmations, to demonstrate that listings have been checked and that rent is displayed correctly.