

# Annual Report 2019



**15 years supporting  
the rental sector**

# About Us

## What is the Residential Tenancies Board?

The Residential Tenancies Board, also known as the RTB, is a public body set up to support and develop a well-functioning rental housing sector. Our remit extends to the private rental, Approved Housing Bodies (AHB) and Student Specific Accommodation (SSA) sectors. Our role is to regulate the rental sector, provide information and research to inform policy, maintain a national register of tenancies, resolve disputes between tenants and landlords, initiate an investigation into Improper Conduct by a landlord, and provide information to the public to ensure tenancies run smoothly and no issues arise.

**Please note** *The RTB was formerly known as the PRTB, until 2016 when AHB's came under its remit. For the purpose of this report the RTB is the name used throughout.*

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## What We Do



### Information, Research and Education

The RTB provides high-quality information and assistance to landlords, tenants and the public on their rental rights and responsibilities, both in terms of living in and providing accommodation in the rental sector. We also provide accurate and authoritative data on the rental sector, such as the Quarterly Rent Index, which allows us to monitor trends in the rental sector, but also allows individuals to check and compare rents in particular locations.



### Registrations

All private residential landlords, Approved Housing Bodies (who are not-for-profit housing providers, often referred to as Housing Associations) and landlords of Student Specific Accommodation must register their tenancies with the RTB. You can search to see if a tenancy is registered on the RTB website. The registration of tenancies enables us to collect important data on the sector. It is also a key part of regulating and supporting the sector and ensuring that landlords and tenants are aware of their rights and responsibilities.



### Dispute Resolution

Since 2004, the RTB replaced the courts in dealing with the majority of disputes between landlords and tenants through our Dispute Resolution Service. This service offers a choice of resolution types to parties – Telephone Mediation or Adjudication – and the option to appeal through a Tenancy Tribunal.



### Investigations and Sanctions

In July 2019, the RTB was given new powers to investigate and sanction landlords who engage in certain breaches of rental law, such as unlawfully setting the rent in an RPZ above 4% or ending a tenancy by citing a reason which the landlord did not ultimately act on, amongst others. Investigations can commence either on the basis of information received from a member of the public or proactively by the RTB on the basis of information available to us under the Residential Tenancies Act. Sanctions include a formal written caution and/or a fine of up to €15,000 and/or costs of up to €15,000.

**For more information about the RTB and our services, please visit [www.rtb.ie](http://www.rtb.ie).**

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# Chairperson and Director's Message

2019 continued to be another year of significant challenge for the rental sector. Demand for rented accommodation remained high while supply continued to be under severe strain. While there have been signs of some stabilisation, significant affordability issues and continued uncertainty has remained for many. At the RTB's core is delivering services on a daily basis that meet the needs of both tenants and landlords and assist them through these difficult times. The year delivered on a broadening and strengthening of the capacity and powers of the RTB to allow us to more effectively provide services for tenants and landlords in this ever more challenging and uncertain environment.

Legislation enacted in 2019 expanded the remit of the RTB and introduced a range of significant changes for the residential rental sector. Among the changes included were those relating to tenancy terminations, the extension of rent certainty measures and the introduction of new criteria for the designation of Rent Pressure Zones. One of the most significant changes was the introduction of new powers of investigation and a related sanctions regime. These powers provide a more effective means to directly regulate the rental sector, providing the RTB with the ability to proactively investigate and apply sanctions where breaches are found. This is an important development in terms of the regulation of the overall rental market and enables the RTB to regulate the sector with an approach that is effective, proportionate and compels and supports those involved on a pathway to compliance. These investigations and sanctions powers became operational from 1st July 2019, when the legislation was commenced and over 50 investigations were commenced by the end of the year.

Another significant change was the extension of the remit of the RTB to all residential accommodation provided to students during academic term time. Landlords and student tenants now have access to the RTB's Dispute Resolution Service and have new rights and responsibilities protected under our remit. Over 28,000 such tenancies were registered with the RTB by the end of 2019.

A key focus of the RTB throughout the year has been to inform and assist the public in complying with the regulations, including the new requirements, as well as empowering people with knowledge and easier access to information on their rights and obligations. The regulations, generally and the changes made, can be complex and difficult to understand.

Our focus has been firstly to successfully prepare our staff and our systems to ensure we were in a position to effectively deliver and communicate the new requirements. The regulatory framework for the residential rental sector is very complex and this complexity has grown significantly over the last number of years. As always, our efforts have been, and continue to be, focused on supporting stakeholders, landlords and tenants so that they understand and can work within the regulatory framework. Over 170,000 landlords were contacted directly with information on the new measures and an extensive national and regional awareness campaign was rolled out throughout the year to ensure that both landlords and tenants understood and had access to information on this complex and ever-changing regulatory framework.

An important element progressed during the year was the approval and substantial progress in the implementation of the RTB Workforce Plan. The focus of the plan was to cover the period between 2019-2021 and to guide decisions around the staffing level and management structure required to be in place at the RTB over the next number of years, to allow the RTB to fulfil its expanded and evolving role. By fully delivering on the plan, the RTB will be enabled to broaden the range of services it provides to the public, to be an effective regulator of the residential tenancies sector and to put into operation the requirements of proposed legislation with the requisite level of leadership, accountability, and control in place. Approval was granted by the Department of Housing, Planning and Local Government in January 2019 for 26 additional new posts, representing very significant elements of the plan. Three additional posts for all Student Accommodation coming under the remit of the RTB were also approved. The full delivery of the Workforce Plan is a critically important component to ensure both the capacity and the structure of the organisation as a whole are in place so that we can adequately meet our future obligations.

The RTB continued to provide accurate and authoritative research and data on the rental sector during the year. We use this research to promote a better understanding of the rental sector, monitor trends, assess their impacts, and influence policy and outcomes. Work progressed on the RTB Research Programme, a pivotal element being the Quarterly Rent Index report. This report provides crucial evidence-based analysis of rental trends at a national and local level. It was further developed during the year on foot of the legislative changes and changes made to Local Electoral Area boundaries.

Furthering our role in deepening understanding and providing authoritative research and data on the rental sector, the RTB, for the first time, held a Research Seminar and commissioned and published two independent reports, capturing valuable economic, environmental and social insights into the impact RPZs are having on rental trends, including on landlords and tenants in Ireland.

2019 also marked an important milestone for the RTB. It has been 15 years since the enactment of the Residential Tenancies Act 2004, which established the organisation. Those 15 years have seen significant changes, challenges and improvements in the sector. The establishment of the RTB was an important step in providing legislative certainty for landlord and tenant relationships, clearly setting out roles and responsibilities in a comprehensive legal framework for the first time.

In those 15 years, the role and the profile of the organisation has changed fundamentally reflecting the changes in the rental market that the RTB has supported over that time. Before the RTB was established, the rental sector was effectively unregulated and, if disputes arose, landlords and tenants had to go to court to seek resolution, a process that was expensive and could take a considerable length of time. The establishment of the RTB has been a significant improvement for the options available to landlords, tenants and others when they are in dispute.

In the period since the RTB was established, the rental sector in Ireland has doubled in size. One fifth of the population is now renting privately, with a further 10% renting either from Approved Housing Bodies or Local Authorities. In its first annual report at the end of 2005, the RTB had 84,000 tenancies registered. With growth of the rental sector and an expansion of the remit of the RTB to include Approved Housing Bodies (AHBs) and all Student Specific Accommodation providers, this has now grown to its highest level at the end of 2019 with over 360,000 tenancies supported by the RTB.



**Tom Dunne**  
Chairperson

This growth figure reflects a changing and growing sector with more people now renting than in the last 45 years. Maintaining our services effectively to meet the needs of this growing population will be a priority and a growing challenge for the organisation. This Annual Report highlights some of the progress made during the year by the RTB in meeting this challenge and delivering on our objective to support and develop the residential rental sector.

We would like to take this opportunity to acknowledge the enormous contribution of both Catriona Walsh, our former Chair who completed her term in September 2019, and Rosalind Carroll who served as Director until February 2020. We would like to thank them both for their work, dedication and the contribution over the last number of years. Both have played key roles in leading the RTB safely through a period of significant change and reform, including major organisational and legislative changes. Through their leadership and guidance, the organisation is now much better placed to deliver on our expanding and challenging remit.

We would also like to thank our Board members, committee members, independent Adjudicators, Mediators and Tribunal members and, in particular, our staff for their continued hard work and dedication in what has been another busy and challenging year. We would like to acknowledge too, the continued support from the Minister and the Department of Housing, Planning and Local Government.

Finally, we would wish to acknowledge and thank landlords, tenants, representatives, agents and all our stakeholders for their ongoing engagement with the RTB. We are working hard to support landlords and tenants in these most challenging times. We know the majority of landlord and tenant relationships are working well. However, the RTB plays an important role in maintaining these relationships and providing support when issues emerge. The RTB will continue to endeavour to support and improve these services to ensure we play our part in delivering an effectively regulated sector in Ireland, that is fair, accessible and beneficial for all.



**Padraig McGoldrick**  
Interim Director

# 15 years supporting the rental sector

**2004**

- Private Residential Tenancies Board (PRTB) was established under the Residential Tenancies Act 2004

**2008**

- PRTB moved from Canal House to O'Connell Bridge House in Dublin

**2010**

- Launch of the Tenancies Management System (TMS) to offer registrations and dispute applications online)

**2012**

- In conjunction with the ESRI, work commenced on the first Rent Index

**2013**

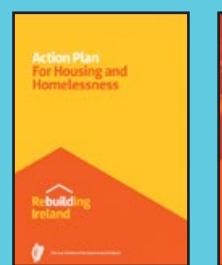
- Telephone Mediation successfully piloted and rolled out

**2015**

- The Residential Tenancies (Amendment) Act 2015 enacted. Rent Certainty Measures and extended notice periods commenced.

**2016**

- 2016 Rebuilding Ireland: Action plan for housing and homelessness published – Pillar 4 Improve the Rental Sector
- 2016 Approved Housing Bodies are brought under the PRTB's remit and the PRTB becomes the RTB.
- 2016 Strategy for the Rental Sector published. Security of Tenure extended for tenants from four to six years and Rent Pressure Zones are introduced



**15**  
**YEARS**

**2004-2019**

**2017**

- New website and webchat service available
- 2017 Two year change management plan for the RTB announced outlining a move to more proactive regulation

**2018**

- Enforcement of Determination Orders moved from Circuit to District Court.

**2019**

- RTB is first public sector organisation to move to Cloud technology
- 2019 Residential Tenancies (Amendment) Act 2019 enacted which brings in a range of measures including improved security of tenure and gives new powers of investigation and sanction to the RTB



# 1

# How We Communicate with our Customers



# How we Communicate with our Customers

**46,182**

WebChats took place in 2019

**279,426**  
total customer service contacts

**88%**

of all WebChats received a positive rating

**160,793**

calls were answered by the RTB customer service team

**4.65 million**

people were reached by the RTB twitter account\*

**1.56 million**

website hits in 2019

**94%**

of landlords who attended a Betterlet training said they would recommend the scheme to others

**67,791**

emails received by the RTB customer service team

**170,000**

registered landlords were informed of the new legislation

\* Based on the number of impressions collated at the end of 2019

# RTB Customer Service

Two core RTB Strategic Priorities are to:

- **provide user-friendly and customer-focused services; and**
- **inform and support those working and living in the rental sector to understand their rental rights and responsibilities.**

These Strategic Priorities form the basis for how the RTB engages with its customers, potential customers and stakeholders in the sector. The RTB's ultimate aim is to ensure it provides a customer-friendly and informative service which will lead to more compliance and reduce the number of disputes in the rental sector.



The RTB's customer service is built with the needs of the customer in mind. Ensuring customers can access information when they need it, is a fundamental RTB goal. The RTB serve a range of stakeholders, however the primary stakeholders are landlords, tenants and those working in the rental sector. In order to achieve this, the RTB provides five main channels for customers to access the information they need:

- **RTB WebChat service**
- **RTB phone lines**
- **Email**
- **RTB website**
- **RTB online portal**

These channels allow the customer to find relevant information on renting in Ireland and to get answers to rental-related queries, either by themselves or by connecting directly with a customer service team member.

The RTB requires its customer service team members to work to high standards of delivery, and to build a deep knowledge of the rental sector. In 2019, the RTB's customer service teams went through extensive training and preparation for the introduction of the Residential Tenancies Act (2004, as amended), which brought in several important changes to the law that underpins the rental sector in Ireland, including expanding the RTB's regulatory role.

With the customer at the centre of the RTB's customer service delivery, the RTB strives to continuously improve and enhance its services by listening to what the customer needs and understanding the key areas where the RTB's customers require better information.

**Ensuring  
customers can  
access information  
when they need it,  
is a fundamental  
RTB goal.**

## RTB WebChat Service

Due to positive feedback, the WebChat facility was expanded in 2019. Every page on the RTB website now has the WebChat facility. Expanding the RTB WebChat capability at a time of further legislative changes ensured that customers had greater choice in how they could communicate with the RTB and how the RTB could resolve an increasing volume and complexity of queries. The customer response has been very positive, with an increased uptake of the service.

The RTB's decision to actively encourage more customers to use WebChat also had a positive effect on the phone line service. Answering more queries via WebChat ensured that the RTB phone service would be predominantly available for customers with complex queries or for those who were not able to fully access the RTB's online services.

In 2019, a total of 46,182 WebChats took place during the year, with the bulk of these taking place in the second half of 2019, as part of the RTB's channel switching strategy. This is a significant increase of 89% on 2018, which saw a total of 24,422 WebChats. On average, 3,848 WebChats took place each month, compared to 2,035 in 2018. By the end of 2019, the RTB was typically taking 4,600 chats per month. Additionally, a total of 88% of all WebChats received a positive rating in 2019.



By the end of 2019, the RTB was typically taking **4,600** WebChats per month

## RTB Phone Line

In 2019, the RTB answered 160,793 calls, representing a small decline of approximately 3%, compared to 2018 which saw a total of 165,453 calls. This number represents the calls the RTB customer service team received directly and does not include the calls received across all the RTB business units in 2019. The RTB continued to meet its target of answering 80% of calls within 20 seconds.

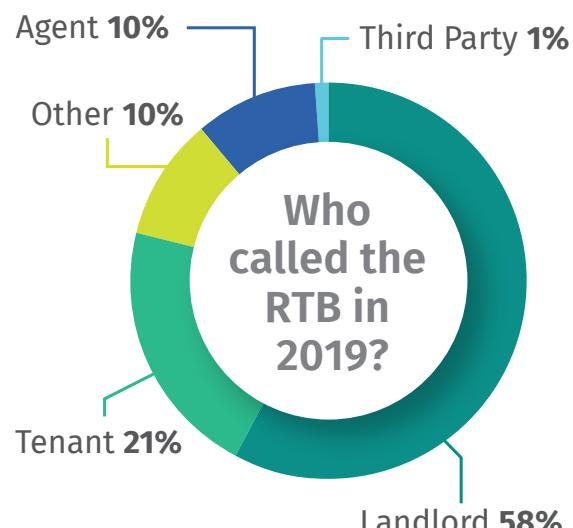
Out of the total calls received, 58% were from landlords, 21% were from tenants and the rest were made up of either others, agents and third parties.

Many of the calls from landlords and agents are driven by queries and clarifications on the registration and renewal of tenancies which all landlords are required to complete.

The RTB have Irish speaking customer service staff and offer both English and Irish language options on phone lines.

**Figure 1**

### Who called the RTB?



## RTB Email Contacts

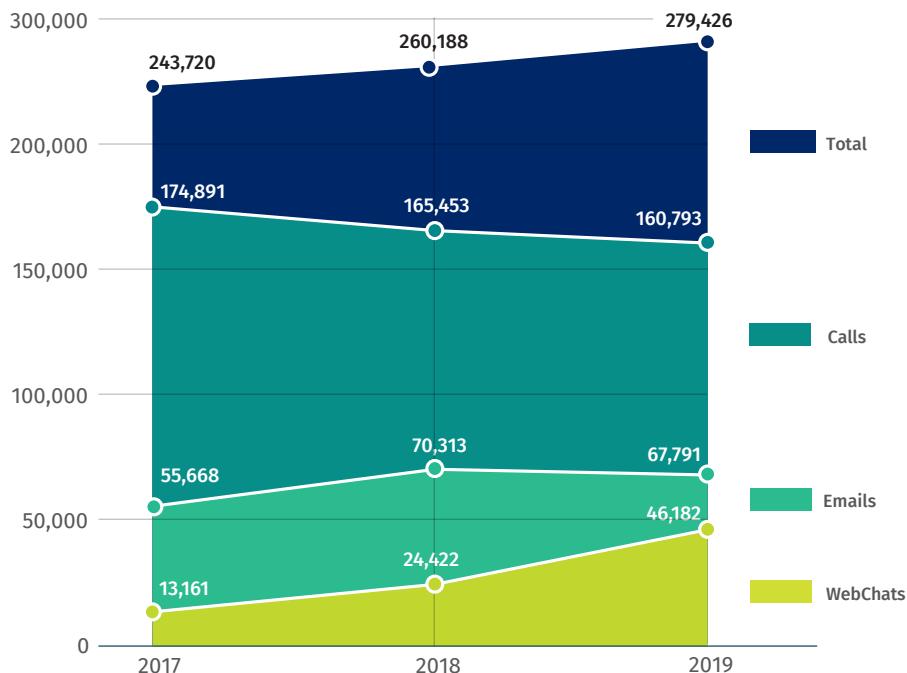
The RTB customer service team received high volumes of emails from customers in 2019, a total of 67,791, although this is a small decrease of 3.5% in comparison to 2018.

## Total Customer Contacts

The chart below reflects the growth and change in demand for RTB customer services and options being chosen by customers between 2015-2019. In 2019, the RTB customer service team received a total of 279,426 customer contacts, which is made up of calls, emails and WebChats. This is a 7.4% increase on 2018.

**Figure 2**

### RTB Customer Service Communications Channels 2015-2019



## Customer Feedback

The RTB is constantly striving to improve its customer experience. Whilst the RTB's customers are predominantly landlords and tenants, the RTB also has a strong customer base in letting agents and various third parties. The RTB's customers are as diverse as the sector. Every customer is experiencing their own unique circumstances, which requires a unique, timely and appropriate response from the RTB. Therefore, the RTB is always working on improving its services and ensuring that it has opportunities to gather feedback from its customer on their overall customer experience.

One of the ways the RTB listens to its customers is through its 'Voice of the Customer' survey, which is a short survey that allows customers to quickly and conveniently provide feedback after finishing a call with a customer service team member. The RTB also captures customer comments posted to the RTB via its WebChat service.

The RTB's Quality Programme, examines all negative customer sentiment received through our Voice of the Customer telephone survey. If the negative comment relates directly to customer experience, the RTB's quality manager will not only work with the customer service agent involved to support any additional training and coaching needs, but also builds customer feedback back into the regular training sessions. We learn from our customers continuously, and whilst there are customers who are dissatisfied with the regulations, as distinct from the service, the RTB is fully committed to ensuring that we are clear in our explanation of the regulations. We are continuously working to meet high standards of customer service. We are planning to also move our Voice of the Customer survey onto Web Chat in 2020, so we can listen further to our customers.

## Voice of the Customer Survey Results

### Q1

**How satisfied were you with the knowledge and expertise of the advisor who handled your call?**

*74% of customers who answered this question gave the highest satisfaction rating.*

### Q2

**Was your query resolved in the call?**

*76% of customers who answered this question said their query was resolved in the call.*

### Q3

**How satisfied are you with your overall experience with the RTB, based on your most recent call?**

*72% of customers who answered this question gave the highest satisfaction rating.*

## The RTB's customers are as diverse as the sector.

Every customer is experiencing their own unique circumstances, which requires a unique, timely and appropriate response from the RTB.

# Feedback Received from Customers



*I always found very helpful staff when I called. Courteous and knowledgeable*



*Everything was very professional*



*I felt I was dealt with professionally by an informed and friendly member of staff*



*I'm really quite shocked how good your staff were. I spoke to several people and they were all very pleasant, helpful and knowledgeable*



*No improvement needed. The gentleman that answered my call was very friendly and pleasant and totally knew his job*



*Should Be able to provide clear answers. Too expensive on landlords to register tenancy. Tenants should pay it too as they benefit. Too many landlords exiting market...due to lack of support*

## Complaints

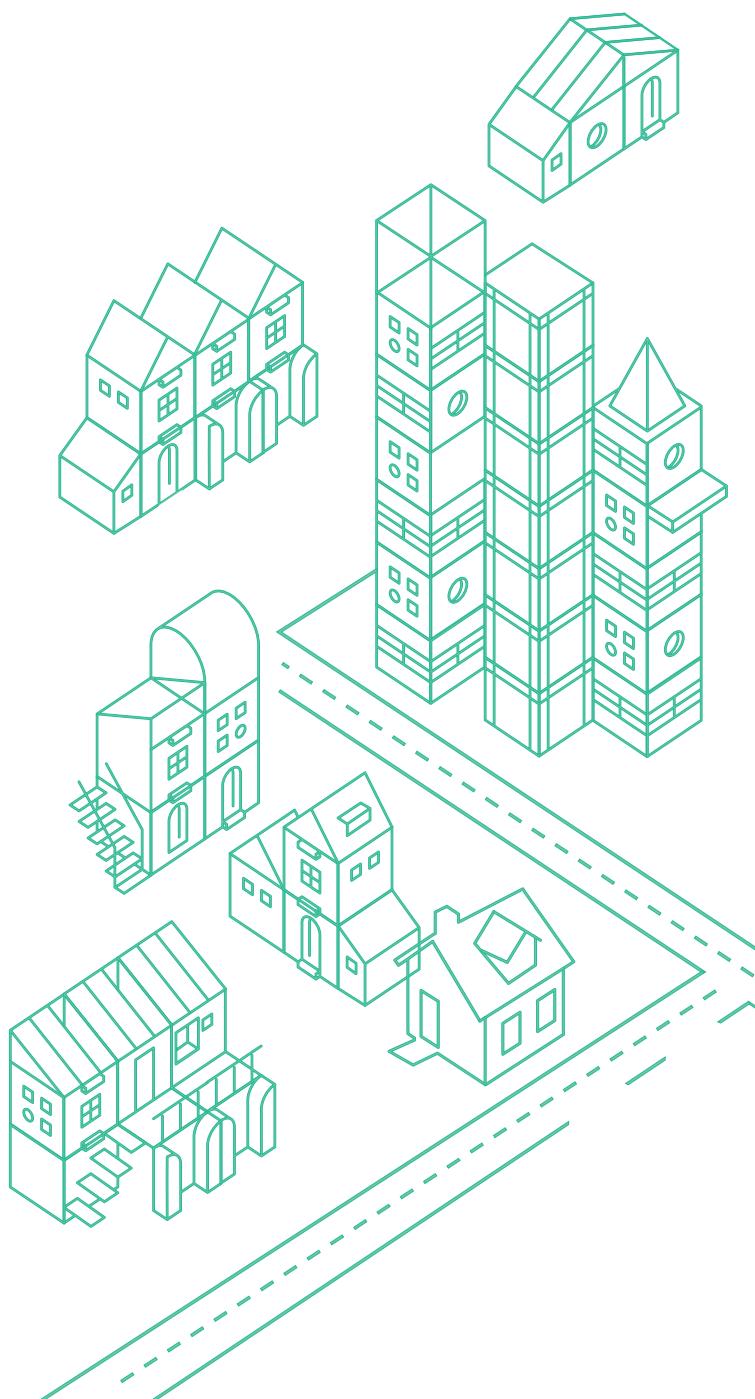
The RTB's formal complaints process also provides the organisation with key areas for review in order to address any areas that are seen as being below standard. The RTB has a full quality monitoring and training programme in place. This ensures that all the customer service team members are fully informed and trained on the latest rental legislation. It also makes sure that they also have strong skills in engaging with customers, through whichever channel the customer reaches the RTB.

The RTB operates under its Customer Charter and has a formal route for complaints regarding all aspects of its service. As the RTB Dispute Resolution Service is quasi-judicial, there is a separate appeals process set down in law to appeal the outcome of a case.

All complaints received are acknowledged within two days of reaching the RTB office, which may be via post or email. The RTB can also take formal complaints over the phone. Many of the complaints received require significant investigation and take time to give a full and complete response. The RTB maintains contact with the customer throughout this period.

The RTB cannot address any complaints related to a case that is still ongoing; however, the RTB always strives to listen carefully to its customers and, where appropriate, reviews and changes the approach and procedures to improve its services. Hearing directly from customers, no matter what their experience, allows the RTB to learn and improve its services. The RTB aims to respond to all complaints within 14 days. However, some complaints are more complex and require more time to resolve the issue.

