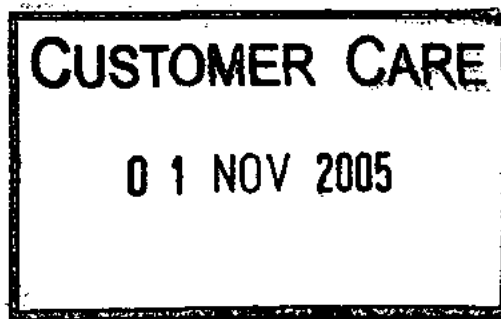


Private Residential Tenancies Board
Canal House
Canal Road
Dublin 6



Tel: +353 1 8882960
Fax: +353 1 8882819
E-mail: Tenancies_Board@environ.ie

30 November 2005

Ms Ursula Donnellan
Senior Staff Officer
Corporate Services Department
County Hall
Town Centre
Tallaght
Dublin 24

Dear Ms Donnellan,

I refer to your letter of 18 October about the motion approved by South Dublin County Council in relation to estate and letting agents.

The responsibilities of *"estate agents and letting agents who charge management fees to landlords re the vetting and placement of tenants"* are a matter that is outside the remit of the Residential Tenancies Act 2004. Under the Act, there is no provision for the PRTB to require letting agents and estate agents to carry out background checks for lettings. It would be a matter of contract between the landlord and the agency as to precisely what services are being provided.

As agents act on behalf of landlords for the purposes of the Residential Tenancies Act, disputes relating to acts or omissions of agents, including those relating to a failure to enforce the tenant obligation not to engage in anti-social behaviour, should properly be taken against the landlord who may arrange for an agent to act on his/her behalf in the processing of the dispute. There is no provision under the Residential Tenancies Act for the PRTB to deal with disputes between tenants and letting agents or between landlords and their agents. Dispute cases that are within the jurisdiction of the PRTB will always involve a landlord even where the landlord utilises the services of an agent.

In relation to the statutory registration requirement, the Act requires that where a registration application is being made by an agent on the landlord's behalf, the name, correspondence address and PPSN of the agent should also be supplied. As part of their tenancy obligations landlords are required to notify their tenants of the identity of any agents authorised to act on their behalf.

In relation to the general question of the oversight of letting and property managing agents, you may be aware that the Minister for Justice, Equality and Law Reform



recently announced a proposal to establish a National Property Service Regulatory Authority following Government approval of the report of the Auctioneering/Estate Agency Review Group. The Authority, which will be established on an interim basis pending enactment of the necessary statutory framework, will have responsibility for

- the licensing of auctioneers, estate agents, property letting and property management agents;
- regulation, monitoring and inspection of the services provided
- consumer awareness, protection and redress.

I hope that this information clarifies the position for you.

Yours sincerely



Andy Bogie
Private Residential Tenancies Board
Tel: 01 888 2760
email: andrew_bogie@environ.ie