An Bord Achomhairc um Sheirbhísí Maoine

Property Services Appeal Board

# PROPERTY SERVICES APPEAL BOARD
# ANNUAL REPORT 2025

# PROPERTY SERVICES APPEAL BOARD

The Custom House, Memorial Road, Dublin 1.

**ANNUAL REPORT 2025**

Foreword by the Chairperson

It is my privilege to submit the report of the Property Services Appeal Board for the year ending 31st December 2025. This is the twelfth Annual Report of the Board and my third Annual Report as Chairperson since my appointment on 23rd April 2024.

As the Minister will be aware, 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.

In order to carry outs its statutory function in a proper manner, as efficiently and expeditiously as is practicable and to ensure that the Board is fit for purpose the Board regularly engages in on-going training and assessment.

The Board continues to deal on average with six appeals per month. The Board has been dealing with on average of eight appeals per month but the complexity of some appeals and the amount of accompanying documents required the Board to reduce the number of appeals to on average six per month. As heretofore, 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 complies with the Board's obligation to deal with appeals expeditiously. The Board continues to work diligently to maintain this standard of timeline going forward.

As referenced in previous Annual Reports, the introduction 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 continues to regret its lack of jurisdiction to grant an extension of time for the lodging of appeals. Most appellate bodies, unlike our Board, have this 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 times.

Since our last Annual Report, the Board's sponsoring Department has changed from the Department of Justice, Home Affairs and Migration to the Department of Housing, Local Government and Heritage (DHLGH). The Board expresses its appreciation for the support of the Department of Justice, Home Affairs and Migration and its officials. The Board looks

forward to an equally supportive role from its new sponsoring Department and would like to express its appreciation for the support from the officials of DHLGH to date.

I thank my fellow Board members for their ongoing dedicated efforts and contributions in ensuring that the Board fulfils its statutory function. The term of office of two Board Members, Mr Philip Moynihan and Ms Dairine McFadden, expired in February 2025 and I would particularly like to express my appreciation for their efforts over their terms on the Board. Three new members, Ms Fiona McLafferty, Dr Shane McCarthy and Dr Muiris O'Céidigh were appointed in April 2025. I 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 and professional of manner.

Yours Sincerely,

Dorothy Donovan
Chairperson
$10^{th}$ June 2026

**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. <u>Period covered by this report</u>

This report covers the period from 1st January, 2025 to 31st December, 2025. This is the twelfth annual report of the Board now submitted to the Minister for Housing, Local Government & Heritage as required under Schedule 5, paragraph 11, of the *Property Services (Regulation) Act 2011*.

2. <u>Caseload data on appeals received</u>

The volume of cases considered during the period covered by this report was 41,

Of the 41 appeals received during the year 2025:-

- 32 appeals were disallowed and the Board affirmed the decision of the Authority;
- 2 appeals were allowed.
- 1 appeal was remitted back to the Authority for reconsideration and the making of a new decision;
- 6 appeals carried forward for consideration in 2026.

The reason for the high number of appeals disallowed was in the main because the conduct complained of did not constitute improper conduct within the meaning of s.2(1)(a) and (b) of the Act and due to matters complained of being outside the jurisdiction of the Act.

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. <u>Board Membership</u>

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:-

Ms Orla Coyle - appointed on 29th March 2022
Ms Fiona McLafferty - appointed on 1st April 2025
Dr Shane McCarthy - appointed on 1st April 2025
Dr Muiris Ó Céidigh - appointed on 1st April 2025

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

Remuneration for Members of the Appeal Board is in accordance with Schedule 5, 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 2025 totalled €43,364, up €3,364 which arose due to the fact that from April 2025 the Board has full membership.

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 and review of decisions.

Board members are not paid travel and subsistence.

4. Meetings

There were 21 Board meetings during 2025, down 2 meetings on the previous year.

5. Budget

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

| | |
|---|---|
| Fees paid to members ….. ….. ….. ….. ….. | €43,364 |
| Translation of Annual Report 2024 ….. …… …… …. . | €276.75 |
| Fees for on-going training of Board Members ….. …… | €2,152.50 |
| **Total budget spend** ….. ….. ….. ….. ….. | €45,793.25 |

6. Governance and Compliance

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

The Board engages in continuing professional development training.

The Board decided to update its procedures and to carry out a review of the provisions in the Act of 2011 that apply to the Board and will report on same in 2026.

**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 2025

# AN BORD ACHOMHAIRC UM SHEIRBHÍSÍ MAOINE

Teach an Chustaim, Bóthar an Chuimhneacháin, Baile Átha Cliath 1.

## TUARASCÁIL BHLIANTÚIL 2025

Brollach an Chathaoirligh

Is mór an onóir dom tuarascáil an Bhoird Achomhairc um Sheirbhísí Maoine a thíolacadh don bhliain dar chríoch 31 Nollaig 2025. Is í seo an dara Tuarascáil Bhliantúil déag de chuid an Bhoird agus mo thríú Tuarascáil Bhliantúil mar Chathaoirleach ó ceapadh mé an 23 Aibreán 2024.