In 2019, the RTB received a total of 117 complaints which are broken down by type in Table 1. Additionally, 51% of complaints received by the RTB were responded to within 14 working days.



**Table 1****Breakdown of Complaints the RTB Received in 2019 by Complaint Types, by Frequencies**

<b>Complaints by Type</b>	<b>Comments</b>	<b>N</b>
<b>Dispute Resolution: General</b>	This includes complaints regarding Dispute Resolution policies or procedures, specific issues related to a case, jurisdictional issues, right to appeal, etc.	25
<b>Customer Service: Case Management</b>	Customer unsatisfied with the service provided before the hearing (e.g. case timelines, case scheduling, granting of adjournments, complaints regarding correspondence received, etc.).	19
<b>Customer Service: At Hearing</b>	This includes customer service of panel member, duration of hearing, customer unsatisfied with hearing on the day, etc.	16
<b>Tenancy Registrations</b>	Complaint regarding Registrations (e.g. online registration issues, late registration fees, etc.).	16
<b>Various</b>	Customer has raised various issues.	14
<b>Enforcement</b>	Complaint regarding enforcement.	8
<b>Dispute Outcome*</b>	Customer unsatisfied with the outcome of a dispute hearing.	7
<b>Data Protection</b>	Complaint regarding data protection.	7
<b>Customer Service: Call Service Team Member</b>	Customer unsatisfied with the service received when calling the RTB.	3
<b>Website</b>	Complaint regarding RTB website.	2
<b>Total</b>		<b>117</b>

\* The RTB Dispute Resolution Service is quasi-judicial and independent. If parties are dissatisfied with the outcome of a Telephone Mediation or Adjudication hearing, this can be appealed to a Tenancy Tribunal. Appeals to the outcome of a Tenancy Tribunal can be made on a point of law.

# Engaging with the Rental Sector: Raising Awareness and Improving Understanding

The RTB provides information about the rental sector to landlords, tenants and the wider public to help support landlords and tenants to understand their rental rights and responsibilities, and to raise awareness of the RTB and the services it provides. Some highlights of the communications activities managed by the RTB in 2019 include:

- **National and regional multimedia campaigns to raise awareness of the legislative changes introduced;**
- **Increasing the RTB's stakeholder reach and engagement activity; and**
- **Improving the RTB's communications channels.**



## Supporting Understanding of New Legislation

In June 2019, the Residential Tenancies Act (2004, as amended) was introduced into law, bringing in several changes to rental legislation. New regulation is ineffective if people are not aware of it, therefore, a significant part of 2019 was dedicated to raising awareness of these changes by informing and supporting those living and working in the rental sector. As part of this, the RTB's Communications and Research Unit developed and delivered a multi-channel communications campaign to drive awareness of the legislation across Ireland, which included:

- A nationwide outdoor, press, radio, twitter and digital advertising campaign that called on the public to visit the RTB website to find out more about their rights and responsibilities.

**You need to know how rental laws have changed**

Recent changes to the law have introduced new Notice of Termination and Rent Pressure Zone rules, and the RTB now have the power to investigate complaints about rental law.

We all want to improve the rental sector and make it a better place. So it's important both landlords and tenants keep informed of their changing rights and responsibilities.

Get informed on all of the changes at [www.RTB.ie](http://www.RTB.ie)

**RTB** Bord um Thioncharacht Cónaithe  
Residential Tenancies Board

**www.RTB.ie**

- A direct mail was sent to over 170,000 registered landlords informing them of the new rental law.
- The creation of new webpages and content on <https://onestopshop.rtb.ie/>
- Regular updates on the RTB twitter account @RTBinfo.

- The creation and distribution of an information leaflet to stakeholders which outlined the key changes of the legislation.

**The rental law has changed**  
What are the changes and what do they mean for your rights and responsibilities?

**Rules for ending a tenancy**

Changes in place from 4th June 2019

**When a rental property is being sold**

A tenancy can be ended if a landlord intends to enter into a contract to sell the property or if the landlord has given notice to the tenant that the sale of the property will affect the tenancy. This notice must give the tenant the opportunity to let or re-let the property while the sale is pending.

**When a landlord is substantially refurbishing a rental property**

Landlords must now give notice to tenants to carry out substantial refurbishment to the property. There are changes to the law to make sure that landlords have to provide more information to be provided when serving the type of notice.

- If planning permission is granted
- Works are carried out
- The date on which the works are to be carried out
- The proposed duration of the works

**Works notice**

Landlords must now ensure the notice contains an accompanied statement of the works to be carried out. The notice must state:

- The works would pose a threat to the health and safety of the tenant
- The property should be secured while the works are taking place
- The landlord will take reasonable steps to complete the works (this may be longer than three weeks)
- A statement that the landlord will be liable to the agent listed when the works have been completed

**New Notice Periods**

28 Days	90 Days	120 Days	180 Days	196 Days	224 Days
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Visit [www.rtb.ie](http://www.rtb.ie) to find out more information on the legislative changes and how they affect you.  
Twitter: @RTBInfo | Facebook: [www.facebook.com/rtb.ie](http://www.facebook.com/rtb.ie) | [www.rtb.ie](http://www.rtb.ie)

- Presenting information on the new legislation at over 30 stakeholder events, conferences and information sessions.
- Successfully supporting the move of Student Specific Accommodation (SSA) to come under the remit of the RTB by organising four information sessions, which attracted around 100 Universities and private providers, to help them with the transition. This resulted in over 28,000 additional SSA tenancy registrations.
- The RTB also delivered a digital advertising campaign aimed at students to inform them of their rental rights and responsibilities.



- Updating the Good Landlord Tenant Guide to reflect the latest legislation, which is posted with tenancy confirmation letters to all registered landlords and tenants.



## Other Campaigns

In 2019, there were 27 Local Electoral Areas designated as Rent Pressure Zones (RPZs). The RTB runs regional advertising campaigns when new RPZ areas are designated. This is to ensure people are aware that the area they live in is now an RPZ and to explain what that means for them. These adverts are targeted to the relevant areas and are featured in outdoor spaces and in local newspapers.

## Kells and Trim are now Rent Pressure Zones

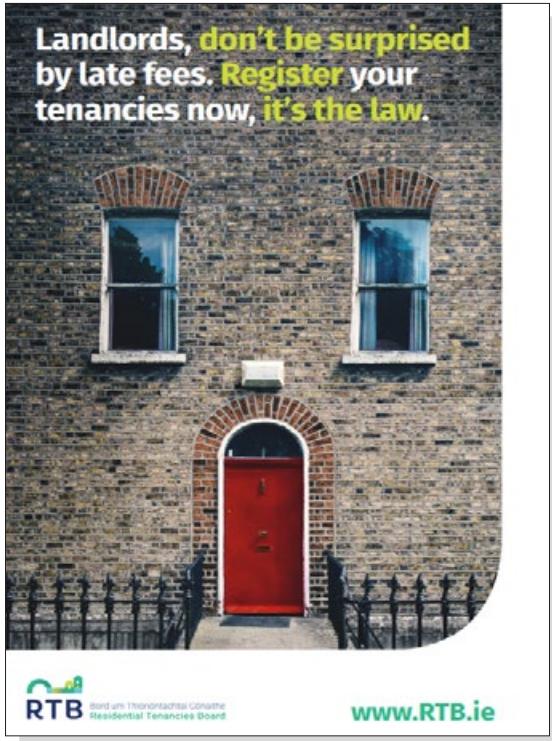
By law, that means rent in these areas **cannot be increased by more than 4% annually**, whether it's an existing tenancy or a re-let.

To find out if your home is in a Rent Pressure Zone, or to use the RPZ Rent Calculator, visit [RTB.ie](http://RTB.ie)

By order of the Minister for Housing, the Local Electoral Areas (LEAs) of Kells and Trim were designated Rent Pressure Zones, under S24(a) of the Residential Tenancies Act 2004.

**RTB** Bord um Thionóntachtai Cónaithe  
Residential Tenancies Board

[www.RTB.ie](http://www.RTB.ie)



In November the RTB also launched a registration compliance campaign to highlight that it is a legal requirement for landlords to register their tenancies. The campaign used outdoor, press, radio, social media and online advertising to reach landlords. This campaign resulted in increased engagement with landlords as well as driving more users to the RTB website.

## Developing and Building Relationships with Stakeholders

The RTB is committed to effective and meaningful engagement with its stakeholders to help improve the RTB's understanding of their priorities and opinions, and to also help create a culture of knowledge around rights and responsibilities in the rental sector. As such, another key area the Communications and Research team focused its efforts on in 2019 was developing and building the RTB's relationships with its stakeholders.

For the first time, the RTB organised an Oireachtas Drop-in Clinic inviting Ministers, TDs, Senators and their staff to drop in to provide information on the rental sector, RTB services and the 2019 legislative changes. The first session saw positive engagement with TDs, Senators and representatives attending. It also helped the RTB establish a relationship with public representatives who receive a significant number of rental related queries from their constituents.

The RTB also organised its first Research Seminar to present the findings of two pieces of commissioned research, one of which was an econometric analysis of the impact of Rent Pressure Zones on the rental sector as well as a qualitative insight into landlord and tenant experiences in Rent Pressure Zones. More information can be found in Chapter Five. The Seminar brought together over 50 stakeholders from across the media, housing, rental and research communities.

The Communications and Research Unit also built on the Stakeholder Forum structure which was introduced in 2018. The aim is to provide stakeholders with an opportunity to share and exchange ideas on the sector with the RTB, helping to improve the RTB's understanding of their priorities. Four sessions were organised in 2019 which brought together representatives from landlord, tenant, Approved Housing Body (AHBs) and property professional groups.

Throughout 2019, RTB Senior Management and staff from across different business units also regularly engaged with representative bodies, attended seminars and information sessions, and presented and exhibited at conferences and events, such as housing conferences, the National Ploughing Championships and the Joint Oireachtas Committee on Housing, Planning and Local Government.



## Betterlet: RTB Accredited Landlord

The RTB continued to develop the Betterlet: RTB Accredited Landlord scheme, which was launched in September 2018. The Betterlet scheme aims to support landlords to navigate the complex and evolving legislative framework to help them to comply with it. Landlords receive Betterlet accreditation after taking part in a one-day training course, which covers the rights and responsibilities required to manage a tenancy, and upon completion of a short assessment test. In order to renew accreditation status, landlords must attend a 'Top up' session on different rental topics within two years of accreditation.

The Communications and Research team delivered four sessions in 2019 along with its first Top up session. The Betterlet training scheme continues to grow and receive positive feedback. In 2019, 94% of landlords who attended the training and answered an RTB survey, said they would recommend the scheme to others.

In 2019, the RTB also entered into its first Betterlet partnership with a Local Authority. In November, the RTB delivered a Betterlet training session in partnership with Fingal County Council. Fingal County Council provided participants with a detailed overview of what a rental property inspection looks like and what is required from a landlord during an inspection. It provided landlords with valuable insights on what to expect, on top of information on rental rights and responsibilities. The RTB will continue to develop the collaborative aspect of the Betterlet: RTB Accredited Landlord training scheme in the future.

### Testimonials from Betterlet: RTB Accredited Landlords

*Huge benefit meeting likeminded landlords in the same position as me. Nice to know their options and share problems*

*It was a great learning experience and expanded my knowledge of rental rights and obligations*

*Gives the landlord a better understanding of the rights and regulations, therefore makes them a better landlord*

*Encourages learning and compliance*

*Really enjoyed the day, found it very informative*



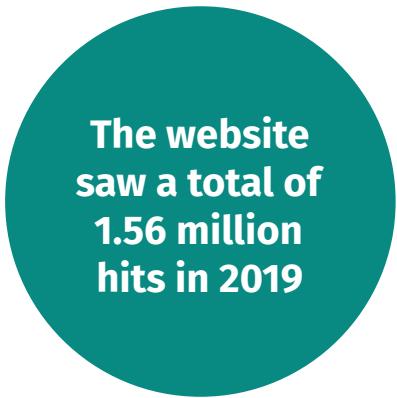
In 2019, **94% of landlords** who attended the training and answered an RTB survey, said they would recommend the scheme to others.

## Improving RTB Communications Channels and Digital Presence

### RTB Website

The RTB website is one of the RTB's most important communication channels. Throughout 2019, the Communications and Research Unit continued working on the website to make it more user-friendly and accessible as well as to update it with relative and useful content. Several major updates were made to the website when the legislative changes were introduced, including a new landing page which led to other subpages for the different provisions of the legislation. In 2019, the RTB website saw a total of 840,857 unique visitors compared to 742,477 in 2018, which is an increase of 13%. The website also saw a total of 1.56 million hits in 2019, up from 1.37 million hits in 2018.

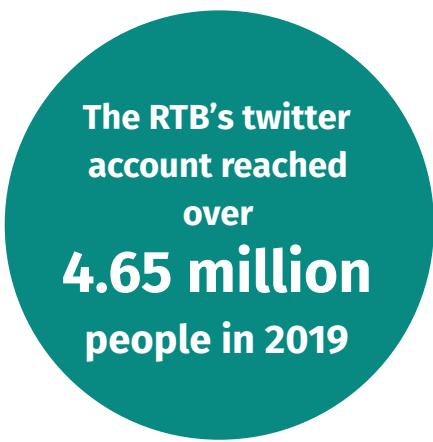
The RTB also commenced a website improvement project at the end of 2019 to carry out extensive upgrades to many areas and aspects of the website, including the navigation, search function, customer journey, Search Engine Optimisation (SEO) and more to improve the overall visitor experience. The RTB also carried out a website accessibility audit in late 2019 to determine how the website can become more accessible to users. The necessary work has been completed to prepare for the implementation of the accessibility software, which would read text and convert it into an audio file for the visually impaired. This work will continue in 2020.



**The website  
saw a total of  
1.56 million  
hits in 2019**

### Twitter

After the launch of the RTB twitter account @RTBinfo in 2018, the RTB has continued to grow its social media presence and engagement in 2019. At the end of 2019, the RTB twitter account had a total of 3,003 followers, increasing from 1,583 followers at the end of 2018. The RTB's twitter account reached over 4.65 million people in 2019, which is a significant increase on its 1.52 million reach in 2018. The RTB will continue to use and leverage its twitter account as another channel to reach its customers.



**The RTB's twitter  
account reached  
over  
4.65 million  
people in 2019**





## RTB360: Supporting RTB Core Services

**In 2019, the RTB continued to work on the development of 'RTB360', a new tenancy management system and online portal which is scheduled to be delivered in late 2020.**

In the 15 years since the RTB was established in 2004, there have been vast improvements in the IT infrastructure used to support the RTB's core business services. In its early years, the RTB had a very limited online presence. Registrations, applications for Dispute Resolution and other referrals were submitted solely by paper, and business units relied primarily on a basic registration and case tracking (RACTS) system for processing.

Since 2010, the RTB has been working to improve its online platforms and services. The RTB introduced a Tenancy Management System (TMS), which gave landlords and tenants access to the RTB online portal through which landlords can register their tenancies, and both can submit applications to the RTB Dispute Resolution Service. This is a critical part of the RTB's ICT infrastructure which ensures the RTB's systems are easily accessible to customers.

The development of RTB360 is crucial to support the RTB's expanding remit, including the activity of the RTB's new Investigations and Sanctions Unit, legislative changes such as annual registration and indeed the changing nature and profile of RTB customers, to better reflect their requirements.

The system will provide an intuitive and user-friendly experience, and the strong focus on web-enabled and accessible services promotes and maximises opportunities for self-service by customers. The system will also further increase efficiencies for RTB staff and independent decision makers, allowing for a speedy and high-quality provision of services.

In addition to supporting legislative changes and the RTB's expanding remit, RTB360 will allow the organisation to utilise new data structures which will transform the data the RTB will be able to collect. The advanced reporting capabilities of the system will also allow the RTB to deliver more evidence-based policy recommendations on the rental housing sector. The ability to harness granular data through the use of better business intelligence will assist the RTB in its role as a more effective regulator of the rental sector.

**RTB360 will allow the organisation to utilise new data structures which will transform the data the RTB will be able to collect**

# Digitalisation of RTB Core Services Through the Years

## Founded in 2004:

The Residential Tenancies Board (or PRTB as it was known then) was established as an independent body on a statutory basis on 1 September 2004 following the enactment of the Residential Tenancies Act 2004. The RTB had two main areas of activity for its customers then: the operation of a national registration system for all private residential tenancies and the operation of a Dispute Resolution Service.

All applications to register a tenancy or lodge a dispute case had to be submitted via a paper application as the RTB had yet to develop an online system to support our customers. Once a registration or dispute application was received, it was logged within our internal database solution to ensure it was provided with an accurate RT or DR number. Once a reference number was provided, the RTB created a corresponding internal online case file where all communication received and issued was stored.

## November 2010:

The RTB launched its online registration service in November 2010. Our customers could now register and pay online in a matter of minutes. By the end of 2011, the uptake of online registration was 26%. At this point all dispute resolution application forms still had to be sent in to the PRTB by paper.

## Throughout 2011:

The RTB launched a publicity campaign throughout 2011 promoting the new online registration service on offer to our clients. By the end of 2011, online registrations had increased to 39%.

During 2011, the Dispute Resolution team were heavily involved with the testing of the new online system which was due to launch in April 2012.

## April 2012:

In 2012, the RTB Disputes Resolution Unit invested considerable time and effort in the introduction of the Tenancy Management System (TMS). This provided an electronic case management system for all disputes, with online application capability. Photocopying and distributing case materials and evidence was very manual and inefficient in the past, with all case information being held in basic ring folders. All cases and related materials were now scanned into an electronic format on receipt and distributed electronically thereafter via secure portals to Adjudicators, Mediators and Tribunal Members around the country. By the end of 2012, over 50% of new dispute applications were submitted online.

By year end, the uptake of online registration stood at 41% and the RTB continued to promote and encourage landlords to use this service.

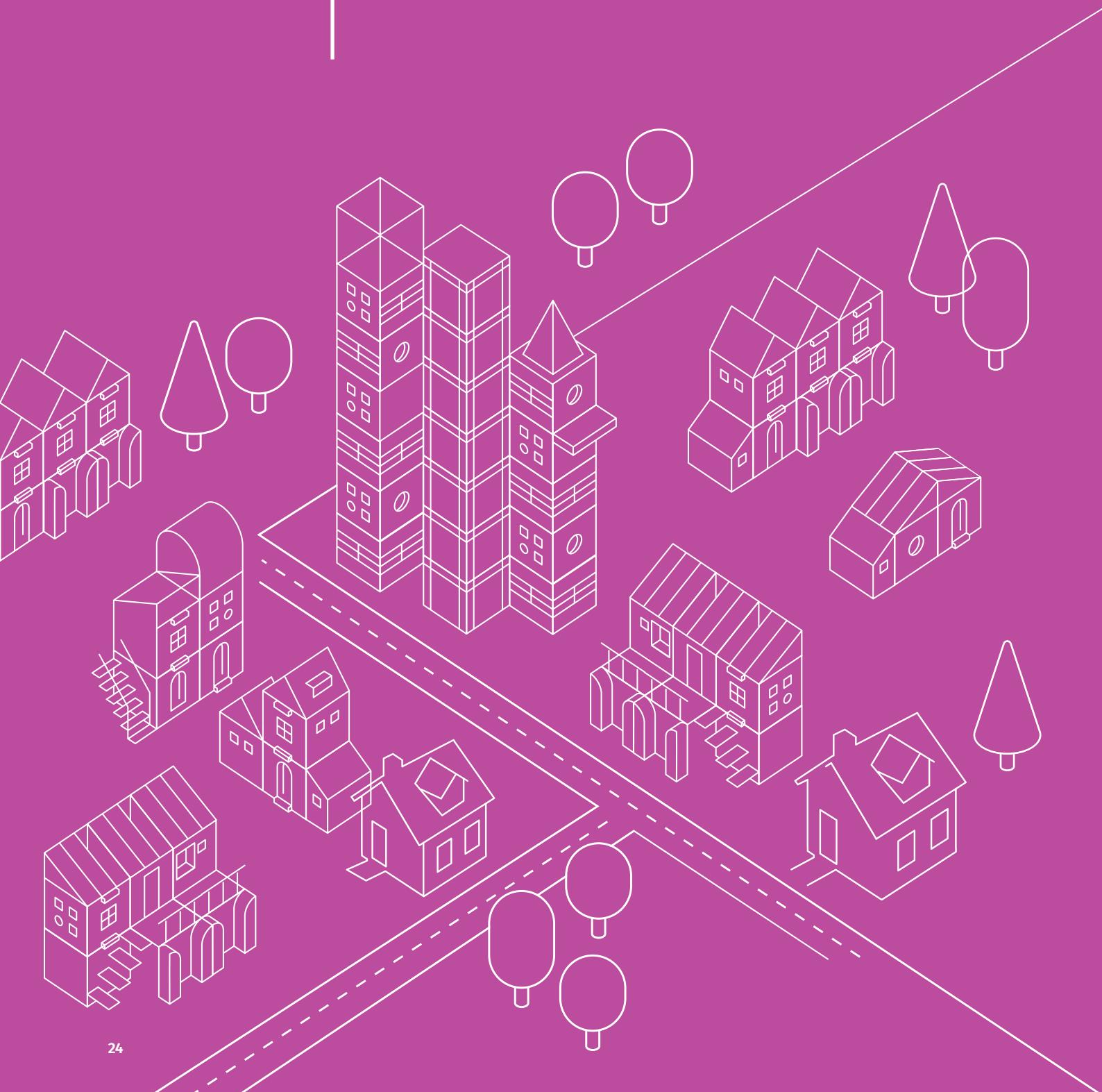
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
% Online registration	26	39	41	44	50	55	61	65	67	72
% Online dispute applications	N/A	N/A	50	59	69	72	73	73	Over 70%	Over 70%

## The Future:

Development work has started on a new tenancy management system, RTB360. Due to launch in 2020, the existing tenancy management system will fundamentally change to ensure our customers experience much-improved, web-enabled and user-friendly tenancy registration, tenancy management, dispute resolution application and case management systems. RTB360 will also significantly improve the quality of RTB data and enhance the reporting capabilities and capacity of the system.

2

# How We Help Resolve Rental Disputes



# How We Help Resolve Rental Disputes



# How We Help Resolve Rental Disputes

Since 2004, the RTB has replaced the courts in dealing with the majority of disputes between landlords and tenants through the RTB's Dispute Resolution Service.

In 2019, applications for dispute resolution accounted for only about 2% of all registered tenancies, showing that the majority of tenancies are working well. This corresponds with findings from an independent study commissioned by the RTB in 2019, which found that 80% of tenants believe they have a positive relationship with their landlords and 86% of landlords were satisfied or very satisfied with their current tenants\*. However, even though the vast majority of landlord and tenant relationships work well, sometimes disputes arise in a tenancy. When this happens, the RTB can help resolve the issue.

A fundamental goal of the RTB is to support a well-functioning rental sector by promoting a more holistic approach to dispute resolution and prevention through early intervention and supporting the sector through education and information. The RTB promotes dispute prevention as a first step, actively encouraging tenants and landlords to keep lines of communication open to try and resolve the problem without the need to escalate it to a formal dispute hearing. The RTB also helps educate landlords and tenants of their rental rights and responsibilities through dispute prevention initiatives.

When self-resolution is not a viable option, the RTB Dispute Resolution Service is available to all tenants, landlords (who have registered their tenancies with the RTB) and third parties. The RTB Dispute Resolution Service is a vital service where the RTB performs a critical quasi-judicial role in the rental sector. This means that the RTB has many of the powers that the Courts have; however, the way the RTB resolves disputes is less formal. The dispute resolution procedures are also quicker than those of the Courts. This means that access to resolving a dispute through the RTB is simpler, more inexpensive and less time consuming.

**In 2019, about 2% of all registered tenancies ended in dispute showing the majority of tenancies are working well**



\* Coyne Research; 'The Landlord and Tenant Experiences of Rent Pressure Zone Measures'

# Dispute Prevention

Improving education and raising awareness of rental rights and responsibilities and the RTB and its services is an important function of the RTB as it helps prevent rental disputes. It is critical in helping those living and working in the rental sector to understand the complex legislation and their rental rights and responsibilities. If landlords and tenants are empowered with knowledge of their rights, they feel more confident to manage and live in their tenancies knowing they're adhering to rental rules.

The RTB sees this in practice in some instances where a dispute resolution case is brought to the RTB. Once a dispute resolution application has been submitted, the RTB engages with customers to provide more information about the rental legislation and their rental rights and responsibilities. Having this knowledge often leads to the landlord and tenant being able to resolve the dispute informally without a hearing having to take place.

