

# Frequently Asked Questions - Complaints

## 1. Can I complain about a Property Service Provider (PSP) / Licensee?

Yes. Section 63 of the Property Services (Regulation) Act 2011 (the Act) provides that any person can make a complaint to the Authority alleging that improper conduct by a Property Services Provider (PSP) has or is occurring. Complaints must be made in writing and submitted via post/email to Property Services Regulatory Authority, Abbey Buildings, Abbey Road, Navan, Co. Meath or [info@psr.ie](mailto:info@psr.ie).

## 2. What can I complain about?

You can complain about improper conduct by a licensee arising from the provision of a property service.

Property service as defined in the Act means the provision, for consideration (payment), in the State, in respect of property located within or outside the State, of any of the following—

- (a) the auction of property other than land,
  - (b) the purchase or sale, by whatever means, of land,
  - (c) the letting of land (including a letting in conacre or for the purposes of agistment), or
  - (d) property management services,
- by—
- (i) a property services employer,
  - (ii) an employee of a property services employer,
  - iii) a principal officer of a property services employer, or
  - (iv) an independent contractor;

## 3. What constitutes improper conduct?

Improper conduct in the Act is defined as:

- (a) the commission by the licensee of an act which renders the licensee no longer a fit and proper person to provide property services or a particular class of property service,*
- (b) the commission by the licensee of a contravention of specified standards in the Act—*

(i) section 28 (1), 29 (9), 31 (5), 37 (1), (2), (4), (5), (6) or (7), 41 (1), 43 (1), (2) or (3), 44 , 45 (1) or (2), 55 (1) or (2), 56 (1), 57 (1), 58 (3), 59 (1), 60 (1), 61 , or 81 (1) or (2), or

- Failing to have the appropriate licence for the property service provided<sup>1</sup>
- Failing to notify the Authority of known errors or updates required to the Register<sup>2</sup>
- Failing to take reasonable steps to ensure that persons performing the functions of a given position are fit and proper persons to hold that position<sup>3</sup>
- Failing to display and produce a licence<sup>4</sup>
- Failing to notify the Authority of a “material matter”<sup>5</sup>
- Failing to issue a letter of engagement<sup>6</sup>
- Failing to retain records for 6 years<sup>7</sup>
- Failing to have a Professional Indemnity Insurance Policy in place<sup>8</sup>
- Failing to give vendor statement of Advised Market Value within 7 days of request<sup>9</sup>
- Failing to give lessor statement of Advised Leasing Value within 7 days of request<sup>10</sup>
- Advertising land for sale at a lower price than the Advised Market Value<sup>11</sup>
- Failing to produce required information to the Authority regarding Advised Market Value or Advised Leasing Value which is clearly unreasonable<sup>12</sup>
- Accepting bid at auction from the vendor or a person bidding on the vendor’s behalf<sup>13</sup>
- Failing to meet disclosure requirements re: sale of residential property<sup>14</sup>
- Providing financial services and property services without notice made in the specified form<sup>15</sup>
- Failing to have the appropriate licence for the property service provided<sup>16</sup>
- Failing to notify the Authority of known errors or updates required to the Register<sup>17</sup>
- Failing to take reasonable steps to ensure that persons performing the functions of a given position are fit and proper persons to hold that position<sup>18</sup>
- Failing to display and produce a licence<sup>19</sup>

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<sup>1</sup> Improper conduct under section 28(1)

<sup>2</sup> Improper conduct under section 29(9)

<sup>3</sup> Improper conduct under section 31(5)

<sup>4</sup> Improper conduct under section 37

<sup>5</sup> Improper conduct under section 41(1)

<sup>6</sup> Improper conduct under section 43

<sup>7</sup> Improper conduct under section 44

<sup>8</sup> Improper conduct under section 45

<sup>9</sup> Improper conduct under section 55(1)

<sup>10</sup> Improper conduct under section 55(2)

<sup>11</sup> Improper conduct under section 56(1)

<sup>12</sup> Improper conduct under section 57(1)

<sup>13</sup> Improper conduct under section 58(3)

