



An Bord Achomhairc um Sheirbhísí Maoine
Property Services Appeal Board

PROPERTY SERVICES APPEAL BOARD ANNUAL REPORT 2024

PROPERTY SERVICES APPEAL BOARD

51 St Stephens Green, Dublin 2.

ANNUAL REPORT 2024

Foreword by the Chairperson

It is my privilege to submit the report of the Property Services Appeal Board for the year ending 31st December 2024. This is the eleventh Annual Report of the Board and my second annual report as Chairperson since my appointment on 23rd April 2024.

The *Property Services (Regulation) Act 2011* introduced a licensing regime for property services providers and a system for ensuring compliance with the requirements of the Act and a system for the investigation of complaints. The Board is the appellate arm of this regime.

The Board is committed to on-going training to ensure that it will properly and appropriately fulfil its statutory function and be a Board fit for purpose.

The Board deals on average with eight appeals per month. The lead time for the determination of appeals received by the Board, which must firstly allow for the statutory periods for appeals and submissions, is approximately three months save where a determination is made to remit the matter to the Authority or where the Board serves a notice for further submissions. This three-month period demonstrates that the Board's obligation to deal with appeals in an expeditious manner is being complied with. The Board intends to work diligently to maintain this standard of timeline going forward.

As referenced in previous Annual Reports, the introduction by the Minister of Statutory Instrument 564/2020, the *Property Services (Regulation) Act 2011 (Minimum Standards) Regulations 2020* continues to be of assistance in determining appeals on whether the standards to be observed in the provision of property services by licensees are being met.

The Board reiterates that the Board's lack of jurisdiction to grant an extension of time for the lodging of appeals can be draconian in some instances. Most appellate bodies, unlike our Board, have the power under their relevant Acts to extend time either for exceptional circumstance or for reasonable cause. The Board remains of the opinion that such a jurisdiction is desirable.

The Board continues to derive benefit from the facility to meet remotely but do meet in person at regular intervals.

The Board welcomes Minister O'Callaghan, to the Department and expresses its appreciation for the support of your Department and its officials. I thank my fellow Board members for their dedicated efforts and contributions in ensuring that the Board fulfils its statutory function. The term of office of two Board Members expires in February 2025. I would like, as Chair of the Board, acknowledge their significant contribution to the work of the Board. The Board continues to have the benefit of Ms Kathleen Fitzpatrick, who acts as Board Secretary and who provides the highest level of administrative service to the Board in the most cordial of manner.

Yours Sincerely,

Dorothy Donovan
Chairperson

SECTIONS IN THIS REPORT

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

1. Period covered by this report

This report covers the period from 1st January, 2024 to 31st December, 2024. This is the eleventh annual report to the Minister for Justice as required under Schedule 5, paragraph 11, of the *Property Services (Regulation) Act 2011*.

2. Caseload data on appeals received

The volume of cases considered during the period covered by this report was 40, which is 6 up on year 2023.

Of the 51 appeals received during the year 2024:-

- 28 appeals were disallowed and the Board affirmed the decision of the Authority;
- 4 appeals were allowed;
- 1 appeal was remitted back to the Authority for reconsideration and the making of a new decision;
- 1 appeal did not come within the remit of the Board and therefore the Board had no jurisdiction to determine same;
- 4 appeals were out of time and as noted in the Chair's address the Board has no jurisdiction to extend time;
- 1 appeal was withdrawn by the Appellant;
- 1 appeal was deferred for cause;
- 11 appeals are currently on hand for consideration in 2025.

When determining appeals, the Board adheres to the principles of natural justice and fair procedures in accordance with the jurisprudence of the Superior Courts in relation to lawful decision making. The Board is particularly diligent regarding its obligation to provide reasoned decisions.

3. Board Membership

Board Membership in accordance with the Act comprises a Chair and four ordinary members.

The current Chair is Ms Dorothy Donovan, B.L. appointed on 23rd April 2024.