Throughout 2019, the RTB increased its education and dispute prevention initiatives to help raise awareness of rental rights and responsibilities and the RTB Dispute Resolution Services. It did so by holding and presenting at more stakeholder events, such as the Betterlet: RTB Accredited Landlord training sessions, providing public information sessions and training days with stakeholder groups, and attending public events.

Campaigns across traditional media, digital channels and social media have also contributed to a stronger understanding among landlords and tenants of their rental rights and obligations. The RTB continuously promoted the importance of early engagement between landlords and tenants and encouraged early intervention and communication when a dispute arises.

# Options for Dispute Resolution

**The RTB Dispute Resolution Service is available to all tenants, landlords (who have registered their tenancies with the RTB) and third parties, where an issue arises in a tenancy that cannot be resolved amongst the parties themselves. The service offers the choice to resolve a tenancy-related issue either through free Telephone Mediation or Adjudication, with the option to appeal an outcome to a Tenancy Tribunal.**

## Telephone Mediation

Telephone Mediation is a free, voluntary and confidential process that allows two or more disputing individuals to resolve their conflict in a mutually agreeable way, with the help of an independent and trained mediator. It is a free service which is conducted over the phone, which means it is non-confrontational and individuals do not need to take time off work or college. Also, agreements that are reached using Telephone Mediation are legally binding and more likely to be complied with since the parties reached their own mutual agreement. Telephone Mediation is the most efficient method of dispute resolution offered by the RTB.



**Telephone Mediation continues to be the most effective and timely method of dispute resolution offered by the RTB**

## Telephone Mediation Activity in 2019

In 2019, 28% (1,731) of the dispute resolution applications received chose to resolve their issue with free Telephone Mediation.

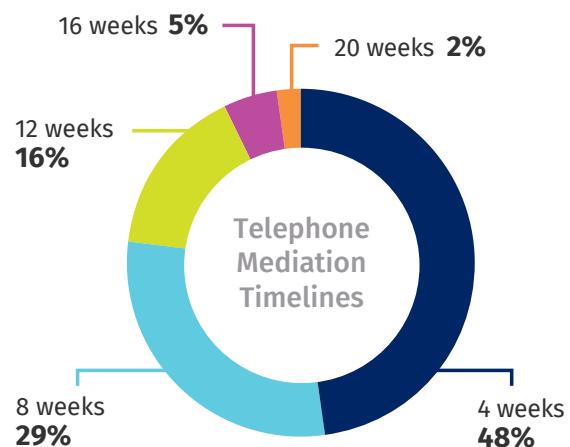
Telephone Mediation continues to be the most effective and timely method of dispute resolution. Year on year, Telephone Mediation shows proven results of cases reaching settlement. In 2018 and 2019, 76% of Telephone Mediation cases ended with an agreement. As the mediator does not impose solutions or assign blame, individuals are more likely to comply with the agreement made. Only 5% of Telephone Mediation cases applied for enforcement in 2019.

Telephone Mediation has consistently been the fastest method for dispute resolution since its introduction in 2014. In 2019, 77% of Telephone Mediation cases were resolved within two months.

If an individual is not satisfied with the outcome of Telephone Mediation, all involved have the option to appeal the outcome to a Tenancy Tribunal.

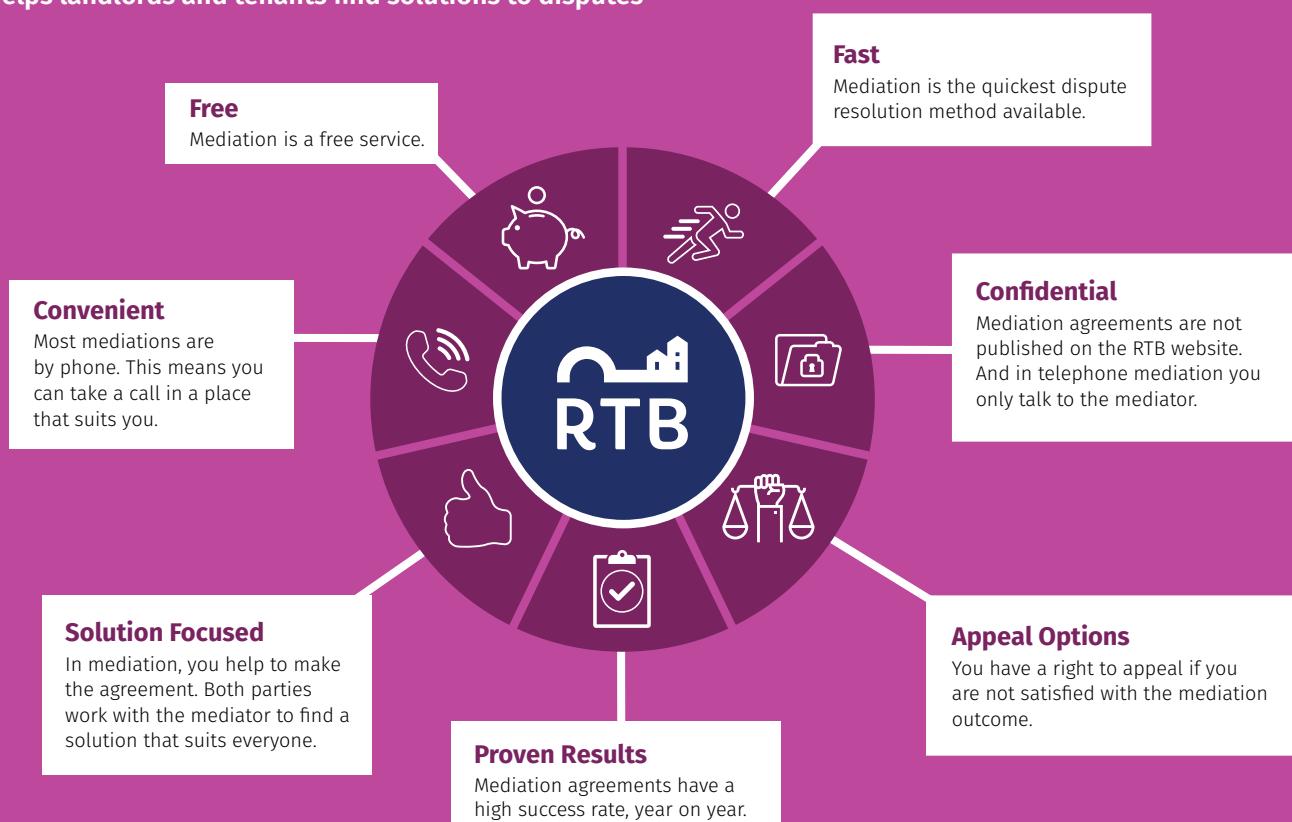
**Figure 3**

**Telephone Mediation Processing Timelines (Weeks), by Percentages**



## Benefits of Telephone Mediation

**Mediation is a free and fast service provided by the RTB that helps landlords and tenants find solutions to disputes**

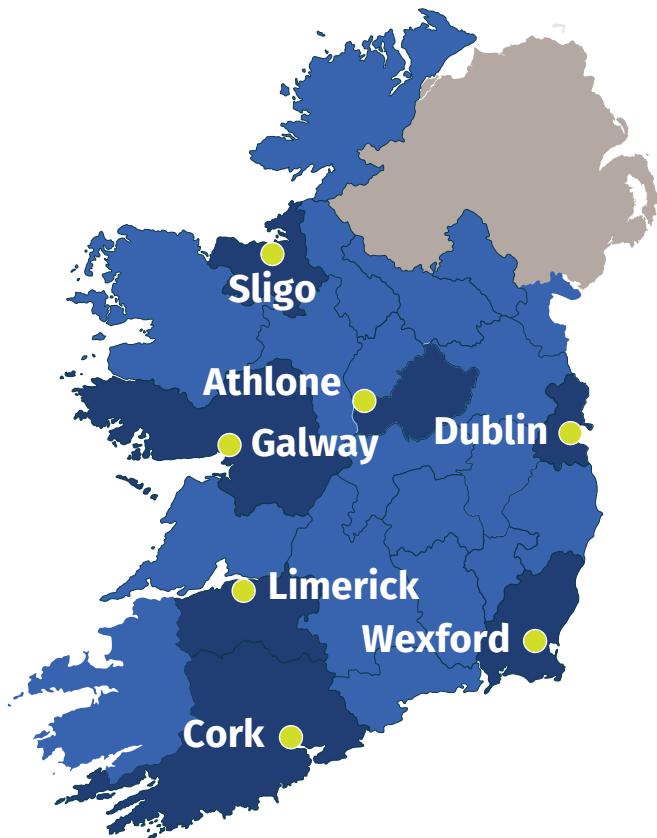


## Adjudication

Adjudication is an evidence-based process which provides both sides with the opportunity to submit evidence to support their dispute resolution case before attending a hearing with an independent Adjudicator. The Adjudicator assesses the evidence and applies the law to decide how the dispute should be resolved.

The RTB also provides a regional dispute resolution service. In 2019, Adjudication hearings took place in seven regional centres across the country in Athlone, Cork, Dublin, Galway, Limerick, Sligo and Wexford.

Over the last three years, including in 2019, the RTB has maintained timelines for processing applications of Adjudications at 16 weeks, with the majority of Adjudications, 60%, being closed within 12 weeks. The RTB is committed to dispute resolution applications being processed as quickly as possible, with an aim of 16 weeks or less.



# RTB Dispute Resolution: Then and Now

## Then

The RTB Dispute Resolution Service has been in place since 2004 and during its 15-year history there have been some changing trends in the service.

### Growing Demand

The RTB Dispute Resolution Service has seen significant and consistent growth in demand for its services. The total number of dispute resolution applications has grown from 899 in 2004/05 to 6,185 in 2019, representing an almost six-fold increase in applications for dispute resolution over this period. Year-on-year, there has been a consistent increase in demand, although 2019 saw the first decrease (-3%) in applications for the service since 2011.

### Changing Applicant Profile

Initially in 2005, more than two thirds of dispute resolution applications came from tenants, but over the 15 years since then there has been an increasing proportion of landlords using the dispute resolution service. This has increased from 28% (250) in 2004/05 to 41% (2,539) in 2019.

Any person who has been directly and adversely affected by an issue within a tenancy can also take a case to the RTB, referred to as a third party. Third parties have also seen their applications for dispute resolution increase over the last 15 years. In 2005, third parties submitted 46 applications, compared to 131 in 2019.

**Table 2**

**Breakdown of Applications for Dispute Resolution 2005-2019 by Case Parties, by Frequencies and Percentages**

Year	Tenant		Landlord		Third Party		Total	
	N	%	N	%	N	%	N	%
2005*	603	67%	250	28%	46	5%	899	100%
2006	-	67%	-	28%	-	5%	1,300	100%
2007	-	66%	-	29%	-	5%	1,500	100%
2008	-	69%	-	28%	-	3%	1,650	100%
2009	-	68%	-	29%	-	3%	1,859	100%
2010	-	59%	-	37%	-	4%	2,230	100%
2011	1,214	59%	782	38%	64	3%	2,060	100%
2012	1,368	60%	849	37%	57	3%	2,274	100%
2013	1,671	58%	1,103	39%	87	3%	2,861	100%
2014	1,998	59%	1,298	38%	78	2%	3,374	100%
2015	2,386	59%	1,557	39%	80	2%	4,023	100%
2016	2,855	59%	1,873	39%	109	2%	4,837	100%
2017	3,696	63%	2,015	35%	112	2%	5,823	100%
2018	3,775	59%	2,495	39%	128	2%	6,398	100%
2019	3,515	57%	2,539	41%	131	2%	6,185	100%

\* The 2005 data relates to the Annual Report for the period from the 01/09/2004 to the 31/12/2005.

**Table 3**

**Dispute Applications and Reasons for Dispute 2005-2019 by Frequencies and Annual Percentage Change in the Number of Dispute Applications**

<b>RTB Tenancy Disputes Data: 2005-2019</b>			
<b>Year</b>	<b>Frequency (N) Dispute Applications</b>	<b>Annual % Change in the No. of Dispute Applications</b>	<b>Average No. Reasons for Dispute per Application*</b>
2005**	899	-	-
2006	1,300	44.6%	-
2007	1,500	15.4%	-
2008	1,650	10.0%	-
2009	1,859	12.7%	-
2010	2,230	20.0%	-
2011	2,060	-7.6%	-
2012	2,274	10.4%	1.9
2013	2,861	25.9%	1.8
2014	3,374	17.9%	1.8
2015	4,023	19.2%	1.7
2016	4,837	20.2%	1.7
2017	5,823	20.4%	1.7
2018	6,398	9.9%	1.6
2019	6,185	-3.3%	1.7

\* There can be multiple reasons, referred to as dispute types, on each application for dispute resolution.

\*\* The 2005 data relates to the Annual Report for the period from the 01/09/2004 to the 31/12/2005.

## Reasons for Disputes Remain the Same

Since 2013, rent arrears or rent arrears and overholding have consistently been cited as a reason in the largest number of disputes. In 2019, rent arrears reasons were included in 28% of dispute applications. Querying the validity of a Notice of Termination remains the second most common dispute type, now included in 22% of disputes (1,345).

Prior to 2013, deposit retention had been the most common dispute type. However, deposit retention is now the third most common rental dispute type, included in 20% of dispute applications in 2019 (1,264).

# Now

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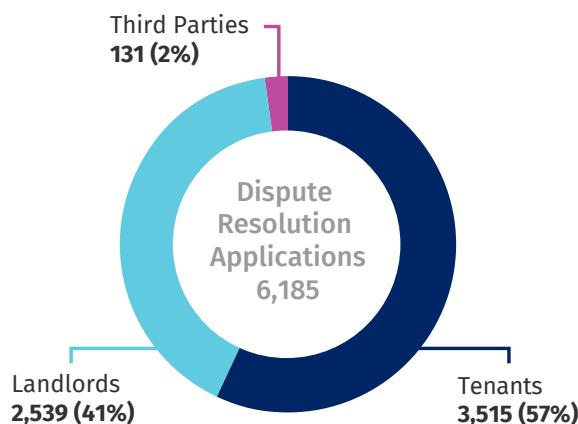
In 2019, the RTB received 6,185 applications for dispute resolution, representing a 3.3% decrease on 2018.

## More Tenants Taking Cases

In 2019, of the 6,185 dispute resolution applications received by the RTB, 57% were taken by tenants and 41% by landlords. Third parties accounted for 2% of applications in 2019.

**Figure 4**

**Breakdown of Applications for Dispute Resolution 2019 by Case Parties, by Frequencies and Percentages**



## Decrease in Number of Hearings

In 2019, there were a total of 4,655 Telephone Mediation and Adjudication hearings that took place, a slight 2% decrease compared to 2018 which saw 4,757 hearings.

There were a total of **4,655 Telephone Mediation and Adjudication hearings** in 2019

**Table 4**

**Dispute and Appeal Applications and Hearings 2016-2019, by Frequencies**

Dispute & Appeal Applications and Hearings	2016	2017	2018	2019
Adjudication and Mediation Applications	4,837	5,823	6,398	6,185
Adjudication and Mediation Hearings	3,324	4,638	4,757	4,655
Applications Withdrawn or Settled	2,026	2,527	2,878	3,120
Appeal Applications (Tribunals)	630	627	691	739
Appeal Hearings (Tribunals)	513	457	618	533

## Withdrawals and Settlements are on the Rise

### Withdrawals before a Hearing

There has been a 12% increase in the number of withdrawals and settlements prior to the hearing in 2019, compared to 2018. In total, 28% of applications (1,705 applications) received for dispute resolution in 2019 were either withdrawn or settled before a hearing took place. This is an increase on 2018, which saw 45% of received applications withdrawn or settled. During the application assessments stage, RTB staff work with parties in the initial stages of the dispute resolution process to provide them with information on the legislation in relation to their case. Increased awareness of both party's rights and obligations at the initial stages of a dispute can mitigate the need to continue to a formal hearing.

### Withdrawals before a Final Determination Order

A large number of cases are withdrawn throughout the dispute resolution process prior to a final Determination Order being issued, as the parties have engaged and found a solution through dispute service intervention. In 2019, 30% (930) of dispute resolution cases were withdrawn after the hearing. A case can be withdrawn at any time during the process before the Determination Order is issued. Please note the figures in Table 6 do not include Telephone Mediation cases that were withdrawn after agreement was reached.

**28%** of applications received for dispute resolution in 2019 were either withdrawn or settled before a hearing took place.

## Determination Orders

The Determination Order is a legally binding document which details the final case decision or outcome of the dispute resolution case, whether an individual used Adjudication, Telephone Mediation or made an appeal in a Tenancy Tribunal. It sets out the terms to be complied with, including whether there is any payment owed and the length of time given to comply with the decision. For example, a Determination Order may find that a tenant has to pay the landlord for rent arrears or that a landlord will need to review the rent amount in accordance with Rent Pressure Zone criteria, and a specific amount of time will be given to comply with the decision.

Determination Orders provide the RTB with vital information on the outcomes of cases, helping the RTB identify trends and information gaps in the rental sector. It enables the RTB to understand difficulties being faced by those in the sector and to focus on providing support and solutions.

### Determination Orders in 2019

In 2019, the number of Determination Orders approved was in line with the number approved in 2018, despite the RTB receiving less dispute resolution applications in 2019. A total of 3,130 Determination Orders were approved in 2019, compared with 3,132 in 2018.

In 2019, there were 2,537 cases where a Determination Order was issued following an Adjudication or Telephone Mediation case. Of these, 24% (610) resulted in an agreement, which is a reduction from the 792 cases that reached an agreement in 2018. An agreement is reached when parties to a dispute resolution case attend a hearing or partake in Telephone Mediation and reach a mutually satisfactory agreement. All agreements are confidential to the parties.

**Table 5**

**Breakdown of 2019 Determination Orders Resulting in Agreements by Dispute Resolution Type (Mediation and Adjudication), by Frequencies**

Adjudication	Telephone Mediation	Total Agreements
364	246	610 (24% of cases)

**Table 6****Breakdown of 2019 Case Withdrawals by Reason for Withdrawal, by Frequencies**

Reason for Withdrawal	Numbers Withdrawn
Applications assessed as incomplete/RTB has no jurisdiction/tenancy is unregistered	485
Number of cases withdrawn before hearing scheduled following early RTB intervention	1,705
Hearing scheduled but case withdrawn before Determination Order issued	930

**Further Analysis on how Agreements are Reached**

Further analysis of cases shows that rent arrears is the most common issue which is resolved by agreements at a rate of 18%. In most cases, parties can get a payment plan in place and rental payments resume shortly after the agreement is made.

Telephone Mediation agreements can also be effective for cases that deal with the validity of Notice of Terminations and/or overholding with 13% of this case type concluding with agreement. Parties can agree to a mutually acceptable date to vacate the rental property, and still have the option of enforcement, if needed. Deposit retention was also a common dispute type, being the subject in 12% of agreements.



# Reasons for Rental Disputes in 2019

When submitting an application for dispute resolution to the RTB, applicants can list multiple issues in the application. Of the 6,185 applications received for dispute resolution in 2019, applicants could choose from 15 dispute reasons, with many applications citing multiple reasons. These 15 dispute reasons were cited a total of 10,316 times. These reasons are referred to as dispute types and are listed below in Table 7.

In line with trends in recent years, the most common issues being referred for dispute resolution in 2019 were rent arrears and overholding, validity of Notice of Termination and deposit retention.

**Table 7**

**Breakdown of Dispute Resolution Applications the RTB Received in 2019 by Dispute Types, by Frequencies and Percentage of Cases**

Dispute Type (All cases)	Count	% Cases*
Rent arrears/rent arrears and overholding	1,702	28%
Validity of Notice of Termination (disputing the validity of a tenancy termination notice)	1,345	22%
Deposit retention	1,264	20%
Breach of landlord obligations**	1,090	18%
Other***	943	15%
Overholding	704	11%
Breach of tenant obligations	635	10%
Standard and maintenance of dwelling	577	9%
Unlawful termination of tenancy (illegal eviction)	459	7%
Anti-social behaviour	372	6%
Damage in excess of normal wear and tear	317	5%
Rent review not in line with Rent Pressure Zone	263	4%
Validity of notice of rent review	254	4%
Breach of fixed term lease	223	4%
Rent more than market rate (not applicable to Approved Housing Body Tenancies)	168	3%
<b>Total</b>	<b>10,316</b>	<b>6,185</b>

\* There can be multiple reasons, referred to as dispute types, on each application for dispute resolution, % of cases is based on the number of applications (cases).

\*\* For more information on the tenant and landlord obligations please see the Good Landlord Tenant Guide can you please hyperlink the guide [https://onestopshop.rtb.ie/images/uploads/general/Being\\_a\\_Good\\_Landlord.pdf](https://onestopshop.rtb.ie/images/uploads/general/Being_a_Good_Landlord.pdf)

\*\*\* Please note 'Other' may be marked on an application form alongside additional dispute types.

## Rent Arrears/Rent Arrears and Overholding

Overholding occurs when a tenant fails to leave the rented property by the date listed in a valid Notice of Termination. Where a tenant does not vacate the tenancy following receipt of a valid Notice of Termination, they must continue to pay rent. However, this does not imply a recognition of an ongoing tenancy. Additionally, if a tenant does not pay rent, the amount of rent owed to the landlord, is called rent arrears. Rent arrears and overholding can be significant issues for both landlords and tenants putting the property and tenancy at risk and therefore the RTB prioritises these applications.

Rent arrears or rent arrears and overholding remained the most common case dispute type in 2019, which is consistent with the preceding six years (2013-2018). It accounted for 28% of applications in 2019.

## Rent Arrears Awarded in 2019

In 2019, 31% (786) of the Determination Orders issued following Telephone Mediation or Adjudication were in relation to rent arrears, with a total of €2,124,306 of rent arrears awarded to landlords. This is in comparison to just over €2.2 million awarded in 2018.

It is important to remember that the RTB only has jurisdiction to award €20,000 or an amount equal to twice the annual rent of the dwelling concerned, whichever is highest (subject to a maximum of €60,000). Early intervention when a tenant falls into rent arrears is advised to prevent arrears becoming unmanageable.

In 2019, the highest single award of rent arrears was €33,696 and the average award was €4,274, up from €4,039 in 2018. If a landlord and tenant fail to agree on a rent arrears payment plan informally, a landlord should submit an application for dispute resolution to the RTB.

**Table 8**

**Number of Cases Awarded a Rent Arrears Amount and the Minimum, Maximum, Average and Total Rent Arrears Awarded (€) for 2019**

Number of Cases	Minimum Award	Maximum Award	Average Award	Total Rent Awarded
497	€26	€33,696	€4,274	€2,124,306

The average award of  
rent arrears was **€4,274**



## Validity of Notice of Termination

A Notice of Termination is the official document which ends a tenancy. There are specific rules in place in order for a Notice of Termination to be valid and a landlord wishing to serve a Notice of Termination can only do so under six grounds, once the tenancy has lasted for more than six months.

Changes in the rental legislation introduced in 2019 extended notice periods landlords must give tenants to end a tenancy and introduced new requirements to offer the tenancy back under certain grounds, as well as requiring additional documentation when serving a Notice of Termination under certain grounds. Landlords are also now required to send a copy of the Notice of Termination to the RTB within 28 days of the expiry of the tenancy termination date.

## Notice of Termination Cases in 2019

Validity of Notice of Termination remained consistent with the previous five years as the second most common dispute type cited. In total, 22% of dispute resolution applications received in 2019 stated the reason for the dispute as questioning the validity of a Notice of Termination. Additionally, 35% (876) of the 2,537 issued Determination Orders in 2019 related specifically to the validity of Notices of Termination. This is a slight decrease (10%) on 2018 which saw 969 cases.

Of these 876 cases, 55% found the Notices of Termination to be valid and 45% were invalid. The number of cases which found Notices of Termination to be invalid has decreased over recent years: 69% of Notices of Termination were deemed to be invalid in 2015, dropping to 42% by 2018. Changes in the legislation in June impacted on the slight increase in 2019 on invalid Notices.

