



An Bord Achomhairc um Sheirbhísí Maoine
Property Services Appeal Board

**PROPERTY SERVICES APPEAL BOARD
ANNUAL REPORT 2022**

PROPERTY SERVICES APPEAL BOARD

51 St Stephens Green, Dublin 2.

ANNUAL REPORT 2022

Foreword by the Chairman

Dear Minister, Harris,

It is my privilege to submit this report of the Property Services Appeal Board. This is my third annual report as Chairman since my appointment on 29th May, 2020 and the ninth Annual Report of the Board.

The Property Services Appeal Board has been included within the provisions of sections 29 and 31 of the *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020* which provide for remote hearing of appeals. I welcome this as it provides the Board with assurance to conduct remote hearings of appeals.

The Board would also welcome an amendment to the legislation which would statutorily require the appellant to include a copy of the decision when appealing. This will assist in clarifying that the appeal has been received within the 30 day limitation period in accordance with the Act of 2011.

I wish to thank my fellow Board members, for their hard work and dedication in 2022 where the Board convened on 22 occasions often at short notice to deal with issues urgently arising. The Board also dealt with issues including Governance, Risk Management, Data Protection, Freedom of Information requests, Training and taking professional advices. I also wish to express my appreciation to the Board Secretary, Ms Kathleen Fitzpatrick, for all the hard work and diligence in preparation and execution of all board business arising. The Board have also asked me to express their appreciation for your support and that of your Department and its officials.

Yours Sincerely,

Philip O'Leary,
Chairperson

2nd March 2023

SECTIONS IN THIS REPORT

1. Period covered by this report
2. Caseload data on appeals received
3. Board Membership & Fees
4. Meetings
5. Governance and Compliance

1. Period covered by this report

This report covers the period from 1st January, 2022 to 31st December, 2022. This is the ninth annual report to the Minister for Justice as required under Schedule 5, at paragraph 11, of the *Property Services (Regulation) Act 2011*.

2. Caseload data on appeals received

The volume of cases considered and decided during the period covered by this report was 31.

Of the 31 appeals received and completed during 2022

- 25 appeals were disallowed and the Board affirmed the decision of the Authority;
- 1 appeal was withdrawn by the Appellant,
- 1 appeal was part allowed and part disallowed,
- 1 appeal was part remitted and part allowed,
- 2 appeals were referred back to the Authority for reconsideration.

Note: We had 1 appeal on hand awaiting decision - listed for hearing on the 9th Feb 2023.

3. Board Membership

Mr Philip O’Leary (Chairperson)

Appointed 29th May, 2020

The members listed below were reappointed to the Board for a second or subsequent term on 14th February, 2021.

Ms Dorothy Donovan

Ms Dairine Mac Fadden

Mr Philip Moynihan

Ms Orla Coyne was appointed to the Board for a four year term with effect from the 29th March, 2022.

Appointments to the Appeal Board are for a four year term with provision for appointment for a second or subsequent term. The Board would suggest that future appointments should involve a staggered expiry of Warrants to assist continuity of expertise and familiarity with the legislation.

Payments to Members of the Appeal Board are made in accordance with paragraph 5 of Schedule 5 of the Act at Section 5 as set out below:

5. Members of the Appeal Board shall be paid such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

Fees are not paid for Membership of the Board *per se* but for participation in sittings of the Board. The rates, which are subject to tax and statutory deductions per sitting where that Member is in attendance are set out below:

Chairperson €500 per sitting

Ordinary Member €416 per sitting

Board fees and expenses for 2022 including all costs and outlay incurred totalled € 54,105.

4. Meetings

There were 22 Board meetings during 2022 which consisted of appeals hearings, corporate governance, risk management, training, Freedom of Information requests, GDPR and further professional advices.

5. Governance and Compliance

The Members of the Board acknowledge their responsibilities under the terms of the Code of Practice for Governance of State Bodies.

The Board engages in professional development training to ensure proper and efficient service delivery in dealing with decisions of the Authority appealed to it.



An Bord Achomhairc um Sheirbhísí Maoine
Property Services Appeal Board

**AN BORD ACHOMHAIRC UM SHEIRBHÍSÍ
MAOINE
TUARASCÁIL BHLIANTÚIL 2022**

AN BORD ACHOMHAIRC UM SHEIRBHÍSÍ MAOINE

51 Faiche Stiabhna, Baile Átha Cliath 2.

TUARASCÁIL BHLIANTÚIL 2022

Réamhrá leis an gCathaoirleach

A Aire Harris,

Is mór an phribhléid dom tuarascáil seo an Bhoird Achomhairc um Sheirbhísí Maoine a chur faoi do bhráid. Is í seo an tríú tuarascáil bhliantúil agam i mo Chathaoirleach ó ceapadh mé ar an 29 Bealtaine 2020 agus is í naoú tuarascáil bhliantúil an Bhoird í.

Áiríodh an Bord Achomhairc um Sheirbhísí Maoine laistigh de na forálacha faoi Alt 29 agus Alt 31 den *Acht um an Dlí Sibhialta agus an Dlí Coiriúil (Forálacha Ilghnéitheacha), 2020*, a dhéanann foráil d'achomharc a éisteacht go cianda. Cuirim fáilte roimhe seo mar go gcuirtear dearbhú ar fáil don Bhord chun éisteachtaí cianda ar achomhairc a dhéanamh.

Chuirfeadh an Bord fáilte freisin roimh leasú ar an reachtaíocht lena n-éileofaí de réir na reachtaíochta ar an achomharcóir cóip den chinneadh a chur isteach nuair atá achomharc á dhéanamh. Cuideoidh sé seo le soiléiriú a fháil go bhfuil an t-achomharc faighte laistigh den tréimhse teorann 30 lá i gcomhréir leis an Acht 2011.

