

Guide to making a Complaint to the Property Services Regulatory Authority (PSRA):

1. Anyone who wishes to make a complaint to the PSRA should read our [Complaints FAQ document](#), which is available on our website www.psr.ie. This document addresses the frequently asked questions, which the PSRA has addressed and outlines the types and nature of complaints, which can and cannot be investigated by the Authority.
2. Check if the Property Services Provider is licensed by checking the [Register of Licenced Property Services Providers](#) on our website. Anyone providing a property service must be licensed by the Authority.

Where the agent is NOT on the [Register of Licenced Property Service Providers](#) - Report of unlicensed trading

The PSRA maintains a public [Register of licensed Property Services Providers](#), which is updated weekly. This Register provides the public with the necessary information on whether the agent they are engaging is licensed by the PSRA to provide a property service.

Where the property services provider is **not** on the Register of Licenced Property Services Providers, this could be a potential breach of section 28(1) of the Property Services Regulation Act 2011, which is a person providing property services without a licence. Providing a property service while unlicensed is an offence under the Act. It is the policy of the PSRA to investigate potential breaches of section 28(1) of the Act, trading without a licence, and to pursue prosecutions.

Where there is a concern that an agent is unlicensed, the PSRA welcomes such enquiries from the public. If there is any doubt or a concern whether an agent is licensed, please submit an email/letter providing the name, address and details of the unlicensed provider and include any information/evidence that shows the agent is providing a property service (advertisement, leaflets, correspondences, website link etc.). This complaint will be treated as a report of unlicensed trading by the PSRA and will be treated anonymously. It is important to note that as the subject of your complaint is not licensed to provide property services, the PSRA will not be in a position to provide you with an update on the ongoing criminal investigation.

3. Where the Property Services Provider (licensee) is on the Register of Licenced Property Services Providers - it is open to any person to make a complaint, in writing, to the PSRA against a licensee/Property Service Provider in relation to the provision of a property service or the conduct of a licensee in the course of providing a property service.

Property services 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;

Submitting a complaint to the PSRA:

4. When making a complaint to the PSRA, the complaint must be made in writing and submitted to the PSRA via post/email to Property Services Regulatory Authority, Abbey Buildings, Abbey Road, Navan, Co. Meath or by email to info@psr.ie. The PSRA requires a valid postal address from the complainant, who must also confirm in writing that they understand that any information supplied as part of the complaint, either in making or supporting a complaint, is supplied to the Property Services Provider (PSP) who is the subject of the complaint. The PSRA will make the PSP aware of the complaint made against them. The PSRA has produced a [Complaint Form](#) to assist the public in structuring their complaint; however, it is not mandatory to use the form to submit a complaint. An Irish version of the complaint form (Foirm Ghearáin) can be found [here](#).
5. Complaints submitted to the PSRA should be written clearly and concisely as possible and include the basis of the complaint. It should include all information that will provide evidence, if not proof, of the allegations made. Complaints submitted should include the Property Service Provider's 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. Such evidence will assist the Authority in making an initial determination on the complaint.

Initial Complaint Assessment Phase:

6. The PSRA acknowledges receipt of each complaint within 3 working days. The PSRA endeavours to complete its **Initial Assessment** of a complaint and revert to complainant as soon as possible. However, due to the nature and volume of complaints received, it is not possible to give an exact timeframe. Delays can arise due to the complexity of the case or if the subject of the complaint is uncooperative.

7. Under section 63 of the Property Services (Regulation) Act 2011, any person may make a complaint to the PSRA alleging improper conduct by a Property Services Provider (licensed agent). Where the PSRA receives such a complaint it must carry out an investigation unless it is satisfied that the complaint:

- (a) is not made in good faith, or
- (b) is frivolous or vexatious or without substance or foundation, or
- (c) is likely to be resolved by mediation or other informal means between the parties concerned.

Once received, it will be determined whether the complaint falls within the definition of improper conduct under the Property Services (Regulation) Act 2011(The Act) and decide if a formal investigation needs to be commenced.

If the matters of the complaint relates to issues, which are presently outside the scope of the legislation, such complaints are declined for investigation and both the complainant and the property services provider are informed of this outcome as a matter of course.

