



Údarás Rialála Seirbhísí Maoine  
Property Services Regulatory Authority

## High Court confirms PSRA First Prohibition on a Licensee to Trade

On Monday, 25 November 2019, the President of the High Court Mr Peter Kelly permanently prohibited a former licensee, Mr Tony Breathnach who had traded as Cavan Real Estate Ltd., Dublin Road, Cavan, from reapplying for a property service licence.

This is the first occasion that a licensee or a former licensee has been “struck off” the Register of Licensees. The High Court also ordered that Mr Breathnach pay a sum of €50,000 to the Property Services Regulatory Authority and to make an additional payment of €48,492.82 into the Property Services Compensation Fund. The Court gave Mr Breathnach 90 days to make this payment.

Welcoming the Court’s decision, the CEO of the Authority, Ms Maeve Hogan, said “The outcome in this successful High Court case highlights the Authority’s zero tolerance approach to rogue licensees who put client funds at risk and also the important consumer protections contained in Property Services (Regulation) Act 2011.” Further, the CEO strongly advised clients of property services providers (auctioneers, estate agents, letting agents and property management agents) to only use the services of a licensed agent where clients enjoy the protections of the Act. The Authority maintains a Register of Licensees which is available on the Authority’s website [www.psr.ie](http://www.psr.ie)

This case was confirmation by the High Court of a “major sanction” imposed following investigation by the Authority on Mr Breathnach on foot of complaints received. Mr Breathnach was found to have engaged in serious “improper conduct” and the Authority imposed a major sanction as detailed.

All of the complaints concerned the non-return of booking deposits. Each complainant has been fully compensated for their financial loss from the Property Services Compensation Fund.

An Garda Síochána have been aware of Mr Breathnach’s actions from an early stage and there has been a high level of cooperation between the Authority’s Inspectors and the Gardai in this matter.