The ordinary members are: -

Mr Philip Moynihan – reappointed in February 2021. Term of Appointment due to expire on 13th February 2025.

Ms Dairine Mac Fadden – reappointed in February 2021. Term of appointment due to expire on 13th February 2025.

Ms Orla Coyne – appointed on 29th March 2022

Appointments to the Appeal Board are for a four-year term with a provision for reappointment.

Remuneration for Members of the Appeal Board is in accordance with Schedule 5 at paragraph 5, set out hereunder: -

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 to determine appeals. The rates per sitting, which are subject to statutory deductions, are as set out below:

Chairperson €500

Ordinary Member €416

Board fees for 2024 totalled €40,204

These fees include the necessary preparatory work, such as reading appeal papers in advance of the meetings and work following the meetings, such as the drafting of decisions.

Board members are not paid travel and subsistence.

4. Meetings

There were 23 Board meetings during 2024 .

5. Budget

The budget for the year under review was €60,000 and which was disbursed as follows:-

Fees paid to members	.....	.....	.....	.....	.....	€40,204.00
External Board Review	.....	.....	.....	.....	.....	€ 7,478.40
Translation of Annual Report 2023	.....	.....	.....	.....	.....	€ 248.62
Refreshments for in person meetings	....	.....	.....	.....	.....	€ 36.00
Total budget spend	.....	.....	.....	.....	.....	€47,967.02

The external review was commenced in 2023 and concluded early 2024 when the final payment became due.

6. Governance and Compliance

In so far as applicable, the Members of the Board acknowledge their responsibilities under the terms of the Code of Practice for Governance of State Bodies. At the outset of each sitting of the Appeal Board, each Member is required to declare any conflict of interest in relation to parties or issues scheduled for determination.

The Board continues to engage in professional development training.

Ms Dorothy Donovan, LL.B., LL.M., B.L.

(Chair)



An Bord Achomhairc um Sheirbhísí Maoine
Property Services Appeal Board

**AN BORD ACHOMHAIRC UM SHEIRBHÍSÍ
MAOINE
TUARASCÁIL BHLIANTÚIL 2024**

AN BORD ACHOMHAIRC UM SHEIRBHÍSÍ MAOINE

51 Faiche Stiabhna, Baile Átha Cliath 2.

TUARASCÁIL BHLIANTÚIL 2024

Réamhrá leis an gCathaoirleach

Tá sé de phribhléid agam tuarascáil an Bhoird Achomhairc um Sheirbhísí Maoine don bhliain dar chríoch an 31 Nollaig 2024 a chur i láthair. Is í seo aonú Tuarascáil Bhliantúil déag an Bhoird agus an dara tuarascáil bhliantúil agamsa i mo Chathaoirleach ó ceapadh mé an 23 Aibreán 2024.

Leis an Acht um Sheirbhísí Maoine (Rialáil) 2011 tugadh isteach córas ceadúnaithe do sholáthraithe seirbhísí maoine chomh maith le córas chun comhlíonadh cheanglais an Achta a chinntiú agus córas chun gearáin a imscrúdú. Is é an Bord an chraobh achomhairc den chóras sin.

Tá an Bord tiomanta d'oilíúint leanúnach lena chinntiú go gcomhlíonfaidh sé a fheidhm reachtúil go cuí agus go mbeidh sé ina Bhord a bheidh oiriúnach don fheidhm atá leis.

Pléann an Bord le hocht n-achomharc ar an meán in aghaidh na míosa. Tuairim is trí mhí an tréimhse a fhaigheann an Bord, a chaitheann ar dtús na tréimhsí reachtúla le haghaidh achomharc agus aighneachtaí a cheadú, chun achomhairc a chinneadh ach amháin sa chás go ndéantar cinneadh an t-ábhar a chur ar aghaidh chuig an Údarás nó sa chás go seirbheálann an Bord fógra le haghaidh aighneachtaí breise. Léiríonn an tréimhse trí mhí sin go bhfuiltear ag comhlíonadh oibleagáid an Bhoird déileáil le hachomhairc ar bhealach gasta. Tá sé i gceist ag baill an Bhoird oibriú go dícheallach chun an caighdeán sin ó thaobh ama a choinneáil amach anseo.