Mar is eol don Aire, tugadh isteach mar chuid den *Acht um Sheirbhísí Maoine (Rialáil), 2011,* córas ceadúnúcháin do sholáthróirí seirbhísí maoine agus córas chun comhlíonadh riachtanais an Achta a áirithiú agus córas chun gearáin a imscrúdú. Is é an Bord brainse achomhairc an chórais sin.

D'fhonn a fheidhmeanna reachtúla a chomhlíonadh ar bhealach ceart, chomh héifeachtach agus chomh tapa agus is indéanta, agus chun a áirithiú go bhfuil an Bord oiriúnach don fheidhm, bíonn an Bord ag gabháil go rialta d'oiliúint agus do mheasúnú leanúnach.

Leanann an Bord de bheith ag déileáil le sé achomharc in aghaidh na míosa ar an meán. Bhí an Bord ag déileáil le hocht achomharc in aghaidh na míosa ar an meán ach de bharr cé chomh casta is a bhí achomhairc áirithe agus an méid cáipéisí a bhaineann leo, a bhíonn ag teastáil, chinn an Bord líon na n-achomharc a laghdú go sé cinn in aghaidh na míosa ar an meán. Mar a tharla go dtí seo, is é thart ar thrí mhí an t-aga tionscanta do chinneadh ar na hachomhairc a fhaigheann an Bord, a chaithfidh na tréimhsí reachtúla d'achomhairc agus d'aighneachtaí a cheadú ar dtús, ach amháin i gcás ina ndéantar cinneadh an t-ábhar a tharchur chuig an Údarás nó i gcás ina sheirbheálann an Bord fógra le haghaidh tuilleadh aighneachtaí. Cloíonn an tréimhse trí mhí sin le hoibleagáid an Bhoird déileáil le hachomhairc go tapa. Leanann an Bord de bheith ag obair go díograiseach chun cloí leis an gcaighdeán amlíne sin amach anseo.

Mar a thagraítear dó i dTuarascálacha Bliantúla roimhe seo, leanann tabhairt isteach d'Ionstram Reachtúil 564/2020, an *Rialacháin fán Acht um Sheirbhísí Maoine (Rialáil), 2011 (Íoschaighdeáin), 2020* de bheith ina cúnamh maidir le hachomhairc a chinneadh i dtaobh an bhfuil na caighdeáin atá le chomhlíonadh i soláthar seirbhísí maoine ag ceadúnaithe á gcomhlíonadh.

Is oth leis an mBord i gcónaí an easpa dlínse chun síneadh ama a thabhairt do thaisceadh gearán. Murab ionann agus ár mBord, tá an chumhacht seo ag formhór na gcomhlachtaí achomhairc faoina nAchtanna ábhartha chun am a shíneadh ar chúinsí eisceachtúla nó ar chúis réasúnach. Tá an Bord fós den tuairim go bhfuil dlínse den sórt sin inmhianaithe.

Leanann an Bord de thairbhe a bhaint as an deis bualadh le chéile go cianda ach tagann siad le chéile go pearsanta uaireanta.

Ónár dTuarascáil Bhliantúil deireanach, d'athraigh Roinn urraíochta an Bhoird ón Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce go dtí an Roinn Tithíochta, Rialtais Áitiúil agus

Oidhreachta (RTRÁO). Cuireann an Bord a bhuíochas in iúl do thacaíocht na Roinne Dlí agus Cirt, Gnóthaí Baile agus Imirce agus a hoifigeach. Tá an Bord ag tnúth le ról atá chomh tacúil céanna óna Roinn urraíochta nua agus ba mhaith leis a bhuíochas a chur in iúl do thacaíocht ó oifigigh RTRÁO go dtí seo.

Gabhaim buíochas le mo chomhchomhaltaí Boird dá n-iarrachtaí díograsacha tiomanta leanúnacha agus dá gcuid oibre lena chinntiú go gcomhlíonann an Bord a fheidhm reachtúil. Chuaigh tréimhse oifige bheirt Chomhaltaí Boird, Philip Moynihan Uasal agus Dairine McFadden Uasal, in éag i mí Feabhra 2025 agus ba mhaith liom go háirithe mo bhuíochas dá n-iarrachtaí le linn a dtréimhsí ar an mBord a chur in iúl. Ceapadh triúir comhaltaí nua, Fiona McLafferty Uasal, an Dr Shane McCarthy agus an Dr Muiris O'Céidigh, i mí Aibreáin 2025. Aithním a rannchuidiú suntasach le hobair an Bhoird. Tá obair Kathleen Fitzpatrick Uasal ag dul chun tairbhe an Bhoird go fóill, agus í ag gníomhú mar Rúnaí an Bhoird agus soláthraíonn sí an leibhéal is airde de sheirbhís riaracháin don Bhord ar bhealach thar a bheith croíúil agus gairmiúil.