<sup>14</sup> Improper conduct under section 59(1)

<sup>15</sup> Improper conduct under section 60(1)

<sup>16</sup> Improper conduct under section 28(1)

<sup>17</sup> Improper conduct under section 29(9)

<sup>18</sup> Improper conduct under section 31(5)

<sup>19</sup> Improper conduct under section 37

- Failing to notify the Authority of a “material matter”<sup>20</sup>
- Failing to issue a letter of engagement<sup>21</sup>
- Failing to retain records for 6 years<sup>22</sup>
- Failing to have a Professional Indemnity Insurance Policy in place<sup>23</sup>
- Failing to give vendor statement of Advised Market Value within 7 days of request<sup>24</sup>
- Failing to give lessor statement of Advised Leasing Value within 7 days of request<sup>25</sup>
- Advertising land for sale at a lower price than the Advised Market Value<sup>26</sup>
- Failing to produce required information to the Authority regarding Advised Market Value or Advised Leasing Value which is clearly unreasonable<sup>27</sup>
- Accepting bid at auction from the vendor or a person bidding on the vendor’s behalf<sup>28</sup>
- Failing to meet disclosure requirements re: sale of residential property<sup>29</sup>
- Providing financial services and property services without notice made in the specified form<sup>30</sup>
- Failing to retain records of bids (not by auction) for 6 years<sup>31</sup>
- Failing to maintain Continuous Professional Development<sup>32</sup>
- Breaching Regulations made under the Act

*(ii) a provision of regulations made under section 46 , 62 or 95 ,*

1. S.I. No. 182/2012 - Property Services (Regulation) Act 2011 (Professional Indemnity Insurance) Regulations 2012.

<http://www.irishstatutebook.ie/eli/2012/si/182/made/en/print>

2. S.I. No. 182/2012 - Property Services (Regulation) Act 2011 (Professional Indemnity Insurance) Regulations 2012.

<http://www.irishstatutebook.ie/eli/2012/si/182/made/en/print>

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<sup>20</sup> Improper conduct under section 41(1)

<sup>21</sup> Improper conduct under section 43

<sup>22</sup> Improper conduct under section 44

<sup>23</sup> Improper conduct under section 45

<sup>24</sup> Improper conduct under section 55(1)

<sup>25</sup> Improper conduct under section 55(2)

<sup>26</sup> Improper conduct under section 56(1)

<sup>27</sup> Improper conduct under section 57(1)

<sup>28</sup> Improper conduct under section 58(3)

<sup>29</sup> Improper conduct under section 59(1)

<sup>30</sup> Improper conduct under section 60(1)

<sup>31</sup> Improper conduct under section 61

<sup>32</sup> Improper conduct under section 81 (this section has yet to commence)

3. S.I. No. 199/2012 - Property Services (Regulation) Act 2011 (Client Moneys) Regulations 2012

<http://www.irishstatutebook.ie/eli/2012/si/199/made/en/print>

4. SI 564 of 2020 - Property Services (Regulation) Act 2011 (Minimum Standards) Regulations 2020 – SI 564 of 2020

<http://www.irishstatutebook.ie/eli/2020/si/564/made/en/print>

Or

*(c) the giving by the licensee of a statement of advised market value or advised letting value of land which is clearly unreasonable;*

Further information on this can be found in our [‘Improper Conduct under the Act’](#) document.

#### 4. How do I make a complaint?

You must make your complaint in writing and submit it to the Authority via post/email to Property Services Regulatory Authority, Abbey Buildings, Abbey Road, Navan, Co. Meath or [info@psr.ie](mailto:info@psr.ie). The Authority has produced a Complaint Form to help people to structure their complaint but it is not mandatory to use that form. More information on this can be found in our [‘Guide to Making a PSRA Complaint’](#)

#### 5. What information should I provide with my complaint?

Complaints should be as concise as possible but should include any information that will provide evidence, if not proof, of the allegations made. Please ensure you also include your name, address and email address, along with the Property Service provider name, address and licence number. The public [Register of Licenced Property Services Providers](#) (Licensees) provides such details of all licensed agents and this Register will provide you with the necessary information.