**Table 9**

**Breakdown of the Validity of Notices of Termination (Valid/Invalid) Related to 2019 Determination Orders, by Frequencies and Percentages**

Valid	Invalid	Total
482 (55%)	394 (45%)	876 (100%)

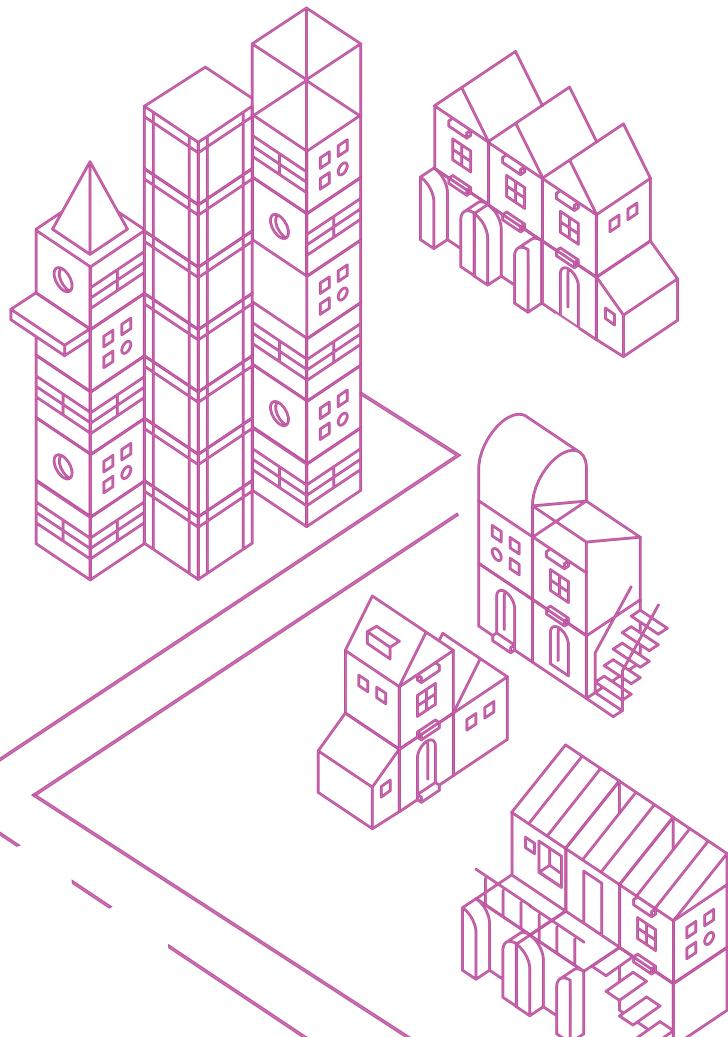


Table 10 outlines the most common types of reasons cited in Notices of Termination to end a tenancy in 2019. The top three reasons cited in 2019 to ending a tenancy were: rent arrears, the landlord intended on selling their property and a landlord or family member required the property back to live in.

**Table 10**

**Breakdown of Notices of Termination Related to 2019 Determination Orders, by Frequencies of Types of Notices Served, Percentage of Notices Served that were Valid/Invalid per Type of Notice Served, and Overall Types of Notices Served by Percentage of Cases**

Type of Notice Served	Valid		Invalid		Total	
	N	% per Reason*	N	% per Reason*	N	% of Total Reasons*
Termination for rent arrears	224	73%	84	27%	308	35%
Termination for when landlord intends to sell the dwelling	118	54%	101	46%	219	25%
Termination for when landlord requires dwelling for own or family Use	33	44%	42	56%	75	9%
Termination for when landlord Intends to substantially refurbish or renovate	14	20%	57	80%	71	8%
Termination for breach of tenant obligations	24	53%	21	47%	45	5%
28-Day Notice of Termination for anti-social behaviour	10	26%	28	74%	38	4%
Terminating a tenancy before a Further Part 4 tenancy commences	24	77%	7	23%	31	4%
7-Day Notice of Termination for anti-social behaviour	10	32%	21	68%	31	4%
Terminating a tenancy in the first six months (not applicable to a fixed term lease)	16	70%	7	30%	23	3%
Reason for Notice of Termination not specified	4	21%	15	79%	19	2%
Termination the dwelling is no longer suitable to the accommodation needs of the Tenant	3	38%	5	63%	8	1%
Termination by tenant - no reason required	2	40%	3	60%	5	1%
28-Day Notice	0	0%	1	100%	1	<1%
Termination for breach of landlord obligations	0	0%	1	100%	1	<1%
Termination Landlord Intends to change the use of the dwelling	0	0%	1	100%	1	<1%
<b>Total Cases</b>					<b>876</b>	

\*Due to rounding, the percentage may not add up to 100%.

## Reasons Notices of Termination were Deemed Invalid

As with 2018, in 2019 the top three reasons that Notices of Termination were found to be invalid have remained the same:

- Statutory Declaration insufficient in some respect;
- warning letter was insufficient in some way; and
- an inadequate notice period was given.

**Table 11**

**Breakdown of Invalid Notices of Termination Related to 2019 Determination Orders by Reason Deemed Invalid, by Frequencies and Percentage of Total Reasons**

Reason Notice of Termination is Deemed Invalid	N	% of Total Reason*
Statement/Statutory Declaration was insufficient in some respect	89	18%
Warning letter was insufficient in some respect	66	13%
Did not give adequate notice period	65	13%
Was not accompanied by a Statement/Statutory Declaration where required	37	8%
Other breach of obligations unfounded	36	7%
Anti-Social Behaviour breach of obligations unfounded	35	7%
Did not state that any issue as to the validity of the Notice or the right of the Landlord to serve it must be referred to the RTB within 28 days from the receipt of the Notice	26	5%
Did not state that the tenant has the whole of the 24 hours to vacate possession	22	4%
Fixed Term tenancy in place	22	4%
Did not specify the date of Service/Incorrect date of service	18	4%
Was not deemed to be Substantial Refurbishment	18	4%
Did not state the grounds for Termination	14	3%
Warning period unreasonable	13	3%
Not in writing (an email will not suffice)	11	2%
Did not specify the termination date	10	2%
Not signed by the Landlord or his or her Authorised Agent or, as appropriate, the Tenant	8	2%
<b>Total Reasons</b>	<b>490</b>	

\*Due to rounding, the percentage may not add up to 100%.

## Deposit Retention

A deposit is considered a sum of money which belongs to a tenant; however, a landlord can establish a right to keep some or all of a deposit in certain circumstances. A landlord may be entitled to retain some or all of a deposit where there has been damage to the property beyond normal wear and tear, or where there are rent arrears, or unpaid bills and charges. Deposit retention can cause serious hardship for tenants, as many will require the return of their deposit in order to access alternative rental accommodation.

### Deposit Retention Activity in 2019

In 2019, 20% of dispute resolution cases were in relation to deposit retention. Deposit retention remains a significant issue and remains the third most common dispute type since 2014. In terms of case outcomes, in 73% of cases it was found that the deposit should be fully or partially refunded to the tenant, which compares to 80% in 2018.

**Table 12**

#### Breakdown of Deposit Retention Cases Related to 2019 Determination Orders by Case Decisions, by Frequencies and Percentages

Deposits	2019	
	N	%*
Fully Refunded to Tenant	134	44%
Partially Refunded to Tenant	86	28%
Retained by Landlord	82	27%
<b>Total</b>	<b>302</b>	

\*Due to rounding, percentages may not add up to 100%.

## Unlawful Termination of Tenancies

In 2019, an average of five tenants per week contacted the RTB alleging their tenancy was being unlawfully terminated. Examples of this include tenants returning home to find the locks changed, or when a landlord has turned off the electricity and gas supply in a property. In these cases, the RTB can intervene to maintain the tenancy and, in some cases, can seek an injunction to have the tenant reinstated. In 2019, 7% of dispute resolution applications received cited unlawful termination of tenancy.

The unlawful termination of a tenancy is a significant concern and one which the RTB takes very seriously. A valid Notice of Termination must be issued in order to end a tenancy. Any other means used to attempt to end a tenancy are invalid and unlawful. Tenants are encouraged to contact the RTB for further information if they believe their tenancy has been ended unlawfully. The RTB prioritises applications citing the unlawful termination of a tenancy.

## Notices of Rent Review

All landlords are entitled to review the rent amount paid for their properties. Depending on where the rental property is, rent reviews can only take place every 12 months if within a Rent Pressure Zone (RPZ) or every 24 months if outside a Rent Pressure Zone. The legislative changes in 2019 introduced a prescribed Rent Review form which must be used by all landlords when reviewing the rent, whether the property is inside or outside an RPZ, which can be found on the RTB website. If this form is not used, the rent review may be deemed invalid.

When reviewing the rent, landlords must inform tenants with a minimum of 90 days' notice when issuing the prescribed Notice of Rent Review, notifying the tenant of the new rent amount and date it will take effect.

**In 73% of cases,** it was found that the deposit should be fully or partially refunded to the tenant, which compares to 80% in 2018.

### Notice of Rent Review 2019 Activity

Of the 2,537 cases where a Determination Order was issued following a hearing, 68 dealt specifically with the validity of a Notice of Rent Review. The Notices of Rent Review were deemed invalid in 69% of cases in 2019.

Similarly, the number of cases disputing the amount of rent being charged increased in 2019 compared to 2018, with 7% of applications citing the rent amount or a review of rent as a concern.

The top three reasons Notices of Rent Review were deemed invalid in 2019 were:

- the rental amount being asked was higher than the 4% RPZ formula,
- the landlord did not provide a minimum of 90 days' notice to the tenant; and
- the landlord did not provide three comparable properties when reviewing the rent.

**Table 13**

**Breakdown of the Validity of Notices of Rent Review (Valid/Invalid) Related to 2019 Determination Orders, by Frequencies and Percentages**

Valid	Invalid	Total
21 (31%)	47 (69%)	<b>68 (100%)</b>

**Table 14**

**Breakdown of Invalid Notices of Rent Review Related to 2019 Determination Orders by Reason Deemed Invalid, by Frequencies and Percentage of Total Reasons**

Reason Notice of Rent Review Deemed Invalid	N	% Total*
Amount being sought higher than permitted under Rent Pressure Zone formula	15	18%
Minimum of 90 days' Notice was not provided	15	18%
Did not show the rent for three properties of a similar size, type and character in a comparable area	13	16%
Did not include calculations with regards to the Rent Pressure Zone Formula	8	10%
Did not include that in the opinion of the landlord the new rent is not greater than the market rent of properties of a similar size, type and character in a comparable area	8	10%
Did not state that any dispute regarding the review must be referred to the RTB within 28 days of receiving the Notice, or before the date the new rent starts	7	9%
Landlord not legally entitled to serve the Notice	7	9%
Was not signed by the landlord or their Authorised Agent	4	5%
Did not state the new rent on the property	2	2%
Did not have the date on which the Notice is signed	2	2%
Did not state date when the new rent starts	1	1%
<b>Total Reasons</b>	<b>82</b>	

\*Due to rounding, the percentage may not add up to 100%.

## Notices of Rent Review in Rent Pressure Zones

In a Rent Pressure Zone, rent can only be reviewed every 12 months and can only be increased by a maximum of 4% a year.

In total, 59 Determination Orders were issued which cited Notices of Rent Review in Rent Pressure Zones as the main reason for dispute resolution. Of these 59 cases, 42 (71%) deemed the Notice of Rent Review to be invalid.

**Table 15**

**Breakdown of the Validity of Notices of Rent Review in Rent Pressure Zones (Valid/Invalid) Related to 2019 Determination Orders, by Frequencies and Percentages**

Valid	Invalid	Total
17 (29%)	42 (71%)	59 (100%)

In 2019, the RTB awarded a total of **€594,376** in damages as part of Adjudication decisions

## Damages

Damages are a monetary amount that is given to a case party as a result of a Determination Order that is made after a dispute resolution case. A case party can be issued arrears or their deposit back, they may be solely awarded damages following a case but can also be awarded damages in addition to the outcome of a case. For example, a tenant can be awarded damages alongside the return of their full deposit, or a landlord can be awarded damages alongside unpaid rent arrears. The RTB can award damages of up to €20,000 and rent arrears of up to €20,000 or an amount equal to twice the annual rent of the dwelling concerned, whichever is greater.

The RTB's panel of independent decision-makers do not have the power to award punitive damages. They must consider the circumstances of each case and have regard to the loss and convenience suffered as this is the key element when determining an award of damages. If there has been a dramatic impact on those involved, this will affect the amount of damages awarded.

## Damages Awarded in 2019

Of the 2,537 cases where a Determination Order issued following a hearing, 390 cases (15%) received an award of damages which is broadly in line with 2018. In 2019, the RTB awarded a total of €594,376 in damages as part of Adjudication decisions. As Telephone Mediation cases are confidential, the below figures are based on Adjudication cases only.

**Table 16**

**Data on Damages Awarded (€) in 2019: Adjudication**

Damages Awarded To	Lowest	Highest	Total
Landlord	€20	€15,000	€202,172
Tenant	€32	€14,682	€390,254
Third Party	€250	€1,200	€1,950

Lowest Damages	Highest Damages	Average Damages	Total Damages
€20	€15,000	€1,516	€594,376

# Approved Housing Bodies (AHBs)

Approved Housing Bodies (AHBs), or not-for-profit housing providers referred to as Housing Associations, have been under the RTB's remit since April 2016. This inclusion means that all AHB tenancies are required to be registered with the RTB and have similar rights and responsibilities as landlords and tenants in the private rental sector.

## AHB Dispute Cases in 2019

In 2019, the RTB received 238 applications for dispute resolution in relation to AHB tenancies, which is a slight decrease on 2018 which saw 270 applications received. Overall, the total number of applications received from AHB landlords or tenants for dispute resolution remains low at less than 1% of the total number of registered AHB tenancies.

The trends in 2019 remain broadly similar to previous years, with 95% of applications for dispute resolution submitted by landlords compared to 4% from tenants. The remaining 1% of cases are taken by third parties, who are directly and adversely affected by tenants who are in breach of their responsibilities. The most common type of issue within the Approved Housing Body sector continues to be rent arrears or rent arrears and overholding, with 74% (177) of all cases citing this issue, an increase of 15% on the number of cases in 2018 (154).

The most common type of issue within the Approved Housing Body sector continues to be rent arrears or rent arrears and overholding, with **74% (177) of all cases citing this issue**



**Table 17**

**Breakdown of AHB Dispute Resolution Applications the RTB Received in 2018 and 2019 by Dispute Types, by Frequencies and Percentage of Cases**

Dispute Type*	2018		2019	
	Count of Reasons	% cases*	Count of Reasons	% of cases*
Rent arrears/rent arrears and overholding	154	57%	177	74%
Overholding	47	17%	43	18%
Breach of tenant obligations	33	12%	22	9%
Anti-social behaviour	25	9%	20	8%
Other**	24	9%	0	0%
Breach of landlord obligations	21	8%	5	2%
Validity of Notice of Termination	14	5%	4	2%
Standard and maintenance of dwelling	8	3%	4	2%
Deposit retention	4	1%	0	0%
Damage in excess of normal wear and tear	3	1%	3	1%
Unlawful termination of tenancy (Illegal eviction)	3	1%	2	1%
Rent not set accordingly	1	<1%	0	0%
Breach of fixed term lease	1	<1%	0	0%
<b>Total Cases</b>	<b>338</b>	<b>270</b>	<b>280</b>	<b>238</b>

\*There can be multiple reasons, referred to as dispute types, on each application for dispute resolution, % of cases is based on the number of applications (cases).

\*\*Please note 'Other' may be marked on an application form alongside additional dispute types.

# Appeals in Tenancy Tribunal

If parties are not satisfied with the outcome of a dispute resolution hearing after Adjudication or Telephone Mediation, they can appeal the decision to a Tenancy Tribunal. For Adjudication, the parties have 10 days from when they receive the Adjudicator's Report to submit an appeal. For Telephone Mediation, the parties have 10 days from the date the agreement is reached to submit an appeal, if they decide to withdraw from the agreement. Appeal applications can be made online or by post.

A Tenancy Tribunal consists of three independent decision-makers and involves a complete re-hearing of the case, and both case parties are given the opportunity to present their case in full again, with the final decision being issued by a Determination Order at the end. Tenancy Tribunal hearings are more formal than Telephone Mediation and Adjudication and are held in public, with the final report of the hearing made available on the RTB website.

The average processing time from the receipt of the appeal application to the Determination Order issuing was 10 weeks in 2019. This is a decrease of four weeks compared to 2018.

## 2019 Appeal Activity

In 2019, the RTB received 643 applications for appeal, a 7% decrease on 2018 which saw 691 applications. As there were a total of 4,655 Adjudication and Telephone Mediation hearings in 2019, the 643 applications for appeal to the Tenancy Tribunals represents an appeal rate of approximately 14%.

In 2019, there is nearly an even 50/50 split between landlords and tenants taking appeals to the Tenancy Tribunal. Tenants took 335 appeals and landlords took 304 appeals to the Tenancy Tribunal.

**Table 18**

### Appeals to Tenancy Tribunal by Applicant Type in 2019

Applicant	Number of Appeals
Landlord	304
Tenant	335
3rd party	4
<b>Total</b>	<b>643</b>

**Table 19**

### Appeals Handled

Appeal Applications Received	643
Appeals approved	572
Appeals refused	71
- Refused for reason of being late	37
- Refused for reason of missing fee	34
- Refused for reason of being late & missing fee	4
Appeal hearings heard/scheduled	533/739
Cases withdrawn after hearing scheduled	94

**Table 20**

### Appeals Waiting Scheduling at the End of 2019

Appeals waiting to be scheduled at year end	17
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## Reasons for Appeal

In line with trends in recent years, the most common issues being referred for appeal in 2019 were overholding, validity of Notice of Termination and rent arrears.

**Table 21**

**Reasons for Dispute Submitted on Applications for Appeal in 2019, by Frequencies and Percentage of Total Reasons**

Dispute Type	Freq.	%
Overholding	153	19%
Validity of Notice of Termination	144	17%
Rent arrears	104	13%
Breach of landlord obligations	97	12%
Deposit retention	67	8%
Standard & maintenance of dwelling	57	7%
Unlawful termination of tenancy	44	5%
Anti-social behaviour	28	3%
Breach of tenant obligations	26	3%
Damage in excess of normal wear & tear	23	3%
Abuse of Section 34 termination procedures	23	3%
Validity of Notice of Rent Review	23	3%
Rent more than market rate	11	1%
Breach of fixed term lease	11	1%
Other	11	1%
Rent review not in line with RPZ	7	1%

## Appeal Outcomes

In 2019, there were 593 Determination Orders issued after an appeal at the Tenancy Tribunal. Of these, almost half (46% or 276) dealt specifically with validity of a Notice of Termination. 61% of the 276 Determination Orders found the Notice of Termination to be valid. Year on year, there has been a decrease in Notice of Termination appeal cases being deemed invalid, showing that due to improved information and education landlords are increasingly serving valid Notices of Termination.

The reasons for Notices of Termination being served in Tribunal cases were in line with those of Adjudication and Telephone Mediation. The most common reason a Notice of Termination was served was for rent arrears (25% of all Notices of Termination cases), followed by landlords' intention to sell (20%) and Substantial Refurbishment (15%). In RPZ areas, no significant differences in the trends or reasons were found.

For the 39% of Notices found to be invalid, the most common reasons were:

- 1. Statutory Declaration was insufficient;**
- 2. Breach of Obligations unfounded; and**
- 3. Warning letter insufficient.**

**Table 22**

**Percentage of Invalid Notices of Termination Regarding Tribunal Decisions on Validity of Notices of Termination 2015-2019, by Percentages**

Year	% of Invalid Notices of Termination
2019	39%
2018	40%
2017	41%
2016	40%
2015	69%

**Table 23**

**Breakdown of Invalid Notices of Termination Related to 2019 Tribunal Decisions by Reason Deemed Invalid, by Frequencies and Percentage of Cases**

Reason	% of Cases*
Statement/Statutory Declaration was insufficient in some respect	26%
Other Breach of obligations unfounded	17%
Warning letter was insufficient in some respect	16%
Was not accompanied by a statement/Statutory Declaration where required	13%
Did not give adequate notice period	12%
Fixed Term Tenancy in Place	9%
Was not deemed to be substantial refurbishment	8%
Did not state that any issue as to the validity of the notice or the right of the landlord to serve it must be referred to the RTB within 28 days from the receipt of the notice	6%
Warning period unreasonable	6%
Did not state that the tenant has the whole of the 24 hours of this date to vacate possession	5%
Did not state the grounds for termination	4%
Did not specify the date of service/incorrect date of service	2%
Did not specify the termination date	2%
Not in writing (an email will not suffice)	2%
Not signed by the landlord or his or her authorised agent or, as appropriate, the tenant	2%
<b>Total Cases</b>	<b>109</b>

\*There can be multiple reasons as to why a Notice of Termination can be deemed invalid, % of cases is based on the number of cases than reasons.

## Damages Awarded on Appeal in 2019

The amount of damages awarded on appeal in 2019 was a total of €416,336, with the highest amount of damages awarded at €19,000.

**Table 24**

**Data on Damages Awarded (€) in 2019: On Appeal**

Damages Awarded To	Lowest	Highest	Total
Landlord	€100	€9,180	<b>€43,383</b>
Tenant	€100	€19,000	<b>€362,345</b>
Third Party	€8,000	€8,000	<b>€8,000</b>
Lowest Damages	Highest Damages	Average Damages	Total Damages
€100	€19,000	€3,440	<b>€416,336</b>

# 3

## How We Regulate



# How We Regulate



# How We Regulate

As a regulator for the rental sector, one of the RTB's main roles is to increase compliance across all of its regulatory functions. A core part of protecting the rights of landlords and tenants and supporting a well-functioning rental sector is to ensure that people are aware of their legal obligations to avoid disputes and where these arise, that there is an effective Dispute Resolution Service and robust enforcement powers.

When the RTB was initially established, one of its core functions was to ensure landlords registered their tenancies and to maintain a national register of tenancies. The requirement for all tenancies to be registered with the RTB has always been to ensure that the RTB receives information on the details of all tenancies to establish an important link between the landlord, tenants and the RTB. It is a key part of regulating and supporting the rental sector, allowing for the RTB to monitor and track rental data and trends in the sector, and ensuring landlords and tenants are aware of their rights and responsibilities. Along with the Dispute Resolution Service, the RTB also has the power to enforce outcomes from dispute resolution cases that are not being adhered to, should the need arise. The RTB can also support those who wish to take their own proceedings to the Courts.

The Residential Tenancies Act (2004, as amended) underpins the work of the RTB and how it regulates the sector. As well as the changing profile of the rental sector, there have been many significant changes to the 2004 Act over the years and the regulatory framework that guides the rental sector and the RTB's work. These have been driven by the overarching vision to have a sustainable rental sector that works for both landlords and tenants. In more recent years, affordability issues and security of tenure have become the focus for regulation.

Changes in legislation in 2019 introduced the most fundamental changes to the role of the RTB to date. The RTB now proactively monitors the rental sector for potential breaches of the Act and can use its new powers to investigate and sanction breaches where they are found to have occurred. The changes also provided greater security of tenure and rent certainty for tenants.

They also further underpin the operation of the Rent Pressure Zone arrangements by changing the designation criteria. This led to 27 areas experiencing high rent inflation being designated in 2019. By year end, 70.6% of registered tenancies were in Rent Pressure Zones.

Measures were also commenced that require landlords to forward Notices of Termination to the RTB within 28 days of the expiry of the Notice and to notify the RTB if they are claiming an exemption from the Rent Pressure Zone measures. These changes, while taking time to bed in, are an important development in strengthening the RTB's regulatory role, confirming new rights and responsibilities in the sector and providing access to necessary data of the rental sector.

This chapter provides the key highlights in 2019 from across the RTB's regulatory functions in tenancy registrations and registration enforcement, Determination Order enforcement and Investigations and Sanctions. It also includes a snapshot of information received by the RTB as a result of the new legislation on tenancy terminations and RPZ exemptions which will help the RTB to regulate the sector and provide additional information to monitor trends.

## The Residential Tenancies Act underpins the work of the RTB and how it regulates the sector

# Registration of Tenancies

All private landlords, Approved Housing Bodies (AHBs) and, from 15 August 2019, all providers of Student Specific Accommodation are required to register their tenancies with the RTB. Managing the registration of tenancies is a core function of the RTB. This allows the RTB to collect and provide definitive data on the rental sector and for transparency across the rental sector through the public register of tenancies; thus, enabling the RTB to better understand and regulate the sector.

More specifically, the registration of tenancies provides the RTB with information on tenancies across the country, including how long tenancies are lasting and rental amounts. This information helps the RTB regulate the sector and enables the RTB to monitor trends, provide important analysis and insights and produce the Quarterly Rent Index report.

Additionally, through the tenancy registration process, the RTB gives support to the sector, and through communicating with landlords and tenants, makes them aware of their rights and responsibilities. When a tenancy is registered, the RTB provides initial support to landlords and tenants in the form of a tenancy confirmation letter and a detailed guide to rental rights and responsibilities for both landlords and tenants. Confirmation letters can sometimes be the first opportunity for some to learn about the RTB and its services, allowing for a useful opportunity for engagement with the RTB at the start of a tenancy or the renewal of a tenancy.

It is a legal requirement for landlords to register their tenancies with the RTB, and to keep their tenancy information up-to-date particularly in relation to rent amounts, the tenants living in the property and any other substantive changes to the registration.

The RTB provides a full online service, supported by WebChat, RTB phone lines and email address contacts to support the registration process.