Amhail tagairtí i dTuarascálacha Bliantúla roimhe seo, tá tabhairt isteach Ionstraim Reachtúil 564/2020 ag an Aire, na Rialacháin um an Acht um Sheirbhísí Maoine (Rialáil) 2011 (Íoschaighdeán) 2020 ina chabhair i gcónaí chun achomhairc a chinneadh ag brath ar cibé an bhfuil na caighdeáin atá le comhlíonadh i soláthar seirbhísí maoine ag ceadúnaithe á gcomhlíonadh.

Athdhearbhaíonn an Bord gur féidir leis an easpa dlínse atá ag an mBord síneadh ama a thabhairt chun achomhairc a thaisceadh a bheith dian i gcásanna áirithe. Tá an chumhacht ag formhór na bhforas achomhairc, murab ionann agus an Bord, faoi na hAchtanna ábhartha síneadh ama a fháil ar chúinsí eisceachtúla nó ar chúis réasúnach. Tá an Bord den tuairim fós go mbeadh dlínse den sórt sin inmhianaithe.

Leanann an Bord de leas a bhaint as an deis teacht le chéile go cianda ach buaileann siad le chéile go pearsanta go tráthrialta.

Cuireann an Bord fáilte roimh an Aire O'Callaghan chuig an Roinn agus gabhann sé a bhuíochas as tacaíocht do Roinne agus a cuid oifigeach. Gabhaim buíochas le mo chomhchomhaltaí Boird as a gcuid oibre agus a gcion a dhéanamh lena chinntiú go gcomhlíonann an Bord a fheidhm reachtúil. Rachaidh téarma oifige bheirt Chomhaltaí Boird

in éag i mí Feabhra 2025. Ba mhaith liom, mar Chathaoirleach an Bhoird, aitheantas a thabhairt don mhéid a chuir siad le hobair an Bhoird. Tá Kathleen Fitzpatrick Uasal fós ar an mBord, a fheidhmíonn mar Rúnaí Boird agus a chuireann an leibhéal is airde seirbhíse riaracháin ar fáil don Bhord ar an mbealach is croíúla.

Is mise, le meas,

Dorothy Donovan
Cathaoirleach

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. Buiséad
6. Rialachas Corparáideach

1. An tréimhse lena mbaineann an tuarascáil seo

Clúdaíonn an tuarascáil seo an tréimhse ón 1 Eanáir, 2024 go dtí an 31 Nollaig, 2024. Is í seo an t-aonú tuarascáil bhliantúil déag chuig an Aire Dlí agus Cirt mar a cheanglaítear faoi Sceideal 5, alt 11, den *Acht um Sheirbhísí Maoine (Rialáil), 2011*.

2. Sonraí maidir le líon na gcásanna a fuarthas

Ba é líon na gcásanna a breithníodh le linn na tréimhse atá clúdaithe sa tuarascáil seo ná 40, sin 6 cinn níos mó ná 2023.

As na 51 achomharc a fuarthas le linn 2024:-

- dícheadaíodh 28 n-achomharc agus dhearbhaigh an Bord cinneadh an Údaráis;
- Ceadaíodh 4 achomharc;
- Cuireadh achomharc amháin ar ais chuig an Údarás lena athmhachnamh agus le cinneadh nua a dhéanamh;
- Níor tháinig achomharc amháin faoi shainchúram an Bhoird agus mar sin ní raibh aon dlínse ag an mBord ar a chinneadh;
- Bhí an t-am caite i gcás 4 achomharc agus mar a tugadh ar aird in aitheasc an Chathaoirligh níl aon dlínse ag an mBord síneadh ama a chur leis;
- Tharraing an tAchomharcóir siar 1 achomharc,
- Cuireadh achomharc amháin siar ar chúis;
- Tá 11 achomharc againn faoi láthair lena mbreithniú in 2025.