Ba mhaith liom mo bhuíochas a chur in iúl do mo chomhchomhaltaí Boird, as a n-obair chrua agus as a ndíograis le linn na bliana 2022 nuair a tháinig an Bord le chéile 22 uair, go minic ar fhógra gearr, chun déileáil le saincheistanna a tháinig chun cinn ar bhonn práinne. Dhéileáil an Bord freisin le saincheistanna lena n-áirítear Rialachas, Bainistiú Riosca, Cosaint Sonraí, Iarrataí faoin Acht um Shaoráil Faisnéise, Oiliúint agus comhairlí gairmiúla a ghlacadh. Is mian liom freisin mo bhuíochas a chur in iúl do Rúnaí an Bhoird, Kathleen Fitzpatrick Uasal as an obair mhór a rinne sí agus a cuid díograis maidir le gach gnó de chuid an bhoird a thagann chun cinn a ullmhú agus a dhéanamh. D'iarr comhaltaí an Bhoird orm a mbuíochas a chur in iúl duit freisin as do chuid tacaíochta agus as tacaíocht oifigigh do Roinne.

Is mise, le meas,

Philip O'Leary
Cathaoirleach

2 Márta 2023

CODANNA NA TUARASCÁLA SEO

1. An tréimhse lena mbaineann an tuarascáil seo
2. Sonraí maidir le líon na gcásanna a fuarthas
3. Comhaltacht & Táillí Boird
4. Cruinnithe
5. Rialachas agus Comhlíonadh

1. An tréimhse lena mbaineann an tuarascáil seo

Baineann an tuarascáil seo leis an tréimhse ón 1 Eanáir 2022 go dtí an 31 Nollaig 2022. Is í seo an naoú tuarascáil bhliantúil atá á cur faoi bhráid an Aire Dlí agus Cirt mar a éilítear faoi Sceideal 5, ag alt 11 den *Acht um Sheirbhísí Maoine (Rialáil), 2011*.

2. Sonraí maidir le líon na gcásanna a fuarthas

Ba 31 cás a breithníodh agus a cinneadh le linn thréimhse na tuarascála seo.

As na 31 achomharc a fuarthas agus a tugadh chun críche le linn 2022

- dícheadaíodh 25 achomharc agus dhearbhaigh an Bord cinneadh an Údaráis;
- tharraing an tAchomharcóir siar 1 achomharc,
- ceadaíodh i bpáirt agus dícheadaíodh i bpáirt 1 achomharc,
- tarchuireadh i bpáirt agus ceadaíodh i bpáirt 1 achomharc,
- cuireadh 2 achomharc faoi bhráid an Údaráis arís lena mbreithniú.

Nóta: Bhí 1 achomharc amháin ar lámh agus ar feitheamh cinnidh - liostaithe lena éisteacht ar an 9 Feabhra 2023.

3. Comhaltaí Boid

An tUasal Philip O’Leary (Cathaoirleach)

A ceapadh ar an 29 Bealtaine, 2020

Athcheapadh na comhaltaí atá liostaithe thíos chuig an mBord don dara téarma nó do théarma ina dhiaidh sin ar an 14 Feabhra, 2021.

Dorothy Donovan Uasal

Dairine Mac Fadden Uasal

An tUasal Philip Moynihan

Ceapadh Orla Coyne Uasal chuig an mBord ar feadh théarma ceithre bliana le héifeacht ón 29 Márta 2022.

Is téarma ceithre bliana atá sna ceapacháin chuig an mBord Achomhairc agus soláthar ann do cheapachán don dara téarma nó do théarma ina dhiaidh sin. Mholfadh an Bord go mbeadh Barántais in éag ar bhonn céimnithe ag baint le ceapacháin amach anseo chun go mbeidh fáil leanúnach ar dhaoine a bhfuil saineolas agus cur amach acu ar an dlí.

Déantar íocaíochtaí le Comhaltaí an Bhoird Achomhairc de réir alt 5 i Sceideal 5 den Acht in Alt 5 thíos:

5. Íocfar le comhaltaí an Bhoird Achomhairc cibé luach saothair (más ann) agus liúntais i leith caiteachas a chinnfidh an tAire, le toiliú an Aire Caiteachais Phoiblí agus Athchóirithe.

Ní íoctar táillí *per se* as Comhaltacht ar an mBord ach íoctar iad as bheith rannpháirteach i suíonna an Bhoird. Is mar seo a leanas na rátaí, atá faoi réir ag cáin agus asbhaintí reachtúla, a íoctar le Comhalta a fhreastalaíonn ar shuí:

€500 in aghaidh an tsuí don Chathaoirleach

€416 in aghaidh an tsuí don Ghnáthchomhalta

Is ionann táillí agus costais an Bhoird don bhliain 2022 lena n-áirítear gach costas agus caiteachas tabhaithe agus € 54,105.

4. Cruinnithe

22 cruinniú Boird a tionóladh i rith na bliana 2022 a bhí comhdhéanta d'éisteachtaí achomhairc, rialachas corparáideach, bainistiú rioscaí, oiliúint, iarrataí faoin Acht um Shaoráil Faisnéise, GDPR agus comhairlí gairmiúla eile.

5. Rialachas agus Comhlíonadh

Aithníonn Comhaltaí an Bhoird na freagrachtaí a leagtar orthu faoi théarmaí an Chóid Cleachtais chun Comhlachtaí Stáit a Rialú.

Tugann an Bord faoi oiliúint forbartha gairmiúla chun seachadadh seirbhíse ceart agus éifeachtaí a chinntiú maidir le déileáil le cinntí a ndéantar achomharc ina leith a láimhseáil.