At the end of 2019, there were 364,099 registered tenancies with the RTB, which included 99,123 new and renewed private rental and AHB tenancies. 2019 also saw 28,414 Student Specific tenancies registered with the RTB for the first time. This is the highest number of registered tenancies on record for the RTB. For a full analysis of tenancy trends over the last 15 years please refer to Chapter Five.

**Managing tenancy registrations is a core function of the RTB, enabling the RTB to better understand and regulate the sector**

**There was a total of  
364,099 tenancies registered with the RTB at the end of 2019**



**Table 25****The Number of Tenancy Registration Applications Received by the RTB Each Year 2016-2019**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Private rental tenancies registration applications received by the RTB each year (new & renewal)	105,566	106,177	101,640	98,362	<b>95,245</b>
AHB tenancies registration applications received by the RTB each year (new & renewal)	-	5,452	23,092	3,738	<b>3,878</b>
Student Specific Accommodation tenancies registered with the RTB	-	-	-	-	<b>28,414</b>
Total number of tenancy registration applications received	105,566	111,629	124,732	102,100	<b>127,537</b>

## Student Specific Accommodation Registrations

When the Residential Tenancies (Amendment) Act 2019 was introduced on 4 June 2019, it brought in a range of significant changes to the residential rental sector, including bringing all Student Specific Accommodation (SSA) under the RTB's remit.

This change to legislation places a requirement on all providers of Student Specific Accommodation to register their student tenancies with the RTB. For the 2019/2020 academic year, there was a three-month transition period to register Student Specific Accommodation tenancies which commenced on or after 15 August 2019.

In 2019, there were 28,414 Student Specific Accommodation tenancies registered with the RTB as a result of these changes. These registered tenancies were found across 169 Student Specific Accommodation developments, 13 of which were managed by higher educational institutions, such as universities, and 156 were private developments.



**In 2019, there were 28,414 Student Specific Accommodation tenancies registered with the RTB**

## What do these Changes Mean for Student Specific Accommodation?

For the most part, this means that landlords and student tenants have access to many of the rights and responsibilities found in the private rental sector, including having access to the RTB's Dispute Resolution Service. This service can be used for tenancy issues, such as issues around rent reviews and rent setting measures, deposit returns, breaches of obligation including anti-social behaviour and issues relating to maintenance.

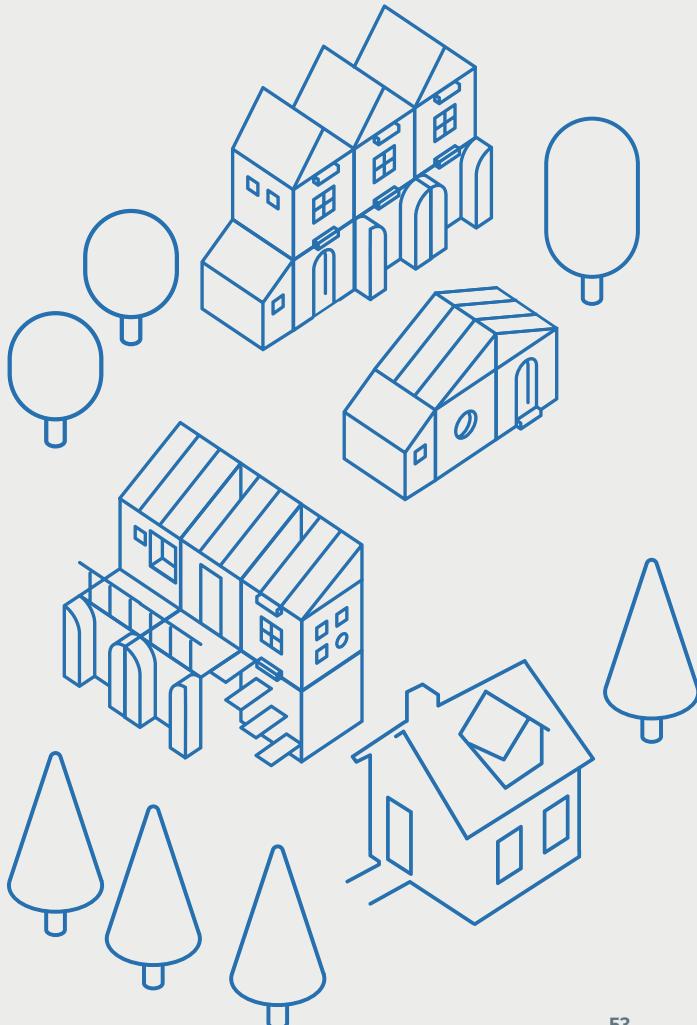
All Student Specific Accommodation (SSA) providers must comply with the law governing rent reviews. This means that any SSA tenancy in a Rent Pressure Zone (RPZ) must abide by the maximum annual rent increase of 4%. It is important to note these Rent Pressure Zone rules always applied to private providers of Student Specific Accommodation. Some Student Specific Accommodation providers had been operating under agreements named licenses; however, this did not necessarily mean they were previously exempt from the RPZ rules.

The normal security of tenure rights, where after six months of the tenancy a tenant has the right to stay on for a further five and a half years, do not apply in Student Specific Accommodation. However, there are still rules around how a provider can end a Student Specific Tenancy. The registration requirements are also different for Student Specific Accommodation compared to the private rental sector, as each room in a unit should be registered.

## Stakeholder Engagement

To facilitate a smooth transition, the RTB proactively engaged with key stakeholders such as Student Specific Accommodation providers including universities, Union of Students in Ireland (USI) and the National Parents Council Post Primary Ireland (NPCPP). Four information sessions were also held by the RTB for SSA providers. These information sessions were highly attended and in total, the RTB engaged with around 100 universities/educational authorities and private Student Specific Accommodation providers through these events.

The RTB also launched a digital advertising campaign directed at students and resources were made available on the RTB website on the new legislative changes. As a result of the RTB's proactive engagement with the sector, there was a high level of compliance as was witnessed with the 28,414 registered Student Specific Accommodation tenancies for the 2019/2020 academic year.



# Registration Compliance

RTB's Registration Enforcement Unit works with landlords and partner organisations to support registration compliance, to investigate and, if necessary, follow through enforcement procedures for landlords who do not register their tenancies. Non-compliance with tenancy registration requirements may also result in a sanction through the new Investigations and Sanctions powers of the RTB.

The RTB has registration enforcement powers to pursue landlords who have not complied with their obligation to register their tenancies. Failure to register is an offence which may result in a criminal conviction, a fine of up to €4,000 and/or up to six months imprisonment. The RTB makes every effort to inform landlords of their obligations to register and legal action is taken as a last resort.

As part of the RTB's new investigatory and sanctioning powers introduced in July 2019, the RTB can also investigate a landlord's failure to register their tenancy within a month of a tenancy commencing. This provides the RTB with additional powers to address non-compliance of tenancy registration requirements. For more information on the RTB's Investigations and Sanctions powers and activity in 2019, see page 63.

## Sources of Information

The Registration Enforcement Unit receives information from different sources regarding whether a tenancy is registered or not. The Registration Enforcement Unit can receive information from:

- Members of the public;
- Local Authorities;
- The Department of Employment Affairs and Social Protection (DEASP); and
- Internal information gathered as a result of a dispute resolution application.

A full overview of the referrals received and corresponding RTB notices can be found in Table 26.

## Referrals from Members of the Public

In 2019, members of the public referred 1,249 alleged un-registered tenancies to the RTB compared with 1,066 in 2018, a 17% increase. The tenancies were checked against the RTB database of registered tenancies and resulted in 1,527 correspondence notices being issued by the RTB to non-compliant landlords. It is important to note that in some cases more than one correspondence notice may be issued concerning a single tenancy, which is why the number of notices can sometimes be higher than the number of referrals.

## Department of Employment Affairs and Social Protection & Local Authorities

In 2019, the RTB received 1,633 records in relation to tenancies receiving the Rent Supplement Allowance from the Department of Employment Affairs and Social Protection (DEASP). Of the 1,633 records, only 408 (25%) had tenancies registered with the RTB. The RTB also received 12,863 records in relation to tenancies in receipt of the Housing Assistance Payment from DEASP, with only 4,682 (36%) of these tenancies registered with the RTB. The tenancies were followed up on by the RTB, with a total of 14,875 correspondence letters and contacts made to landlords.

The Local Authorities referred 1,344 alleged un-registered tenancies to the RTB in 2019 from their inspections of rental properties. This is a slight increase on the 1,223 referrals made in 2018.

## Internal Information

The RTB checks and follows up on incomplete registration forms to ensure these tenancies are completed and registered. During the dispute resolution process, the RTB also checks tenancies referred to in a dispute resolution application form to see whether the tenancy is registered. If it is not, it is referred to the Registration Enforcement Unit.

**Table 26****Total Correspondence Notices Issued on Foot of Referrals**

Year of Issue	Local Authority (HAP)	Department of Employment Affairs and Social Protection (DEASP)	Information from Registrations & Dispute Resolution business units	The Public	Local Authorities (Standard)	Other (Internal)	Total
2017	10,515	5,746	2,399	1,015	613	181	<b>20,469</b>
2018	15,057	4,269	898	2,162	1,223	270	<b>23,879</b>
2019	12,960	1,915	3,674	1,527	1,061	61	<b>21,198</b>

**Notices to Support Registration Compliance**

In order to help landlords comply with the legislation, the RTB writes to landlords directly and gives them opportunities to comply before legal action is taken. Landlords receive two reminder letters from the RTB, before any Solicitor Letters are issued. The RTB issued 21,198 correspondence notices to landlords in 2019, compared to 23,879 in 2018. Most of these information notices, 12,523 (59%), are notices reminding landlords of their obligations to register their existing tenancies and all new tenancies which are created throughout the year.

The majority of landlords who are contacted are already complying with their obligation or then comply with their obligation to register early which halts any requirement for the formal enforcement process. However, in a small number of cases formal notices and Solicitor Letters must be issued.

In 2019, as Table 27 shows, 6,013 1st Notice Letters were issued. These letters inform a landlord that it appears their tenancy may be unregistered. The number of 2nd Notice Letters issued in 2019 was 1,823. If a 2nd Notice Letter goes unanswered, the RTB will proceed to issue Solicitor Letters, with 540 1st Solicitor Letters being issued in 2019, and 188 2nd Solicitor Letters issued thereafter.

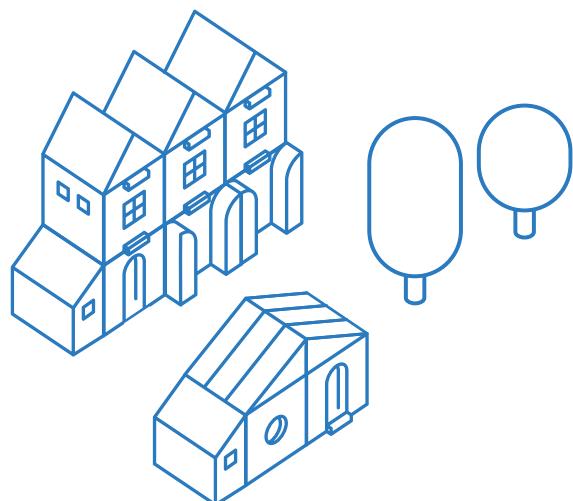
**Table 27****Issued Registration Enforcement Notices and Letters\***

Year	Information Mailshots	Other**	1st Notice	2nd Notice	1st Solicitor Letter	2nd Solicitor Letter	Total
2017	14,196	200	3,564	1,842	477	190	<b>20,469</b>
2018	15,480	363	4,651	2,384	748	253	<b>23,879</b>
2019	12,523	111	6,013	1,823	540	188	<b>21,198</b>

\* It is important to note that more than one notice may be issued in relation to a particular tenancy.

\*\* These are letters either to occupiers of the rental property or to landlords who have an incomplete tenancy registration on the system.

Non-registration is a criminal offence and after every effort has been made to support landlords to comply, if the matter is not resolved it is dealt with in court. The table below sets out the cases for hearing and court outcomes related to registration compliance.



**Table 28**

**Cases for Hearing and Court Outcomes 2019**

Cases for Hearing	2018	2019
Summons issued within the year	7	12
Cases carried over from previous year	3	7
Cases finalised (not including Circuit Court Appeals) within the year	10	19
<b>Outcome Breakdown (cases finalised within the year)</b>		
Withdrawn/struck out	2	3
Case proved - Probation Act applied	0	2
Case proved - conviction	1	1
Awaiting hearing/sentencing (thus carried forward to next year)	7	13



# Enforcement of Determination Orders

## Determination Orders and Compliance

When landlords, tenants and third parties (e.g. neighbours) come to the RTB to resolve their rental dispute through Telephone Mediation or Adjudication, or appeal an outcome to a Tenancy Tribunal, they receive a legally binding Determination Order after the relevant hearing. The Determination Order is the final decision or outcome of a dispute resolution case that is issued to all parties involved in the dispute. It sets out the terms to be complied with, including:

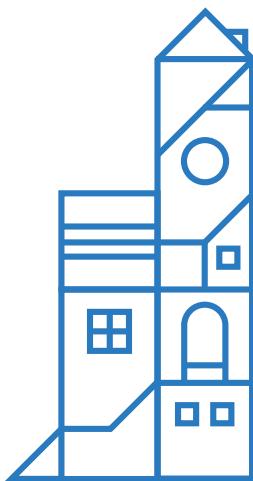
- any payments owed; and
- the length of time given to comply (compliance period).

For example, a Determination Order may find that a tenant has to pay the landlord for rent arrears or that a landlord will need to review the rent amount in accordance with Rent Pressure Zone criteria, and a specific amount of time will be given to comply with the decision.

The majority of these Determination Orders are complied with. However, there are instances where a Determination Order is not complied with. As a regulatory public body, enforcement is an important function of the RTB, and it takes the issue of non-compliance with Determination Orders very seriously.

Like with registration enforcement, the RTB's first course of action is to see if the matter can be resolved without legal action. The RTB first writes to the parties involved to remind them of the terms of the Determination Order and requiring them to make arrangements to comply with the Order. If this approach is unsuccessful, the RTB will consider, on request from the landlord, tenant or third-party seeking compliance with the Order, whether to provide legal assistance to enforce the Order.

In 2019, 3,130 Determination Orders were issued (this includes a small amount of Orders for cases heard in 2018). In most of these cases, landlords and tenants comply with the terms outlined in the Determination Order. When a landlord, tenant or third-party does not comply with a Determination Order, this can be detrimental to the other party and the rental sector. For example, a tenant who does not have their deposit returned to them may have difficulty renting another rental property, or a landlord who is waiting on rent arrears for an extended period may default on their mortgage, putting the tenancy and property at risk.



**The Determination Order  
is the final decision or  
outcome of a dispute  
resolution case that is  
issued to all parties involved  
in the dispute.**

## New RTB Enforcement Policy

If a person fails to comply with a Determination Order, the other party in the case can seek assistance from the RTB to issue civil proceedings for enforcement. Changes introduced in 2018 moved enforcement proceedings to the District Courts and the RTB established a Panel of Solicitors local to each District Court who enforce Determination Orders on the RTB's behalf. These changes have allowed quicker access to courts at a significantly reduced rate, which means the RTB is able to provide legal assistance in a higher number of cases.

In 2019, the RTB built on the changes introduced in 2018 and successfully introduced a new more streamlined enforcement policy to provide legal assistance to customers who want to enforce a Determination Order. The objective was to assist more landlords and tenants and achieve compliance with Determination Orders where this has not happened. The RTB focused on streamlining its processes in 2019 and was able to make substantial gains in turnaround times, nearly halving enforcement request processing times, while still receiving more applications than in previous years. This therefore ensured cases could proceed more quickly and the RTB could support more landlords and tenants in 2019.

This new policy achieves maximum impact for the budget available and allows the RTB to approve more cases, supporting more landlords and tenants in the sector. The policy also outlines under what case scenarios the RTB will be able to provide legal assistance:

- Overholding or overholding with rent arrears cases (overholding is where a tenant has been issued with a valid Notice of Termination but has not moved out by the specified date).
- Cases involving rent arrears that are equal to or over €3,000 or 3 months' rent of the respective tenancy, whichever is less. Where the tenant is overholding, there is no requirement for a minimum of €3,000 rent arrears to be outstanding.

- A deposit retention case which sees a deposit amount in contention that is greater than or equal to 50% of the full deposit.
- Cases involving the unlawful termination of a tenancy, including cases determined to be an abuse of the termination process.
- Overpaid rent in Rent Pressure Zone cases, where rent increases are more than 4% in a Rent Pressure Zone.
- Third-party cases with anti-social behaviour where damages are awarded.
- Cases where the non-compliant party has a history of breaching the Residential Tenancies Act.

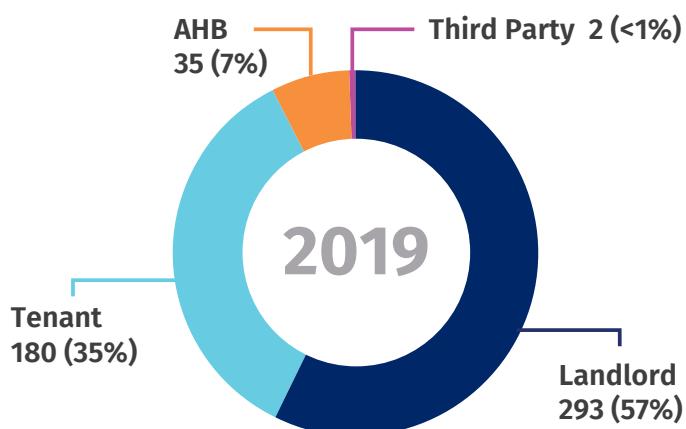
## Supporting Enforcement

In 2019, the RTB received 510 requests for assistance to pursue enforcement proceedings, which is an increase from 348 requests received in 2018 and the highest number received since 2016. Out of the 510 requests, the RTB facilitated full compliance or settlement agreements in 56 cases. What this means is that the RTB was able to facilitate settlements in 11% of all received requests through early engagement with the parties before the need to issue formal legal letters. There were a further 33 instances (approximately 6.5%) where matters were withdrawn or not pursued following initial engagement.

**In 2019, the RTB introduced a new, more streamlined enforcement policy to provide legal assistance to customers**

**Table 29****Requests to Pursue Enforcement 2011-2019**

2011	2012	2013	2014	2015	2016	2017	2018	2019
589	346	405	535	633	359	347	348	510

**Figure 5****Who requested enforcement in 2019\*?**\*Due to rounding, percentages may not add up to 100%.

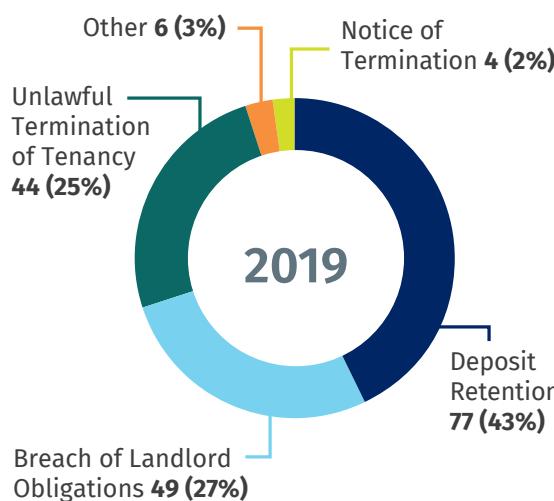
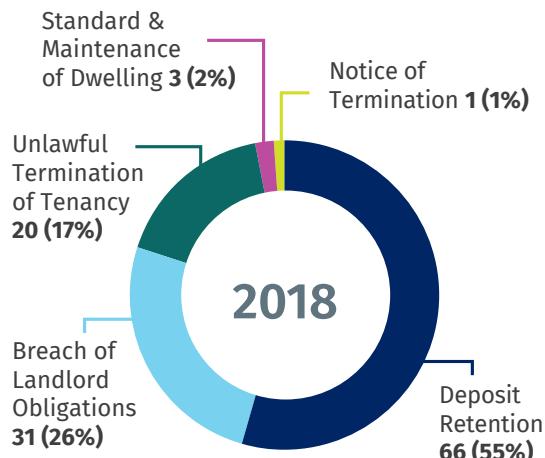
In 2019, the RTB received 510 requests for assistance to pursue enforcement proceedings, which is an increase from 348 requests received in 2018 and the highest number received since 2016.



Out of the 328 enforcement requests received from landlords and AHBs, a total of 89% were in relation to cases of rent arrears/overholding-rent arrears and overholding, compared to 95% of cases in 2018. From the 180 requests the RTB received from tenants in 2019, 43% were for cases relating to outstanding deposit refunds followed by 27% for breach of landlord obligations. Only two requests were submitted by third parties which related to the failure of landlords to enforce the obligations of their tenant(s).

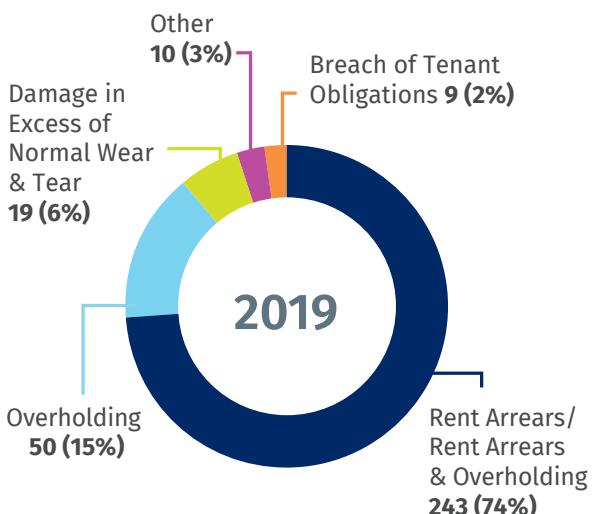
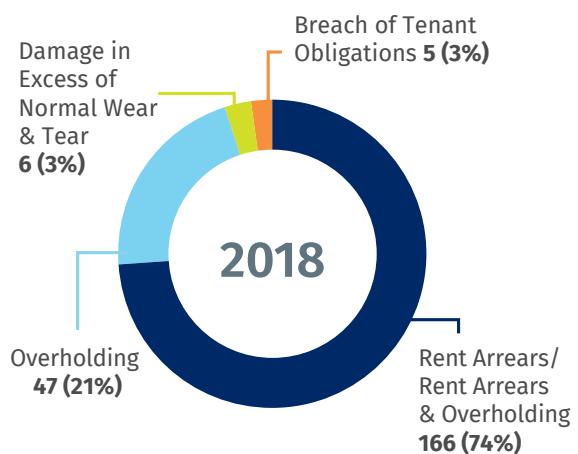
**Figure 6**

**Tenant Requests by Dispute Type 2018-2019\***



**Figure 7**

**Landlord and AHB Requests by Dispute Type 2018-2019**



\*Due to rounding percentages may not add up to 100%.

Of the 510 requests the RTB received to pursue enforcement, 368 cases were approved for RTB legal assistance, compared to 166 in 2018. This means that the RTB assisted 72% of the Determination Order enforcement requests in 2019. A total of 585 cases were closed in 2019 (this blended figure includes cases open in 2016, 2017, and 2018), which is an increase on the 318 cases that were closed in 2018.

Parties can also take their own enforcement cases directly to the District Court and the RTB supports these parties in doing so. The RTB continued to aid case parties with self-enforcement by providing all possible assistance to a party that wishes to pursue their own enforcement case to the District Court. In 2019, the RTB provided 107 parties with the necessary documentation and proofs required by the Courts to take their own enforcement cases.

## **Enforcement Proceedings in the District Court**

If a party is taking enforcement proceedings and the District Court is satisfied that all proofs are in order, the Judge will make an Order confirming the terms of the Determination Order previously issued. Presiding Judges may make an Order for legal costs. However, a Court Order does not always mean that a party will receive the monies awarded to them. If the person continues to fail to comply with an Order, execution of the Order may be pursued by any of the means permitted by the District Court.

The RTB has registered many of the Orders it obtained on behalf of case parties, which means they may be published in various trade periodicals and websites. This may have a negative effect on the non-compliant person's credit rating. If the Court Order confirms that a tenant is to vacate a property, the RTB or the person seeking compliance may ask the Sheriff or County Registrar to carry out an eviction. However, if an Order involves monetary awards only, it is a matter for the parties to arrange for a further enforcement of the Court Order.

## **Court Outcomes: Proceedings Issued by the RTB**

The RTB obtained 153 Court Orders in 2019, up from 108 in 2018. In the majority of these cases in the District Court, the RTB was awarded its costs. The impact of this is that non-compliant parties face significant legal costs being awarded against them in addition to any monies they may owe under the Determination Order, and this is a deterrent to non-compliance.

