

Press Release

The Property Services Regulatory Authority (the Authority) controls and supervises Property Service Providers (PSPs) i.e. Auctioneers, Estate Agents, Letting Agents and Management Agents. The Authority works to protect the interests of the public by ensuring that high standards are maintained in the delivery of property services. Since 2012, all PSPs operating in Ireland are obliged to hold a licence from the Authority. It is an offence under section 28 (1) of the Property Services (Regulation) Act 2011 (the Act) for a person to represent himself or herself by advertisement as available to provide a property service, unless the person is the holder of a licence which is in force in respect of that property service. Inspectors of the Authority have wide ranging powers to carry out investigations into reports of such unlicensed advertising.

A recent prosecution by Authority inspectors resulted in a successful prosecution of Mr. Roger O’Sullivan in Killarney District Court on 5 March 2019. Mr. O’Sullivan, of 11 Ross Road, Killarney, Co. Kerry was prosecuted by the Authority for repeatedly advertising himself as being available to provide property services while unlicensed. This offence related to the letting of properties and to the provision of property management services. Mr. O’Sullivan was convicted at Killarney District Court on 7 charges.

Mr O’Sullivan pleaded guilty to the charges before Judge David Waters, who imposed fines of €1,900 on Mr. O’Sullivan, along with an Order for costs in favour of the Authority in the sum of €650. Costs had been sought on the basis that Mr O’Sullivan failed to comply with a notice to desist in the advertisement of lettings which resulted in the Authority bringing the prosecution. The fines imposed by Judge Waters consisted of a fine of €400 in respect of five counts and a fine of €750 on each of two further counts. The judge took into consideration the fact that Mr. O’Sullivan has a licence application pending with the Authority.

The Authority continues to strongly advise members of the public to only ever engage licensed PSP’s in their property dealings. A Register of licensed agents can be accessed at www.psr.ie. Clients of an unlicensed operator should be aware that they do not have any of the consumer protections provided by the Act such as the Authority’s complaints redress mechanism and access to the Authority’s compensation fund.