Any person aggrieved by a decision of the PSRA to decline to carry out an investigation into a complaint under Section 63(2) may appeal that decision to the Property Services Appeal Board within 30 days of the receipt of notice of the PSRA's decision.

Further information about the Property Services Appeal Board can be found at <https://www.psab.ie/>

Inspection Phase:

8. Following an assessment of the complaint and where the complaint is determined admissible for investigation, it is assigned to **Inspection Phase**. An Inspector is appointed to carry out an investigation where they are required to gather information from all parties, in order to assist the investigation and to assist them in reaching a determination.

The length of an investigation is dependent on the complexity of the case, and the engagement of the parties to the complaint. In addition, the Act provides specific statutory timeframes for parties to the complaint to respond to the PSRA, which cannot be shortened. Therefore, it is not possible to give an absolute timeframe as to the length of time to complete a complaint investigation. However, the PSRA endeavours to progress complaints as soon as possible and throughout the investigation, all parties may engage with the inspector in receiving an update on the progress of the investigation.

Following completion of the investigation, the Inspector is required to issue a **Draft Investigation Report** to all parties to the complaint and allow them 30 days to submit observations / comments on the Draft Investigation Report to the Inspector.

Subject to the comments/observations received on the Draft Investigation Report, the Inspector may be required to seek further information, prior to completing the **Final Investigation Report**.

Decision of Authority:

9. The **Final Investigation Report** is then considered by the PSRA who will determine whether improper conduct is found. Where it is established that improper conduct has occurred, the PSRA considers the investigation report and will impose an appropriate sanction.

The PSRA may impose a minor or major sanction on a licensee. A minor sanction may include:

- Advice (including advice relating to participation in a professional competence scheme),
- A caution
- A warning,
- A reprimand, or

any combination of the sanctions specified above.

Where the PSRA finds serious improper conduct has occurred e.g. – the property services provider is no longer a fit and proper person to conduct property services, the PSRA may impose a major sanction, which may include:

- the revocation of the licence of the licensee and a prohibition (which may be a permanent prohibition, a prohibition for a specified period or a prohibition subject to specified conditions) against the former licensee applying for a new licence or a particular class of licence,
- the suspension for a specified period of the licence of the licensee or, in any case where the period of such suspension (in this paragraph referred to as “the relevant period”) sought to be imposed is longer than the period of validity of the licence left to run, the suspension of the licence during that period and a prohibition for a specified period against the former licensee applying for a new licence or a particular class of new licence, which periods, added together, are equivalent to the relevant period,
- a direction to the licensee that the licensee pay a sum, as specified in the direction but not exceeding €50,000, into the Fund,
- a direction to the licensee that the licensee pay a sum, as specified in the direction but not exceeding €50,000, to the Authority, being the whole or part of the cost to the Authority of an investigation of the licensee,

- a direction to the licensee that the licensee pay a sum, as specified in the direction but not exceeding €250,000, to the Authority by way of a financial penalty for an act of the licensee specified in the direction, or

any combination of any of the sanctions specified above.

Oral Hearing

Where the PSRA have considered a final investigation report and considers that certain points require further clarification, the PSRA may conduct an oral hearing to assist it in determining whether improper conduct has occurred.

Notification of Decision

Following conclusion of consideration of the final investigation report, correspondence is issued to all parties to the complaint informing them of the outcome of the investigation including the details of the findings of the PSRA that determined whether improper conduct was found or not found.

Where no improper conduct is found or where a minor sanction is imposed, all parties have 30 days to appeal the finding and/or sanction to the [Property Services Appeal Board](#). If no such appeal is received within this timeframe, the complaint is deemed closed.

Note: Where a Major Sanction is imposed, the Sanction must be confirmed by the High Court. For information on Sanctions, please see [Sanctions/Prosecutions - Property Services Regulatory Authority \(psr.ie\)](#). The licensee subject of the decision to impose a major sanction may appeal this decision directly to the High Court within 30 days from the date they received the notice of this decision.

Major Sanction Confirmation

Where the High Court confirms the major sanction of the PSRA, the major sanction is placed on the PSRA website under [Sanctions/Prosecutions - Property Services Regulatory Authority \(psr.ie\)](#)