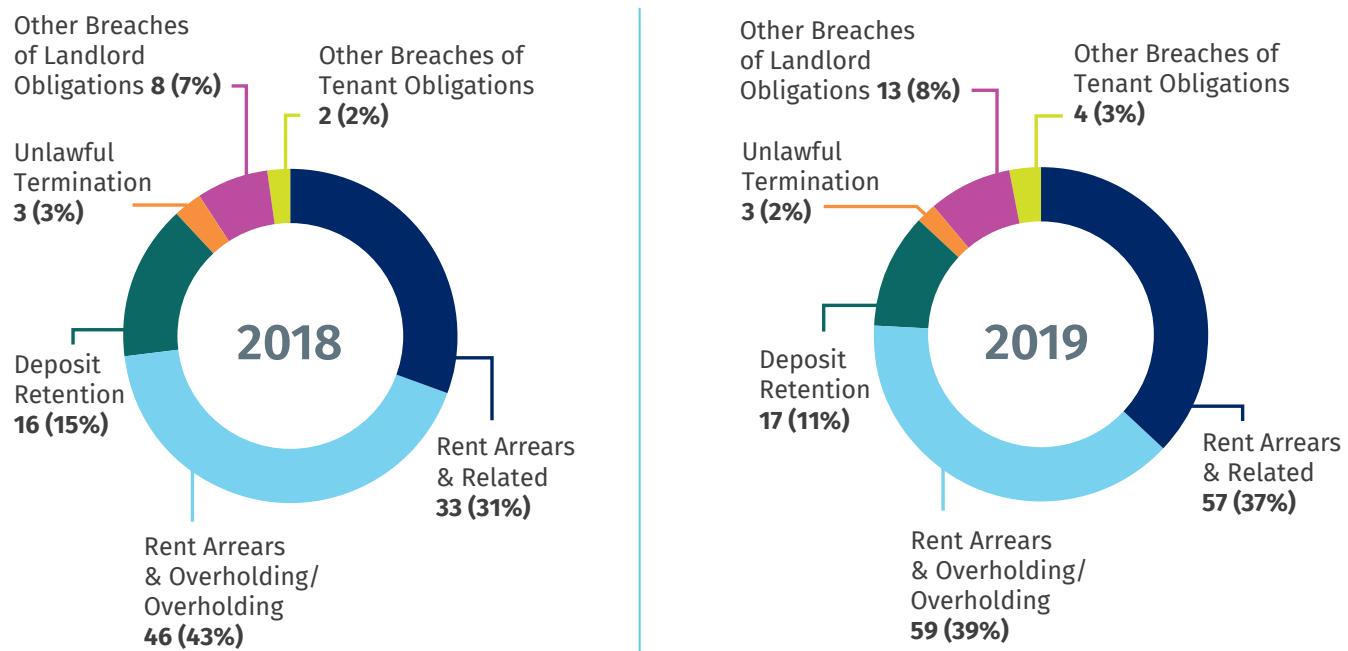
It is important to highlight that even if a Solicitor has been appointed in a case, a party has the opportunity to enter into a settlement plan before the case is brought before the Courts. Panel Solicitors report that in 2019, 45 cases, in addition to the 153 cases where RTB enforcement cases were granted Court Orders, were fully complied with or agreed settlement terms either before the Court date or on the day of the Hearing.

The RTB will not register the judgment with the Office of the High Court if the parties adhere to an agreed payment plan. If payments cease, the RTB will register the outstanding debt with the Office of the High Court as a judgment debt, which could have a negative impact on the party concerned.

**The RTB assisted 72% of the Determination Order enforcement requests in 2019**

**Table 30****Court Orders Obtained by the RTB on Behalf of Case Parties 2011-2019**

2011	2012	2013	2014	2015	2016	2017	2018	2019
42	91	140	158	302	204	107	108	153

**Figure 8****Breakdown of District and Circuit Court Orders Obtained 2018-2019\***

\*Due to rounding percentages may not add up to 100%.



# Investigations and Sanctions

On 1 July 2019, the changes to the Residential Tenancies Act (2004, as amended) expanded the regulatory role of the RTB. Since July 2019, the RTB can proactively monitor the rental sector and investigate and sanction landlords who engage in certain breaches of rental law, defined as Improper Conduct. An important aspect of this regulatory role is that the RTB can commence investigations both on information received from members of the public as well as by using open source data and data available to the RTB, as outlined in the legislation. If a landlord is found to have committed a breach, a sanction can be applied ranging from a formal written caution to a fine of up to €15,000 and/or costs of up to €15,000. These changes establish the RTB as a proactive regulator of the rental sector.

A new Investigations and Sanctions Unit was established within the RTB in 2019 to enable the organisation to undertake this critical new function by identifying and investigating potential breaches of rental law. As of 31 December 2019, the Unit consisted of 12 staff members with a collective experience in conducting civil and criminal investigations in other regulatory and enforcement bodies as well as significant internal knowledge of the RTB and the Residential Tenancies Act. The Investigations and Sanctions Unit includes seven Authorised Officers (investigators) who were appointed in 2019.

Additionally, a panel of five independent Decision Makers, with extensive legal and decision-making experience, was appointed at the end of 2019. Their role is to consider the evidence that results from the investigative work the Authorised Officers carry out, to determine whether a landlord has committed a breach, whether a sanction should be applied, and the amount of any sanction.

**Since July 2019, the RTB can proactively monitor the rental sector and investigate and sanction landlords who engage in certain breaches of rental law, defined as Improper Conduct.**

## What can the RTB Investigate?

The newly formed Investigations and Sanctions Unit can only investigate certain potential breaches of rental law by a landlord. These include:

- Failure to comply with the Rent Pressure Zone (RPZ) requirements when setting rent. This occurs by increasing rent by more than 4% in an RPZ in a 12-month period (24 months for an existing tenancy in an area newly designated as an RPZ).
- Seeking to incorrectly rely on an exemption to the RPZ requirements, i.e. falsely claiming that a substantial change in the nature of the accommodation occurred or that no tenancy existed in the dwelling in the two years prior to the date the tenancy commenced.
- Failure to notify the RTB if relying on an exemption to the RPZ requirements within one month from the setting of the rent.
- Failure to register a tenancy with the RTB within one month of the tenancy commencing.
- Providing a reason to end a tenancy in a Notice of Termination which is known to be false or misleading in a material respect.
- Failure to notify the RTB of changes to certain details of the tenancy (including new rent set, tenant details, landlord details) within one month of the change taking effect.

- Failure to offer a tenant their tenancy back when it ended for certain specific reasons which are no longer relevant, where:
  - the tenant provided their contact details to the landlord, in writing, within 28 days from serving the Notice of Termination or on final determination of a dispute, if relevant;
  - the reason to end the tenancy is no longer relevant;
  - the tenancy was not otherwise validly terminated;
  - the property is available for reletting within the time frames set out below from the date the tenancy ended:

<b>Reason for Ending the Tenancy</b>	<b>Timeframe</b>
The landlord intends on selling the property	9 months
The landlord or a member of the landlord's family intends on moving into the property	12 months
The landlord intends on substantially refurbishing or renovating the property	When completed
The landlord intends on changing the use of the property	12 months

**Table 31**

#### Breakdown of Reported Information Received from the Public between July-December 2019

Type of Reported Information	Formal Complaint	Information by Phone	Information by Email & Post	Total
Number Received	38	107	118	<b>263</b>
% Received	14%	41%	45%	<b>100%</b>

A dedicated team in the Investigations and Sanctions Unit reviews every report of information received to determine if it can be brought forward for investigation by the Authorised Officers.

## RTB Sources of Information for Investigation

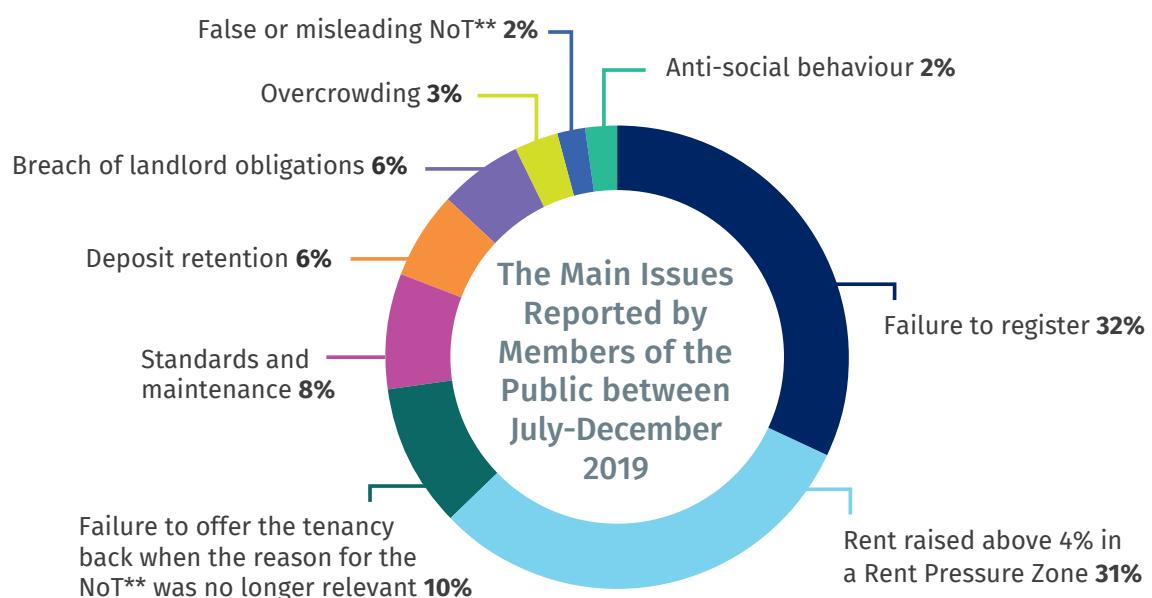
A key role of the Investigation and Sanctions Unit is to assess and verify information and determine if a potential breach can be brought forward for investigation. The following is a summary of where the RTB sources its information to start investigations along with the overview of what information was received by the Unit in 2019.

## Reports from Members of the Public

On 1 July 2019, to allow members of the public to bring potential breaches of rental law to the attention of the Investigations and Sanctions Unit, the RTB established:

- a confidential phone line;
- an email address; and
- created a Formal Complaint Form.

The following is a breakdown of the information received from the public between July and December 2019:

**Figure 9****The Main Issues Reported by Members of the Public between July–December 2019\***

\*More than one issue may have been reported in each report.

\*\*NoT refers to a Notice of Termination.

The top two issues members of the public reported to the RTB were in relation to rents being raised above 4% in a Rent Pressure Zone (31%) and a landlord's failure to register their tenancy (32%), making up 63% of the reports from members of the public.

Some of the issues raised by members of the public were in relation to breaches in rental law that cannot be investigated by the Investigations and Sanctions Unit, such as deposit retention. In these cases, the person contacting the Unit was provided with information about the other services provided by the RTB or other public bodies which would be in a better position to properly address their concerns.

### RTB Internal Information

The RTB can proactively pursue investigations into potential breaches of rental law based on information identified from data available to it under Residential Tenancies Act. The sources of data include:

- Analysis of RTB data;
- Data shared with the RTB from Local Authorities and the Department of Employment Affairs and Social Protection;
- Open source data from rental websites and advertising platforms;
- Following up on leads which arise during assessment and investigation; and
- Analysis of media reports related to breaches of rental law.

The Investigations and Sanctions Unit regularly examines the rental market for new sources of information that may indicate breaches of rental law. At the end of December 2019, 20 of the 51 investigations commenced, were as a result of information that the Investigations and Sanctions Unit had gathered from proactively monitoring the market, using data from the sources outlined above.

## Approved Investigations

In 2019, the Authorised Officers commenced 51 investigations, which included:

- 12 arising from a Formal Written Complaint;
- 19 arising from a concern raised by email or by phone on the confidential phone line; and
- 20 arising from analysis of data (internal and external/open source) data available to the RTB.

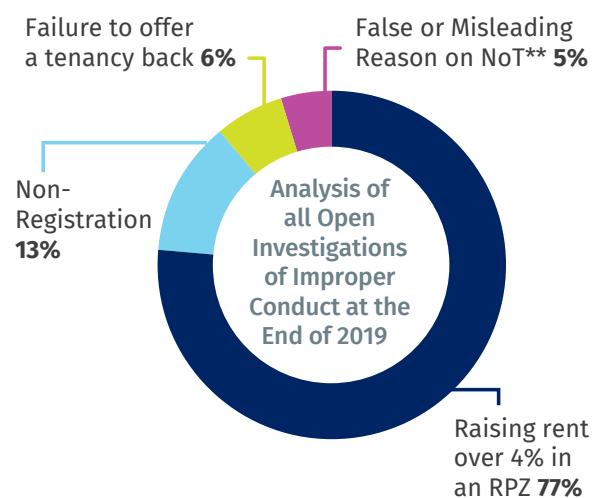
All investigations were ongoing as of 31 December 2019. Investigations are carried out by Authorised Officers. The Authorised Officers have specific, wide-ranging and significant investigative powers provided for under the legislation, including the power to:

- inspect premises;
- seize evidence; and
- compel persons to assist with the investigation by producing documents or attending an interview or Oral Hearing.

**In 2019, the RTB started 51 investigations into alleged breaches of rental law.**

**Figure 10**

### Analysis of all Open Investigations of Improper Conduct at the End of 2019\*



\*Some Complaints and concerns raise multiple issues to be investigated.

\*\*NoT refers to Notice of Termination.

## Helping the Sector Understand the RTB's New Role

In 2019, the RTB organised and/or presented at over 30 stakeholder information events and housing conferences to inform relevant stakeholders of the RTB's new investigatory and sanctioning powers.

The RTB also developed a dedicated webpage with useful information on the process for bringing a potential breach in rental law to the attention of the Investigations and Sanctions Unit, through the confidential phone line, email or by raising a Formal Complaint. The Investigations and Sanctions Unit also published a guidance document on the investigations and sanctions process, which is available on the RTB website. This material is under constant review to ensure the RTB meets the needs of the public on an ongoing basis.

# New Data to Help Regulate the Sector: Notice of Terminations and RPZ Exemptions

Along with the registration data the RTB collects and analyses, the RTB is now receiving new information from landlords which will contribute to how the RTB is able to regulate the sector. The changes to the legislation that were introduced in the summer of 2019 made two important additions to the information landlords must provide to the RTB. These include:

- (i)** Where a landlord is ending a tenancy that has lasted more than six months, a copy of the Notice of Termination must be sent to the RTB within 28 days of the tenancy ending; and
- (ii)** If a landlord wants to claim an exemption to the 4% Rent Pressure Zone (RPZ) rules and set market rents instead, the RTB must be notified within one month of setting the rent.

These notifications provide important new data and information to the RTB that has not been collected before and will allow further analysis on trends linked to tenancy duration and turnover as well as analysis on tenancies where exemptions to Rent Pressure Zone measures have been applied.

The tables below provide figures from when this requirement was commenced in June 2019 until the end of 2019. The RTB is supporting landlords to adapt to a number of new requirements provided for in legislation which will take time to bed in.

## Reasons Landlords Ended Tenancies in 2019

Between June and December 2019, the RTB received 677 Notices of Termination from landlords. Of the 677 Notices received, 54% stated that the landlord ended the tenancy in order to sell their rental property. A further 20% of the received Notices cited a landlord's requirement to move back into the property or to have their family member move back into the property. Finally, 19% of landlords ended a tenancy due to a tenant breaching their tenancy obligations.

**Table 32**

**Type of Notices of Termination Received June–December 2019**

Type of Notice of Termination	Number	%
Landlord intends on selling the property within 9 months of the termination date	367	54%
Landlord or family member intends on moving back into rental property	134	20%
Breach of tenant obligations	130	19%
Ending a tenancy before a Further Part 4 tenancy commences	17	3%
Landlord intends to substantially refurbish the rental property which requires the dwelling to be vacated	11	2%
Rental property is no longer suitable to the accommodation needs of the tenants	7	1%
Landlord intends to change the use of the rental property	7	1%
Blank	4	1%
<b>Total NoTs Received</b>	<b>677</b>	

## Rent Pressure Zone Exemptions Applied

Rent Pressure Zones are areas where rents are high and continuing to rise. Rents in these areas can only increase by a maximum of 4% a year. However, in some instances rental properties do not need to apply the RPZ rent setting rules, oftentimes referred to as exemptions to RPZ rules, and can instead set the rent to market levels. There are two ways that landlords can be exempt from RPZ rent setting rules:

- **Exemption 1:** when a property has not been rented in the previous two years or when a property is, or is in, a protected structure and has not been rented in the last 12 months; or
- **Exemption 2:** when the nature of a property has been substantially changed, which includes an increase in floor area by a minimum of 25% amongst other criteria set out in law.

When a landlord is relying on one of these exemptions, they must inform the RTB.

Between June and December 2019, the RTB received 192 notifications that landlords were relying on one of the RPZ exemptions. Of the 192 notifications received, 80% cited Exemption 1 and 18% cited Exemption 2.



**Table 33**

RPZ Exemption Notifications Q3 2019 - Q4 2019

Total RPZ Exemptions Q3 2019-Q4 2019				
	Exemption 1	Exemption 2	Exemption not stated	Total
Total Number Received	154 (80%)	34 (18%)	4 (2%)	<b>192 (100%)</b>



# 4

## How We Manage the Rent Tribunal



# How We Manage the Rent Tribunal

Established in August 1983, the Rent Tribunal was the arbitrating body which determined rent and other tenancy terms for formerly rent controlled dwellings under the Rent Restrictions Acts 1960-1981. This role was previously carried out by the District Court in 1982-1983. The Rent Tribunal may determine new cases or may review cases previously determined by the District Court or by the Rent Tribunal itself.

In 2016, the Rent Tribunal was dissolved by the Minister for Housing, Planning and Local Government and its functions were transferred to the RTB.

## Mission Statement

**The Rent Tribunal's mission is to determine the terms of tenancies that were formally rent controlled under the Rent Restrictions Acts 1960-1981, in accordance with the statutory requirements to do so in an equitable, efficient and quick manner.**



## Membership

All RTB Board Members are members of the Rent Tribunal.

### Members in 2019 were:

- **Catriona Walsh** (Chairperson) until 30 September 2019
- **Tom Dunne** (Chairperson) started 01 October 2019
- **John Fitzgerald**
- **Julia Carmichael**
- **Paddy Gray**
- **Audry Deane**
- **James Doorley**
- **Justin O'Brien**
- **Mary O'Donovan**
- **Patricia O'Sullivan Lacy**
- **Colin Potts**
- **Paul White**

## Funding

Overall, there were no costs incurred by the Rent Tribunal in 2019, compared to costs of €2,284.00 in 2018.

## Number of Formerly Rent Controlled Dwellings

Formerly, rent controlled dwellings had to be registered by the landlord with the appropriate housing authority. Following a 2001 survey\*, it was estimated that at the time there were upwards of 1,700 formerly rent controlled tenancies remaining which consisted of:

- 1,300 original tenants; and
- 400 successor tenants.

\*Survey conducted by the Local Authorities on behalf of the Department of the Environment, Community and Local Government in 2001.

## Applications

An application for the rent to be reviewed can be submitted to the RTB by either the landlord or tenant. The fixing of the tenancy terms of a formerly rent controlled dwelling involves the setting of the rent and a determination of the division of responsibility for the care and maintenance of the dwelling between landlord and tenant.

## Review of Rent

An application for a review of rent may be made, provided at least four years and nine months have expired since the last determination was made. However, where a landlord carries out substantial improvements to a dwelling, they may apply for a review at any time before the expiry of that period.

## Number of Applications Made

During 2019, no applications were made to the RTB, as was the case in 2018.

## Hearings

Cases are dealt with by the RTB consisting of three members and insofar as it is feasible, one member of the division is a person who has knowledge of, or experience in, the valuation of property. The tenancy terms are determined on the basis of written submissions, or orally, as requested by either the landlord or tenant.

## Number of Hearings

There was one hearing in 2019, compared with two in 2018. The 2019 case was carried forward from 2017 due to an adjournment being granted. No cases were determined by written determination.

## Persons Attending Oral Hearings

Both the landlord and the tenant may be present at an Oral Hearing. Both sides are entitled to have legal representation or to have assistance from, or be represented by, a property valuer, agent or other competent person.

## Determinations

In 2019, the Rent Tribunal only determined one application. Table 34 sets out details on the number of determinations made between 2016 and 2019. The determination in 2019 was in relation to a rent review which was previously set for a whole house in Dublin. In recent years, no first-time applications have been received.

**Table 34**

### Breakdown of Rent Tribunal Determinations Made 2016-2019 Overall and by First-Time Applications and Reviews, by Frequencies

Year	First-Time*	Review**	Total
2016	-	4	4
2017	-	4	4
2018	-	2	2
2019	-	1	1
<b>Total</b>	<b>-</b>	<b>11</b>	<b>11</b>

\*A First-Time application is where one of the parties is applying to the Rent Tribunal for the first time for the rent to be fixed.

\*\*A Review is where one of the parties is applying to the Rent Tribunal to have the rent reviewed, which they are entitled to do every 4 years and 9 months, unless substantial refurbishment has taken place. In that instance, they can apply to the Rent Tribunal on completion of the works.

## Rents Determined

The case which was determined in 2019 set the rent at €140 per week. The rents set by the Rent Tribunal in 2018 ranged from €433.00 to €606.67 per month.

In determining rents, the RTB is required to take into account the:

- nature, character and location of the dwelling;
- other terms of the tenancy;
- means of the landlord and the tenant;
- date of purchase of and the amount paid by the landlord for the property;
- length of time a tenant has lived there; and
- number and ages of the tenant's family living with the tenant.

In addition, allowances may be made in certain cases for improvements carried out by the tenant.

## Rent Allowance

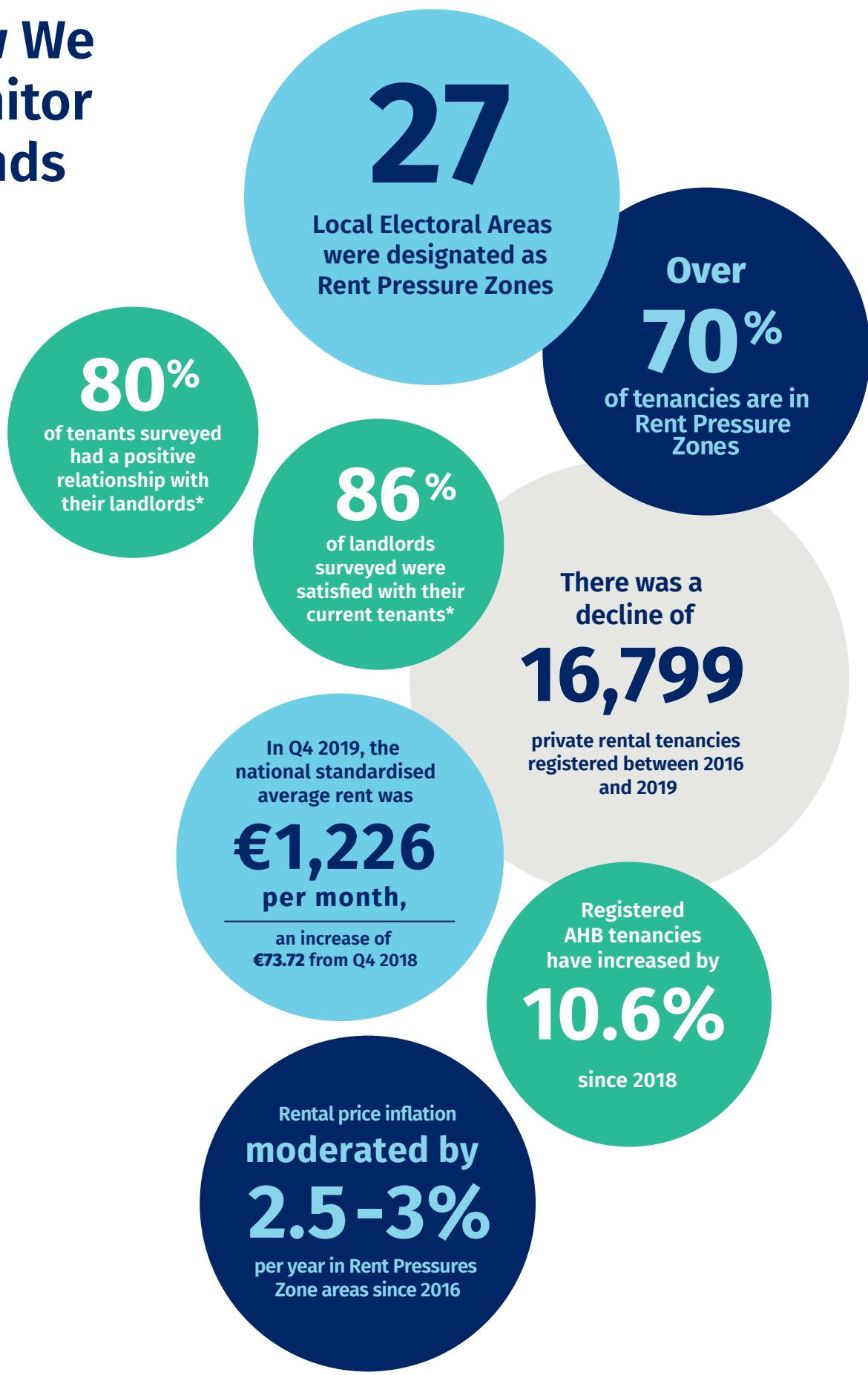
In cases where tenants would suffer hardship due to increases in the rents arising from the RTB's determination, a rent allowance may be paid by the Department of Employment Affairs and Social Protection (DEASP). At the end of 2019, the total number of tenants whose tenancy terms had been determined by the Rent Tribunal and who were in receipt of the rent allowance was 56, compared to 68 in 2018.