#### 6. Will every complaint be investigated?

Every complaint that is deemed to be a valid complaint under the provisions of the Act will be investigated. The Act provides that an inspector of the Authority shall be appointed to investigate any complaint where the Authority is satisfied having considered the evidence provided that the complaint is:

- made in good faith;
- is not frivolous or vexatious or without substance or foundation;
- or is likely to be resolved by mediation or other informal means between the parties.

N.B It is important to be aware that often what a person considers to be improper conduct by a property services provider may not be in fact be provided for in the definition of improper conduct contained in the Act. Such complaints received by the Authority are outside the scope of the legislation and cannot be investigated.

Such complaints are declined for investigation as a matter of course. To help you assess in the first instance, whether your complaint falls within the statutory definition of improper conduct in respect of licensees, please refer to the document '[Improper Conduct under the Act](#)' that contains a list of all matters that could constitute improper conduct as defined by the Act. The Authority have also produced a table of '[The common Issues which do not fall under the remit of the Authority](#)'. Please consider these documents before submitting your complaint matter to the Authority to first establish whether your issue(s) of complaint fall within the current parameters.

#### 7. Will the PSP know I made a complaint?

Yes. In every instance where a complaint is made against a PSP, a copy of the complaint is provided to the PSP. In order to process you complaint, you will be asked to confirm in writing that you understand that any information supplied in your complaint, either in making or supporting a complaint, is supplied to the Property Services Provider who is the subject of the complaint.

#### 8. Can I complain about a PSP not being licensed?

The Authority has no powers to investigate complaints of improper conduct against unlicensed companies or individuals. However, it is the policy of the Authority to investigate potential breaches of section 28(1) of the Act (trading without a licence) and to pursue prosecutions. A complaint made against an unlicensed PSP is treated by the Authority as a report of unlicensed trading and will be treated anonymously. As with complaints, persons submitting such a report should provide any and all information that will provide evidence, if not proof, of the allegations made.

It is important to note that persons selling or letting their own properties do not require a licence.

#### 9. Will I be kept updated on the progress of my report of unlicensed trading?

No, it is neither required nor is it the policy of the Authority to make comment on individual cases or to keep the person who submitted a report relating to a Section 28 (unlicensed) offence updated. Natural justice and due adherence to the judicial process both inform and dictate that this is the proper and appropriate approach. Accordingly, from the Authority's perspective, it should be understood that any direct involvement for you with this report has ceased upon your reporting of the matter and our acknowledgement of the complaint to you. Any investigation conducted under section 89 of the Act (power by the Authority to carry out an investigation of unlicensed trading) does not provide you with any entitlement under the Act to be updated on any progress or outcome of any such an investigation.

Any potential future involvement for you in the investigation of this complaint would arise solely where it is deemed necessary to the investigation by the Inspector and/or to be required as a witness in court.

#### 10. Can I make a complaint against an Owner Management Company?

The Authority has no role in the regulation of Owner Management Companies (OMC). OMCs are governed by the Multi-Unit Development Act 2011 (MUD) and are subject to company law.

Under the MUD Act, any member of an OMC has recourse to the circuit court.

#### 11. Can I complain about breaches of company law by a licensee?

The enforcement of company law is outside the remit of the Authority.

#### 12. Can a PSP refuse to provide me with my landlord's contact details?

The PSP is not legally obliged to do so. Rent Book Regulations place the obligation on the landlord to provide the tenant with contact information, not the PSP. Landlord/tenant disputes are generally the remit of the Residential Tenancies Board (RTB).

#### 13. Can I make a complaint against my Landlord?

The regulation of landlord's do not fall within the remit of this Authority. The Residential Tenancies Board (RTB) is the correct avenue through which to pursue queries of this type.

The RTB's website is <https://www.rtb.ie/> for further information.

They can also be contacted at:

Residential Tenancies Board,  
PO Box 47,  
Clonakilty,  
County Cork.