

## Frequently Asked Questions About Complaints

### Can I complain about a Property Service Provider (PSP)?

Yes. Section 63 of the Property Services (Regulation) Act 2011 provides that any person can write to the Authority alleging that improper conduct by a Property Services Provider (PSP) has or is occurring.

### 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, 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;*

### 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—*

*(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*

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

*Or*

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

### **How do I make a complaint?**

You should make your complaint in writing to the Authority at the address provided. This can include through electronic, print, written notification. The Authority in either case requires a valid postal address of contact. A Complaints Form is available to help you to provide the required information.

### **What information should I provide with my complaint?**

Complaints should be as concise as possible but should include any and all information that will provide evidence, if not proof, of the allegations made. Such evidence will also assist an officer of the Authority to make an initial determination on the submitted complaint matter.

### **Will every complaint be investigated?**

Every complaint that is deemed to be a valid complaint under the terms 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 may not be in fact be covered under the definition of improper conduct contained in the Act. Many such complaints received by the Authority relate to matters that are presently outside the scope of the legislation. 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 which contains a list of all matters that could constitute improper conduct as defined by the Act. Please consider this list before submitting your complaint matter to the Authority to first establish whether your issue/s of complaint fall within the current parameters.

### **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. This is the case even where the complaint is declined for investigation for stated reason.

### **Can I make anonymous complaints?**

No. The Authority does not accept anonymous complaints against PSP's.

### **Why not?**

Natural justice, fair procedures and the new General Data Protection Regulation all dictate that such matters are dealt with transparently. Even where a complainant decides to withdraw a complaint submitted, the Authority is obliged for the foregoing reasons to provide the PSP with a copy of any such complaint made.

### **Can I complain about a PSP not being licensed**

A complaint can only be made against a licensee holder for improper conduct under the terms of the Act. The Authority has no powers to investigate complaints of improper conduct against unlicensed companies or individuals. A complaint against an unlicensed PSP is treated by the Authority as a report of unlicensed trading. 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. Persons selling or letting out their own properties do not require a licence.

### **Can I complain about Owner Management Companies?**

The Authority has no role in the regulation of Owner Management Companies.

**Can I complain about breaches of company law by a licensee?**

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

**The management agent won't give me the landlord's contact details.**

The agent 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 agent. Landlord/tenant disputes are generally the remit of the Residential Tenancies Board (RTB). They can be contacted at:

RTB

Po Box 47

Clonakilty

County Cork.

<https://www.rtb.ie/>