# 5

## How We Monitor Trends



# How We Monitor Trends



\* According to research undertaken in 2019 by the RTB and Coyne Research entitled 'The Landlord and Tenant Experience of Rent Pressure Zone Measures'

# How We Monitor Trends

**The RTB (formerly the PRTB) was established as an independent body on a statutory basis on 1 September 2004 following the enactment of the Residential Tenancies Act 2004.**

The introduction of the RTB and the regulatory framework that underpinned it was hugely significant for the private rental sector in 2004. An organisation dedicated to regulating the rental sector and to replacing the courts in resolving landlord and tenant disputes was quite unique at the time and there are still few comparable examples internationally to date.

The principle aims of the 2004 Act were to provide increased security to tenants, require all private landlords to register their tenancies with the RTB and to provide a faster and more cost-effective dispute resolution service than the courts. The RTB marked its 15-year anniversary in 2019 and while there are still many challenges in the sector, there have also been many improvements.

During this time the rental sector has grown and changed, increasing in size, and alongside this, the remit of the RTB has evolved and expanded.

At the end of 2005, there were 83,983 tenancies registered with the RTB. By the end of 2019 and following the expansion of the RTB's remit to include Approved Housing Body (AHB) tenancies in 2016 and Student Specific Accommodation in 2019, the number of tenancies registered with the RTB has grown to 303,023 private rental tenancies, 32,662 AHB tenancies and 28,414 tenancies registered by Student Specific Accommodation providers. This is an increase of 280,116 registrations since 2005.

The RTB, with its expanded remit, is in a unique position to provide an increased understanding of the rental sector, identify trends and fill knowledge gaps where they exist. A key element in supporting and developing a well-functioning rental sector is to provide reliable data and research to inform evidenced-based policy decisions. Through the production of the Quarterly RTB Rent Index and the RTB Research Programme, the RTB helps promote a better understanding of the rental sector, which in turn, allows the RTB to be an authoritative, independent and trusted voice on the rental sector in Ireland.

## A Profile of the Rental Sector in 2019

The data in this section is based on information included in tenancy registration forms submitted to the RTB. At the end of 2019, there were 303,023 private tenancies registered with the RTB.

**Table 35**

**Private and Approved Housing Body Tenancy Registration Activity 2016-2019\***

Private and Approved Housing Body Tenancy Registration Activity*	2016	2017	2018	2019
Total number of tenancies registered (AHB & Private)	325,372	339,447	336,890	335,685
Number of AHB tenancies	5,550	26,445	29,542	32,662
Number of private rented tenancies	319,822	313,002	307,348	303,023

Source: RTB Tenancy Management System.

\*Active tenancies registered with the RTB at end of the year.

As set out in Table 35, this is the third consecutive year that there has been a reduction in the total number of private tenancies registered with the RTB. This overall decline of 16,799 private rented tenancies between the end of 2016 and the end of 2019 brings the total number of private rented tenancies registered with the RTB close to a level last recorded at the end of 2014 (Figure 11). This is significant and could be driven by a combination of factors, including:

- Tenants remaining in their tenancies longer;
- Possible non-compliance with registration requirements; and/or,
- Landlords leaving the sector.

Further analysis is underway to establish the drivers of this emerging trend through interviews with landlords who have left the sector and analysis of registration data trends at a Local Electoral Area level, with a focus on changing trends before and after Rent Pressure Zone measures were introduced.

## Landlord Profile

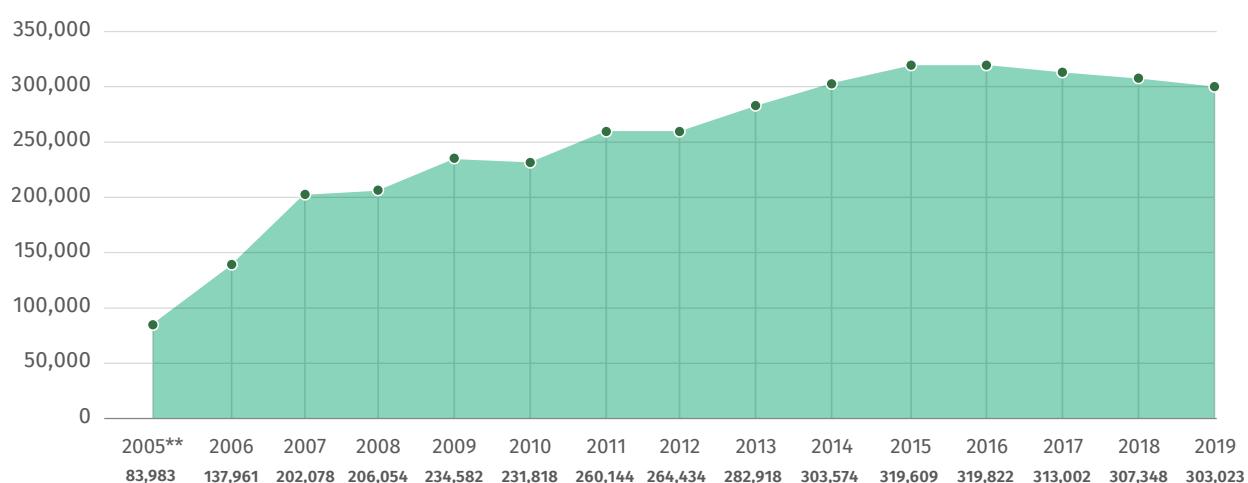
At the end of 2019, there were 169,960 private landlords associated with 303,023 private tenancies. As outlined in Figure 12, this is the third consecutive year that there has been a reduction in the number of private landlords associated with registered private rented tenancies. It is important to note that there can be more than one landlord associated with a single tenancy (e.g. a brother and sister owning a rental property together), in a similar way that a single landlord can have multiple rental properties and therefore multiple tenancies.



**86.5% of landlords manage just one or two tenancies**

**Figure 11**

**Total Number of Private Tenancies Registered with the RTB 2005-2019\***



\*Active tenancies registered with the RTB at end of the year.

\*\*The 2005 data relates to the Annual Report for the period 01/09/2004 to the 31/12/2005.

In 2019, consistent with previous years, most landlords in the sector (86.5%) manage just one or two tenancies. These smaller landlords manage roughly 53.5% of all private tenancy stock registered with the RTB. Larger landlords associated with 10 or more tenancies, manage roughly 20% of all private tenancy stock registered with the RTB.

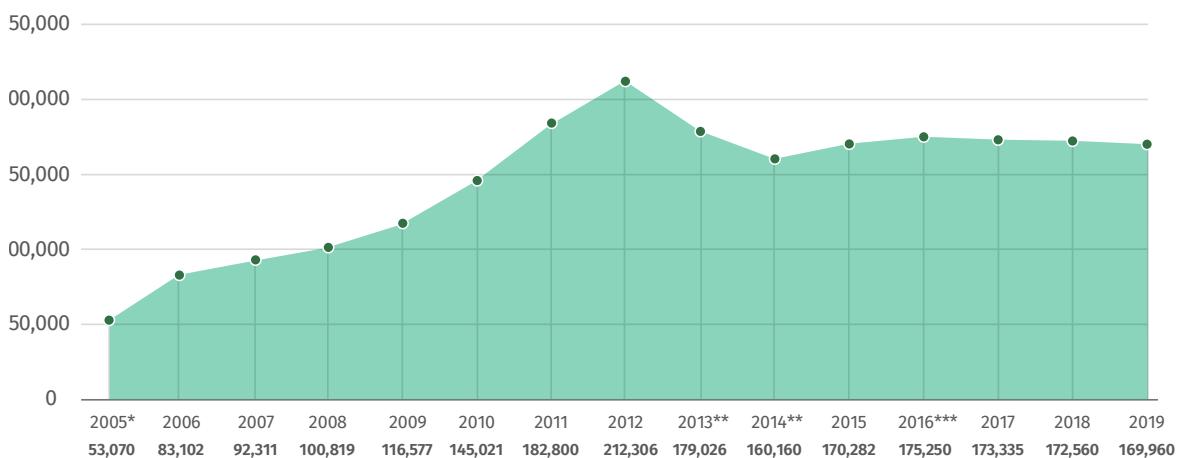
When the rental stock in Ireland is examined as a whole, the vast majority of landlords (96%) associated with RTB registered tenancies at the end of 2019 were individuals, and the remaining minority (4%) were companies.

However, this breakdown of company and individual landlords is not evenly spread geographically across the country, with urban areas having a higher concentration of company landlords.

From an analysis of all 31 Local Electoral Areas (LEAs) in Dublin at the end of 2019, it was determined that in 12 LEAs at least 20% of registered tenancies had a landlord that was registered as a company. The presence of large-scale institutional investors is continuing to grow in the private rental sector in Ireland. This is true particularly in urban areas, and as they expand their market share, they are going to have a significant impact on the rental sector, not least in terms of delivering new supply to the private rental sector. Nevertheless, mid-sized and smaller landlords continue to play a vital role and still provide the vast majority of private tenancies in the rental sector.

**Figure 12**

### The Total Number of Landlords Associated with Registered Tenancies 2005-2019



\* The 2005 data relates to the Annual Report for the period 01/09/2004 to the 31/12/2005.

\*\* In 2013 & 2014, a data cleaning exercise occurred, where duplicates were removed.

\*\*\* The 2016 figure includes some initial AHB registrations that took place at the end of 2016.



**Mid-sized and smaller landlords  
continue to play a vital role and still  
provide the vast majority of private  
tenancies in the rental sector.**

## Approved Housing Bodies Snapshot

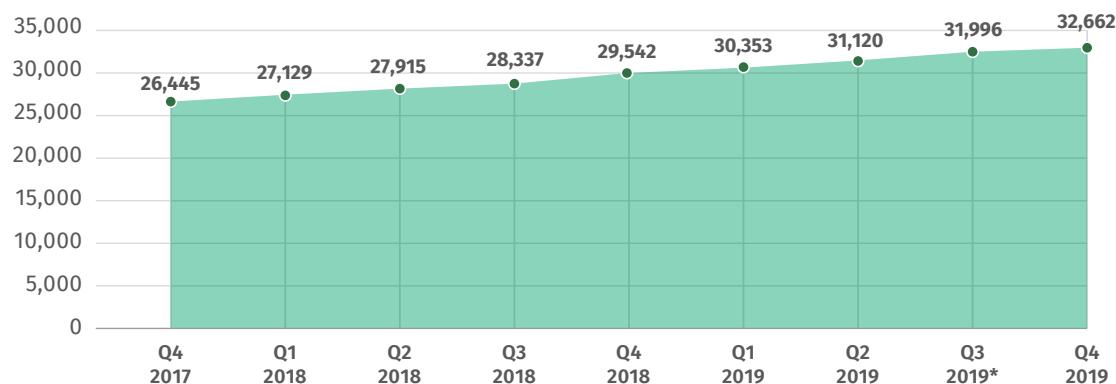
Approved Housing Bodies (AHBs) are not-for-profit organisations that provide and manage social rented housing. In 2016, AHB tenancies were brought under the remit of the RTB, which means that since 2016, AHB tenancies are required to be registered with the RTB.

At the end of 2019, AHBs in Ireland were associated with 32,662 active tenancies registered with the RTB. This represents an annual increase in AHB tenancy registrations of 10.6% or 3,120 tenancies, from 29,542 at the end of 2018.

Figure 13 below outlines the total number of AHB tenancies registered with the RTB at the end of each quarter between Q4 2017 and Q4 2019. It shows that there has been a steady increase in the total number of AHB tenancies registered with the RTB since they came under the RTB's remit. This reflects the overall increase in the level of AHB stock, or social housing, in the sector.

**Figure 13**

**The Number of Approved Housing Body Tenancies Q4 2017-Q4 2019\***



Source: RTB Tenancy Management System.

\*Active tenancies registered with the RTB at end of the year.

## Rental Trends from 2007 to 2019

The RTB, through tenancy registration data, has unique access to the most comprehensive dataset on the rental sector in Ireland. The RTB works in collaboration with the Economic and Social Research Institute (ESRI) to provide quarterly rental indicators (the Rent Index) generated to track price developments in the Irish private rental sector. Data from the Rent Index is available from 2007 to 2019.

The Rent Index produces standardised average rents, for different areas across Ireland, which is a measure of rents that takes account of the changing mix of properties rented in different time periods.

This section provides an overview of the rental price trends that emerged in the private rental sector between 2007 and 2019, based on data included in the Q4 2019 Rent Index report relating to private tenancies. This data is broken down geographically as follows:

- > **National**
- > **Dublin**
- > **Greater Dublin Area Excluding Dublin**
- > **Ireland Excluding the Greater Dublin Area**
- > **Ireland Excluding Dublin**



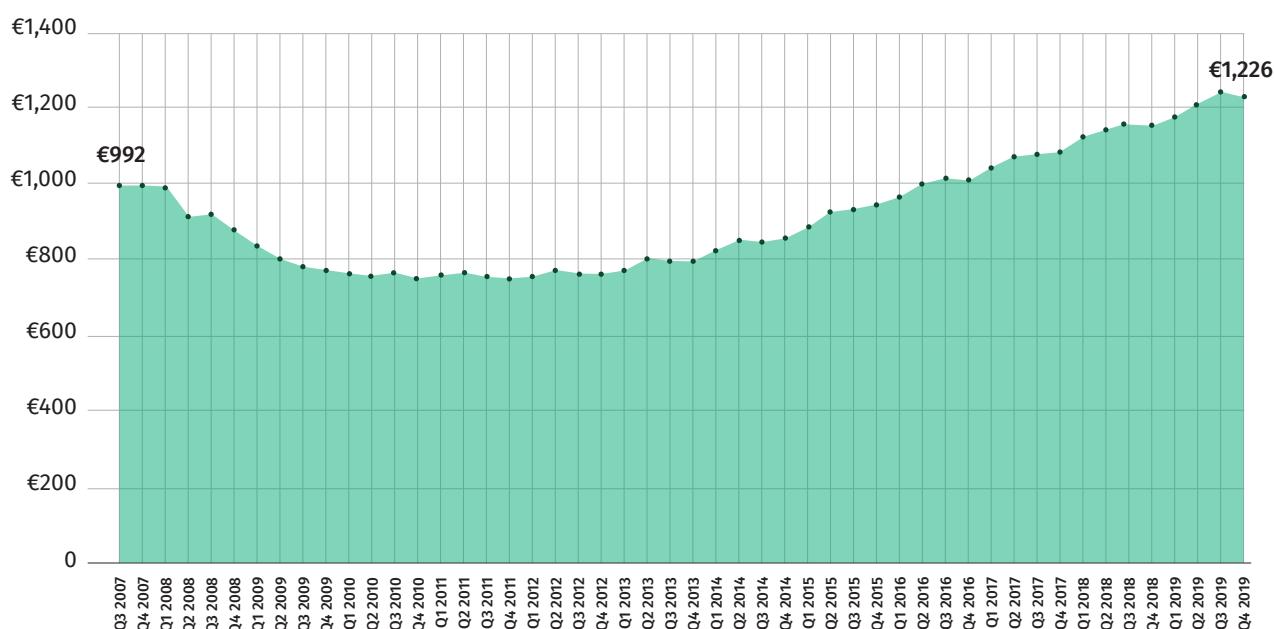
## National

In 2019, the RTB Quarterly Rent Index showed that rents continued to rise across the country. Between Q4 2018 and Q4 2019, the national standardised average rent increased by €73.72, from €1,152.44 per month in Q4 2018 to €1,226.16 per month in Q4 2019. While the national standardised average rent increased by 6.4% annually (Q4 2018 to Q4 2019), the pace of growth slowed towards the end of 2019. This translated into a quarter on quarter 1.2% reduction in the national standardised average rent between Q3 2019 and Q4 2019.

In Figure 14, the national standardised average rent in each quarter from 2007 (Q3) and 2019 (Q4) is displayed. This data was extracted from the RTB Q4 2019 Rent Index. It shows that the national standardised average has increased by 24% in the 12 years from the previous peak in Q4 2007 and the end of 2019 (Q4).

**Figure 14**

**The National Standardised Average Rent (€) Q3 2007-Q4 2019**



Source: RTB Rent Index Q4 2019.

## Dublin

The Dublin rental market is the largest and has the highest standardised average rent in the country. How Dublin develops over time therefore has a considerable impact on the national standardised average rent levels. At the end of 2019 (Q4), the standardised average rent in Dublin was €1,716, which represented an annual increase of 5%. This was the third quarter in a row, in 2019, where the annual rate of inflation of the standardised average rent in Dublin reduced, indicating a levelling off in price inflation in Dublin.

In Figure 15, the standardised average rent for Dublin in each quarter from 2007 (Q3) to 2019 (Q4) is displayed. This data was extracted from the Q4 2019 Rent Index and shows that the standardised average rent in Dublin has increased by 32% in the 12 years between the previous peak in Q4 2007 and the end of 2019 (Q4). This level of increase in Dublin has been driven by sustained demand and supply issues.

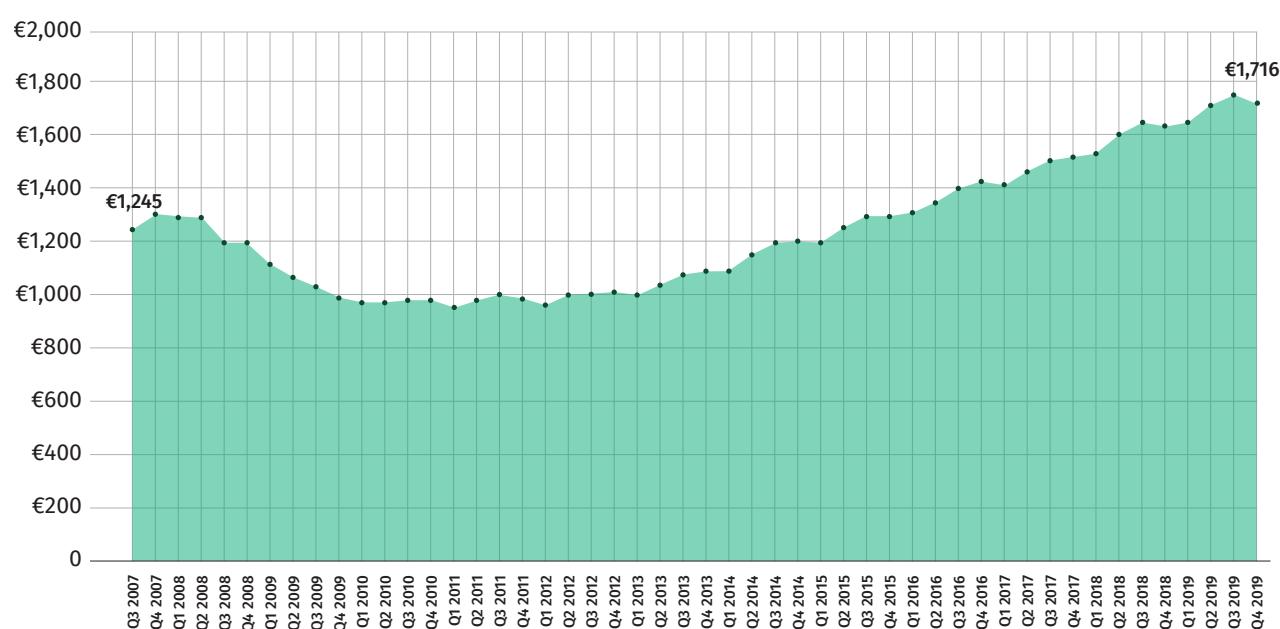
## Greater Dublin Area Excluding Dublin

The Greater Dublin Area (GDA) excluding Dublin in this context refers to counties Kildare, Meath and Wicklow. At the end of 2019, the standardised average rent in the GDA (excluding Dublin) stood at €1,247, up 7.7% from €1,158 in Q4 2018. This is 22% higher than the previous peak in Q4 2007. The proximity of these counties to Dublin has meant that supply and affordability issues have been constant, as Dublin accounts for a significant share of economic activity and employment opportunities, housing demand can be considerable in the surrounding counties.

**At the end of 2019 (Q4), the standardised average rent in Dublin was €1,716, which represented an annual increase of 5%**

**Figure 15**

**The Standardised Average Rent in Dublin (€) Q3 2017-Q4 2019**



Source: RTB Rent Index Q4 2019.

## Ireland Excluding the Greater Dublin Area

The standardised average rent outside the GDA was €872 at the end of 2019 (Q4), up from €809 at the end of 2018. This represents an annual increase of 7.8% at the end of 2019. Both the standardised average rents in Dublin and in the GDA (excluding Dublin) were higher (97% and 43%, respectfully) than the standardised average rent outside of the GDA.

This suggests that the rental markets in both Dublin and the GDA are driving the national standardised average rent upwards.

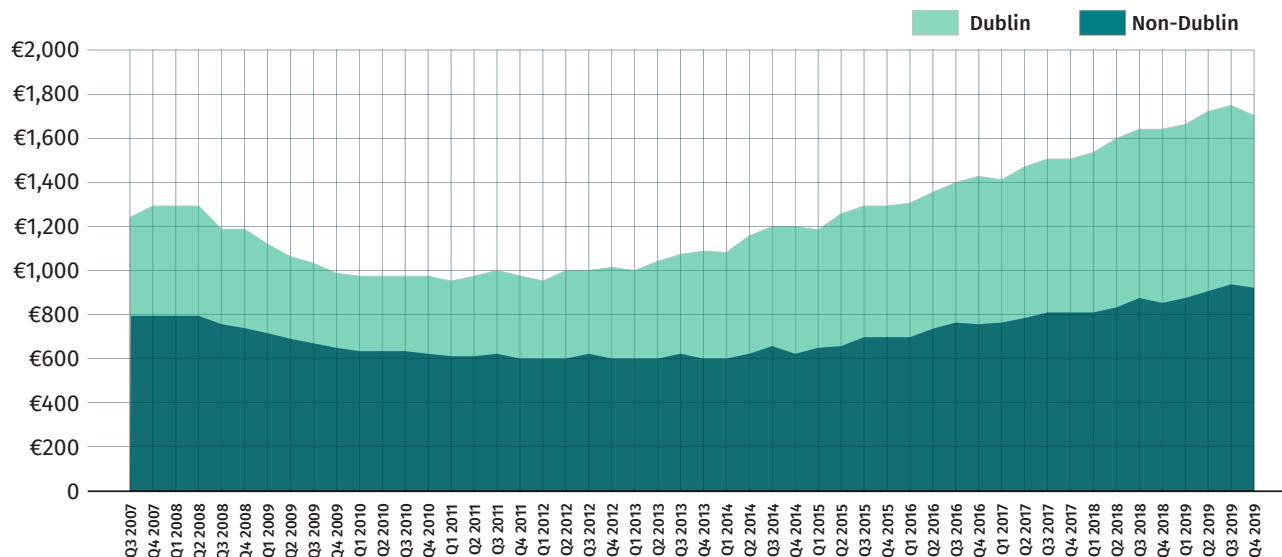
## Ireland Excluding Dublin

At the end of 2019 (Q4), the standardised average rent for Ireland excluding Dublin was €922, up 7.6% annually from €857 at the end of 2018.

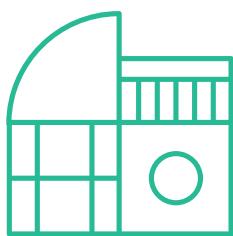
Figure 16 shows that the gap between the standardised average rent in Dublin and for outside Dublin is widening steadily, which suggests that there are a particular set of market conditions in Dublin that are driving this increasing divide. These include high levels of economic activity and employment opportunities in Dublin, which contribute to high levels of demand for housing and consequently impact rental prices.