Is mise le meas,

Dorothy Donovan
Cathaoirleach
10 Meitheamh 2026

**RANNA SA TUARASCÁIL SEO**

1. An tréimhse a chumhdaítear sa tuarascáil seo
2. Sonraí líon na gcas maidir leis na hachomhairc a fuarthas
3. Comhaltas Boird agus Táillí
4. Cruinnithe
5. Buiséad
6. Rialachas Corparáideach

1. An tréimhse a chumhdaítear sa tuarascáil seo

   Cumhdaítear sa tuarascáil seo an tréimhse ón 1 Eanáir 2025 go dtí an 31 Nollaig 2025. Is í seo an dara Tuarascáil Bhliantúil déag de chuid an Bhoird atá tíolactha anois chuig an Aire Tithíochta, Rialtais Áitiúil agus Oidhreachta, mar a cheanglaítear faoi Sceideal 5, alt 11, den *Acht um Sheirbhísí Maoine (Rialáil), 2011*.

2. Sonraí líon na gcas maidir leis na hachomhairc a fuarthas

   Ba é méid na gcásanna a pléadh le linn na tréimhse a chumhdaítear sa tuarascáil seo ná 41,

   As na 41 achomharc a fuarthas le linn na bliana 2025:-

   - Dícheadaíodh 32 achomharc agus dhearbhaigh an Bord cinneadh an Údaráis;

   - Ceadaíodh 2 achomarc.

   - Tarchuireadh 1 achomharc ar ais chuig an Údarás lena hathbhreithniú agus chun cinneadh nua a dhéanamh;

   - Tugadh 6 achomharc ar aghaidh lena mbreithniú in 2026.

   Ba é an phríomhchúis leis an líon ard achomharc a dícheadaíodh ná nárbh iompar míchuí é an t-iompar a ndearnadh gearán ina leith de réir bhrí alt 2(1)(a) agus (b) den Acht agus mar gheall ar ábhair a ndearnadh gearán ina leith a bheith lasmuigh de dhlínse an Achta.

   Agus achomhairc á gcinneadh, cloíonn an Bord le prionsabail an cheartais nádúrtha agus nósanna imeachta cothroma de réir dhlí-eolaíocht na nUaschúirteanna maidir le cinnteoireacht dhleathach. Tá an Bord an-díograsach go háirithe maidir lena oibleagáid cinntí réasúnaithe a sholáthair.

3. Comhaltas Boird

   Tá Comhaltas Boird, i gcomhréir leis an Acht, comhdhéanta de Chathaoirleach agus de cheathrar gnáthchomhaltaí.

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

   Is iad seo a leanas na gnáthchomhaltaí:-

   Orla Coyle Uasal- a ceapadh an 29 Márta 2022
   Fiona McLafferty Uasal - a ceapadh an 1 Aibreán 2025
   Dr Shane McCarthy - a ceapadh an 1 Aibreán 2025
   Dr Muiris Ó Céidigh - a ceapadh an 1 Aibreán 2025

   Déantar ceapacháin chuig an mBord Achomhairc ar feadh tréimhse ceithre bliana agus déantar foráil maidir le hathcheapadh.

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

*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 as Comhaltas an Bhoird *per se* ach as rannpháirtíocht i suíonna an Bhoird chun achomhairc a chinneadh. Tá na rátaí in aghaidh an tsuí, atá faoi réir asbhaintí reachtúla, leagtha amach thíos:

Cathaoirleach €500
Gnáthchomhalta €416

Ba é €43,364 méid iomlán na dtáillí boird do 2025, méadú €3,364 a tháinig chun cinn toisc go bhfuil láncomhaltas ag an mBord ó mhí Aibreáin 2025 ar aghaidh.

Áirítear leis na táillí sin an obair ullmhúcháin is gá, amhail páipéir achomhairc a léamh roimh chruinnithe agus obair tar éis na gcruinnithe, amhail cinntí a dhréachtú agus a athbhreithniú.

Ní íoctar Comhaltaí Boird do thaisteal agus cothú.

4. Cruinnithe

   Bhí 21 chruinniú Boird ann le linn 2025, seo 2 chruinniú níos lú ná an bhliain roimhe sin.

5. Buiséad

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

| | |
|---|---|
| Táillí íoctha le comhaltaí ….. ….. ….. ….. ….. | €43,364 |
| Aistriúchán de Thuarascáil Bhliantúil 2024 ….. …… …. . | €276.75 |
| Táillí le haghaidh oiliúint leanúnach do Chomhaltaí Boird …… | €2,152.50 |
| **Caiteachas Buiséid Iomlán** ….. ….. ….. ….. | €45,793.25 |

6. Rialachas agus Comhlíonadh

   Aithníonn Comhaltaí an Bhoird a bhfreagrachtaí faoi théarmaí an Chóid Chleachtais chun Comhlachtaí Stáit a Rialú.

   Bíonn an Bord ag gabháil d'oiliúint fhorbartha ghairmiúil leanúnach.

Chinn an Bord a nósanna imeachta a uasdátú agus athbhreithniú a dhéanamh ar na forálacha in Acht 2011 a bhfuil feidhm acu maidir leis an mBord agus tuairisceoidh sé air sin in 2026.

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

**(Cathaoirleach)**