Nuair a bhíonn achomhairc á gcinneadh, cloíonn an Bord le prionsabail an cheartais aiceanta agus nósanna imeachta córa de réir dhlí-eolaíocht na nUaschúirteanna maidir le cinnteoireacht dhleathach. Tá an Bord thar a bheith dúthrachtach maidir leis an dualgas atá air cinntí réasúnaithe a chur ar fáil.

3. Comhaltaí Boird

Cuimsíonn Comhaltaí Boird de réir an Achta Cathaoirleach agus ceathrar gnáthchomhaltaí.

Is í Dorothy Donovan Uasal B.L. an Cathaoirleach reatha, a ceapadh an 23 Aibreán 2024.

Is iad na gnáthchomhaltaí: -

An tUasal Philip Moynihan – a athcheapadh i mí Feabhra 2021 Téarma ceapacháin le dul in éag an 13 Feabhra 2025.

Dairine Mac Fadden Uasal – a athcheapadh i mí Feabhra 2021 Téarma ceapacháin le dul in éag an 13 Feabhra 2025.

Orla Coyne Uasal - a ceapadh an 29 Márta 2022

Is ar feadh téarma ceithre bliana a dhéantar ceapacháin chuig an mBord Achomhairc agus foráil ann maidir le hathcheapachán.

Tá luach saothair Chomhaltaí an Bhoird Achomhairc de réir Sceideal 5 in alt 5, atá leagtha amach thíos: -

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

Ní íoctar táillí *per se* as Comhaltacht ar an mBord ach íoctar as bheith rannpháirteach i suíonna an Bhoird nuair atá achomhairc á meas. Tá na rátaí in aghaidh an tsuí, atá faoi réir asbhaintí reachtúla, mar atá leagtha amach thíos:

€500 in aghaidh an tsuí don Chathaoirleach
€416 in aghaidh an tsuí don Ghnáthchomhalta

Ba é €40,204 na táillí boird le haghaidh 2024

Áirítear sna táillí sin an obair ullmhúcháin riachtanach, amhail páipéir achomhairc a léamh roimh na cruinnithe agus obair i ndiaidh na gcrúinnithe, amhail cinntí a dhéachtú.

Ní íoctar as taisteal ná as cothabháil chomhaltaí an Bhoird.

4. Cruinnithe

Bhí 23 chruinniú Boird ann le linn 2024.

5. Buiséad

Ba é an buiséad don bhliain atá faoi athbhreithniú ná €60,000 agus a eisíocadh mar seo a leanas:-

Táillí a íocadh le comhaltaí	€40,204.00
Athbhreithniú Seachtrach an Bhoird	€ 7,478.40
Aistriúchán ar Thuarascáil Bhliantúil 2023	€ 248.62
Sólaistí do chruinnithe ar an láthair	€ 36.00
Caiteachas iomlán buiséid	€47,967.02

Cuireadh tús leis an athbhreithniú seachtrach in 2023 agus tugadh chun críche é go luath in 2024 nuair a bhí an íocaíocht dheireanach dlite.

6. Rialachas agus Comhlíonadh

Aithníonn Comhaltaí an Bhoird na freagrachtaí a leagtar orthu faoi théarmaí an Chóid Cleachtais chun Comhlachtaí Stáit a Rialú, a mhéid is infheidhme. Ag tús gach suí den Bhord Achomhairc, ceanglaítear ar gach Comhalta aon choinbhleacht leasa i ndáil le páirtithe a dhearbhu nó saincheisteanna atá sceidealaithe lena gcinneadh a dhearbhu.

Leanann an Bord ag gabháil d'oiliúint forbartha gairmiúla

Dorothy Donovan Uasal, LL.B., LL.M., B.L.

(Cathaoirleach)