**Figure 16**

**The Standardised Average Rent in Dublin and Outside Dublin (€) Q3 2007-Q4 2019**



Source: RTB Rent Index Q4 2019.



**The rental markets in both Dublin and the GDA are driving the national standardised average rent upwards**

## The Impact of Rent Pressure Zones

At the end of 2016, new legislation came in which introduced Rent Pressure Zones (RPZs). RPZs are a designated area where rents cannot be increased by more than 4% per year. This applies to new and existing tenancies, unless an RPZ exemption is being applied. Rent Pressure Zones are located in parts of the country where rents are highest and rising, and where households have the greatest difficulty finding affordable accommodation. They are intended to moderate the rise in rents in these areas and create a stable and sustainable rental market that allows landlords and tenants to plan financially for their future.

The legislation which introduced RPZs also introduced the process and criteria to designate any new RPZs. When the Housing Agency makes a referral to the Minister for Housing, Planning and Local Government to designate a new RPZ, the Minister requests the RTB to assess whether the relevant criteria apply to the proposed areas, using the rent information that informs the RTB's Quarterly Rent Index.

The RTB prepares a Rent Pressure Zone report confirming whether criteria for the proposed area has been satisfied to meet the requirements for designation. The Minister, on receipt of the report, will then by order, prescribe the area as a Rent Pressure Zone.

Before 4 June 2019, the criteria used to designate an area an RPZ was as follows:

- The average rent in the area must have been above the national average rent in the last quarter; and
- The annual rate of rent inflation in the area must have been 7% or more in at least four of the last six quarters.

On 4 June 2019, the RPZ designation criteria was changed with the new rental legislation. The revised criteria maintained the condition that the annual rate of rent inflation in the area must have been 7% or more in at least four of the last six quarters. However, it introduced the following new criterion:

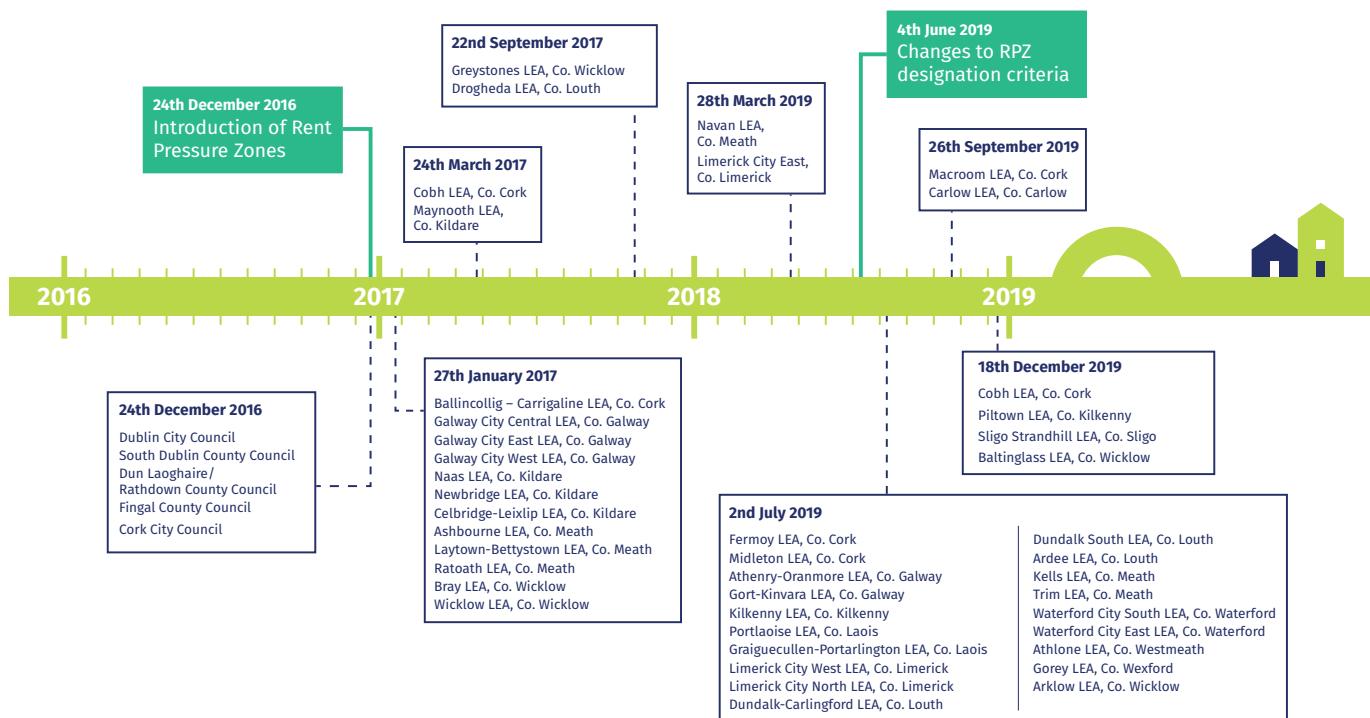
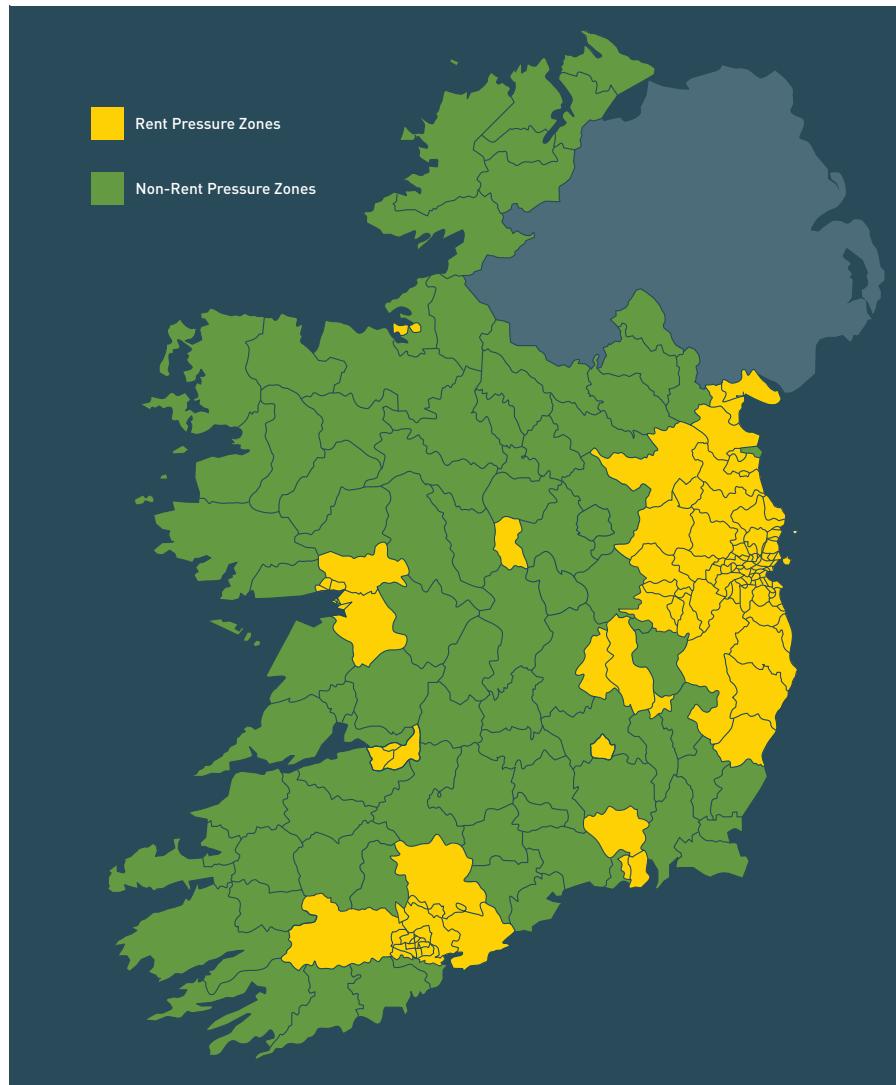
The standardised average rent for each area is now being compared to one of the following standardised average rents depending on the location of the area:

- 1** **Dublin** areas remain compared to the national average rents.
- 2** The '**Greater Dublin Area**', Kildare, Meath, Wicklow excluding Dublin, is compared to a new criterion which is the national standardised average rent excluding Dublin (Non-Dublin).
- 3** **The rest of the country**, areas outside the 'Greater Dublin Area' and Dublin, is compared to an outside GDA standardised average rent.

These changes mean that an RPZ designation is now linked to more regionally appropriate standardised average rents rather than a national standardised average.

In 2019, 27 Local Electoral Areas (LEAs) were designated as RPZs bringing the total number of designated RPZs at the end of 2019 to 42 LEAs and five Local Authorities (LAs). The complete list of LAs and LEAs that have been designated as RPZs between 2016 and the end of 2019 is set out in Figure 17. At the end of 2019, more than 70% of private tenancies were located in an RPZ. These areas are highlighted in Figure 18.

The RTB Rent Index has shown that rental inflation has continued to increase annually by more than 4% in many of these areas. This is as a result of several factors, including exemptions from the RPZ rules and possible non-compliance of the RPZ rules.

**Figure 17****Rent Pressure Zone Designation Timeline 2016-2019****Figure 18****Map of Rent Pressure Zone Areas Designated between 2016-2019**

# RTB Research Programme Highlights

In 2019, the ongoing strategic priority for the RTB in terms of research has been to use data and research to foster a better understanding of the rental sector, monitor trends and inform policy through research. The two key components of the RTB's Research Programme in 2019 were:

- 1 The production and development of the Rent Index; and**
- 2 The development and undertaking of annual surveys.**

In addition to these key components, in 2019 the RTB published two reports on Rent Pressure Zones in Ireland. The RTB wanted to capture an evidence base of the effectiveness and impact of Rent Pressure Zone measures and, importantly, the views of both landlords and tenants on their experiences to build up knowledge and information at a time of significant change.

For the first of the research reports, the RTB commissioned the ESRI to undertake an econometric assessment of trends in rental prices in Ireland before and after the introduction of RPZs. The report entitled, "Trends in Rental Price Inflation and the Introduction of Rent Pressure Zones in Ireland", found that the RPZ measures had a moderating effect on rental inflation noting that:

- Price inflation in RPZs had fallen relative to other areas since the introduction of the legislation in December 2016. Rental price inflation fell from just over 9% for the seven quarters before the regulations to just under 6.4% in the seven quarters since the regulations. This was a drop of approximately 2.6% points.
- In the non-RPZ areas, the average rent growth before and after the measures was virtually the same, with only a 0.24% decline.

For the second piece of research, the RTB commissioned Coyne Research to examine the experiences of both landlords and tenants with the Rent Pressure Zone measures. The report entitled, "The Landlord and Tenant Experiences of Rent Pressure Zone Measures", explores the qualitative experiences landlords and tenants have had living and operating in Rent Pressure Zones. The research found that

**the majority of tenants in RPZs believe they have a positive relationship with their landlords, with 80% classifying their relationship as "positive" (46%) or "very positive" (34%). For landlords, 86% were satisfied (32%) or very satisfied (54%) with their current tenants.**

The RTB also undertook a number of internal research projects in 2019, including an examination of data on the Notices of Termination issued to tenants who subsequently became homeless. This research was conducted in collaboration with the four Dublin Local Authorities and focused on the examination of the Notices of Termination issued to families in Dublin who later entered emergency accommodation in March 2019. This research will be expanded in 2020 to include more Local Authorities.





## RTB Research Seminar

The RTB hosted a Research Seminar in July 2019 where the results of the research reports from the RTB Research Programme were presented. The seminar was attended by more than 50 stakeholders, including the Minister for Housing, Planning and Local Government, Eoghan Murphy, T.D.



# The Future of RTB Research

The RTB is committed to providing evidence to inform the development of policies to help support a well-functioning rental sector. As such, the sources of data that the RTB collects and analyses continue to grow. In 2019, the RTB started to collect information on exemptions from RPZ rent setting rules and Notices of Terminations issued to tenants (more information can be found in Chapter Three). Going forward, the RTB will further expand the data collected when annual registration of tenancies is introduced and through an Annual Survey of Landlords and Tenants.

Presently, landlords are required to renew a tenancy registration every four or six years, depending on when their tenancies began, which allows for limited data on existing tenancies in the market. The RTB will be moving towards a system of annual registration of tenancies, rather than the current one-off registration at the beginning of a tenancy and then a subsequent renewal four or six years later. This move will fundamentally change the data available to the RTB and enable a move to smarter, more proactive reporting and analysis of the rental sector in Ireland.

The annual registration of tenancies will mean that every tenancy will have to be registered or renewed with the RTB each year, which will mean that for the first time, it will be possible to monitor and report on rental trends based on all new and existing tenancies each year.

Based on existing registration data, the rental reporting capability will go from being based on roughly 100,000 annual tenancy registrations, to being based on an estimated 300,000 tenancy registrations each year, once annual registration beds in. This change will allow for full visibility of the number of tenancies that end each year and the annual changes in rent levels in existing tenancies. The introduction of annual registration will also allow the RTB to provide further evidence to support the development of policies to support the rental sector.

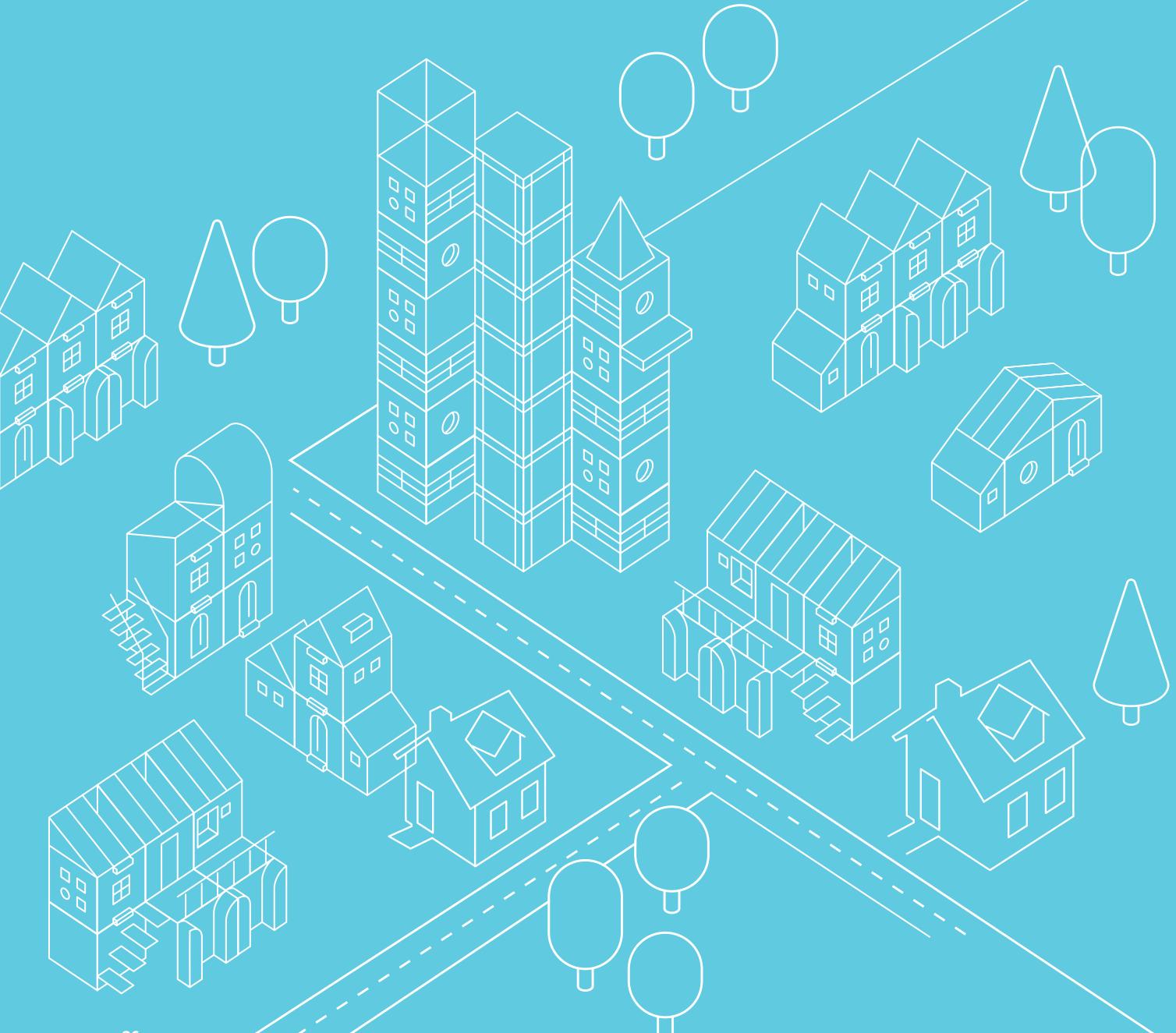
A further additional source of information in the future will be the RTB Annual Survey of Landlords and Tenants. The primary research will include quantitative surveys of landlords, tenants and letting agents. The quantitative research will be strengthened with qualitative focus groups with landlords and tenants and in-depth interviews with letting agents. Literature reviews and secondary data analysis will also be utilised as well. This research will help to create an accurate profile of landlords and tenants in the private rental sector and provide insight into the future development of the sector.

Through the continued development of the RTB Quarterly Rent Index, the additional insight provided by the introduction of annual registration, the production of the Annual Survey of Landlords and Tenants and a move towards quarterly reporting, the RTB is expanding the data available to help support a well-functioning rental sector.



# 6

## How We Ensure Good Governance



# Introduction

The RTB is committed to maintaining the highest standards of corporate governance and is fully compliant with the Code of Practice for the Governance of State Bodies.

The role of the RTB Board is to provide strategic direction and oversight for the organisation. The Board sets strategic objectives which the Director and the executive team deliver and it makes key strategic decisions on business matters as they arise. The Director and the executive team implement the strategic plan and the annual business plan and run the business at an operational level reporting monthly to the Board. As a state body, the RTB has certain legislative obligations which are reported on in this chapter including Ethics in Public Office, Prompt Payments, Protected Disclosures and more.

The RTB also report on our taxation, data protection and governance obligations in this chapter.

The Governance Statement and Board Report outlines the responsibilities, composition, and activities of the Board and Board Committees and contains key information disclosures about the RTB's activities during 2019. Finally, the Audited Financial Statements and the Statement on Internal Control are a comprehensive report on the financial activities and control environment in the RTB during the year.



# Our Board Members



**Julia Carmichael**

Respond Housing Association



**Audry Deane**

Public Policy Analyst



**James Doorley**

Deputy Director, National Youth Council of Ireland



**Tom Dunne\***

Chairperson, Chartered Surveyor and Former Head of the School of Surveying & Construction Management



**John Fitzgerald**

Property Professional



**Paddy Gray**

Professor Emeritus of Housing, Ulster University

**Patricia O'Sullivan Lacy\*\***

Barrister

**Justin O'Brien**

Former Chief Executive of Circle  
Voluntary Housing Association  
Former President of the Irish Council  
for Social Housing

**Mary O'Donovan**

Operations and ICT Management  
Professional

**Colin Potts\*\***

Director for Operations and  
Finance, The Bar of Ireland

**Catriona Walsh\*\*\***

Chairperson, Solicitor

**Paul White**

Director and Principal,  
Governance Ireland Ltd.

\* Tom Dunne became a Board Member on 01 September 2019 and Chairperson on 01 October 2019.

\*\* Colin Potts and Patricia O'Sullivan Lacy both became Members of the Board on 22 July 2019.

\*\*\* Catriona Walsh ended her term as Chairperson on 30 September 2019.



# Organisational Structure and Staffing

The RTB management team is led by the Director and the RTB's operations are organised into nine directorates, each headed by an Assistant Director.

The directorates are:

- 1 Registrations, Outsourcing & Customer Service**
- 2 Dispute Resolution**
- 3 Enforcement & Legal Affairs**
- 4 HR & Corporate Services**
- 5 ICT**
- 6 Strategic Projects & Procurement**
- 7 Communications & Research**
- 8 Finance, Governance, & Risk Management**
- 9 Investigations & Sanctions.**

Over the past 15 years, the RTB has experienced considerable change and expansion. As an organisation, the RTB have continued to adapt to meet the needs of our stakeholders. In 2018, the RTB engaged an external firm to conduct an independent assessment of its staffing and management structure in light of the changes in the sector and increasing demands on the RTB's service. The output of the review was the development of a workforce plan to cover the period 2019-2021 to guide decisions around the staffing level and management structure in place at the RTB over the next several years.

The plan and its recommendations were fully supported by the Board of the RTB and following consideration by the Department of Housing, Planning and Local Government, approval was granted in January 2019 for 26 additional new posts as well as three additional posts when all Student Accommodation came under the remit of the RTB. These new posts enable the RTB to support a framework for change required to deliver new services, while at the same time maintaining current service.

The RTB embarked on a major recruitment drive to fill the new posts and the existing vacancies. In total seven recruitment campaigns were successfully carried out in 2019 to fill these posts as follows:

- **Legislative Change Programme Manager (APO)**
- **Communications Information Manager (HEO)**
- **Senior Procurement Manager (HEO)**
- **Authorised Officer (Engineer Grade 2 level)**
- **Higher Executive Officer**
- **Executive Officer**
- **Clerical Officer**

Furthermore, the RTB conducted a recruitment campaign for a panel of Decision Makers, who are independently appointed to make decisions within the newly established Investigations & Sanctions unit.

Towards the end of 2019, all existing vacancies had been filled throughout the organisation and all new staff were successfully onboarded into the organisation. The RTB aims through its recruitment and placement mechanisms to have a dynamic workforce across all sections of the organisation and to have a wide variety of skills and experience from both within the housing sector and outside of it.

# Senior Management Team



**Rosalind Carroll**

Director



**Lucia Crimin**

Head of Investigations and Sanctions



**Claire Duggin\***

Head of Dispute Resolution Services



**Carmel Diskin**

Head of HR and Corporate Services



**Janette Fogarty**

Head of Enforcement and Legal Affairs



**Caren Gallagher**

Head of Communications and Research



**Bryan Kelly**

Head of Finance, Governance & Risk Management



**Padraig McGoldrick**

Head of Strategic Projects and Procurement



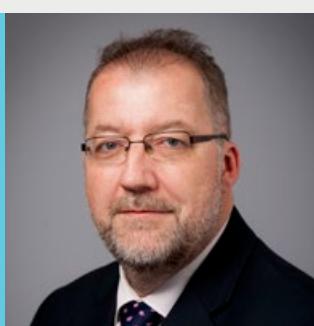
**Clodagh Memery**

Head of Registrations, Outsourcing and Customer Services



**Emer Morrissey\*\***

Acting Head of Dispute Resolution Services



**Brinsley Sheridan**

Head of ICT

\* Claire Duggin took up a new role as Director of Operations on the 16th December 2019.

\*\* Emer Morrissey took up the position as Acting Head of Dispute Resolution Services on the 16th December 2019.

## Training

Training and development is also a priority of the RTB. Various RTB staff attended a wide variety of training courses, including Regulatory Management, Freedom or Information, Equality and Human Rights, MS Excel, Retirement Planning, Mediation Training, Health & Safety, Data Protection, Advanced Public Procurement, Regulatory Investigations & Prosecutions, Contract Management, Priority & Time Management Training, Corporate Governance For State And Public Sector Bodies, Core Skills for Clerical Officers, and Privacy Impact Assessment training.

Some of the staff of the RTB also attended a wide range of seminars and conferences: Social Media Conference, GDPR Summit, IPA Housing Conference, Ibec Annual Employment Law Conference, Housing Conference, PAI Annual HR Conference, Employment Law Conference, Healthy Workplace Seminar, HEO Programme, Public Procurement Conference, Housing Practitioners Conference, Annual Data Protection Practical Conference, Web Data Extraction Summit, Advising a Minister, Public Service Innovation Conference.

The RTB also organised dynamic Team Building training for all staff once most of the new staff had joined the organisation. This allowed the RTB to welcome the new staff and to encourage strong relationships between staff of all grades across the board.

The RTB is very keen to develop all its staff to their full potential to deliver the best service possible to customers and for it to be an enjoyable and interesting place to work. Through its training mechanisms the RTB are looking to introduce more flexibility to strike a balance between developing staff and delivering core services.

In keeping with the times, the RTB has been looking at new ways to train staff to deliver on these aims, so as well as the tried and tested traditional forms of classroom type training, the RTB has been adopting new approaches such as e-learning and web-based training.

## Public Sector Equality and Human Rights Duty

Under the public-sector equality and human rights duty, the RTB are required to have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights for staff and service users in implementing all business functions. The RTB have committed to ensuring that equality and human rights are considered in the day to day operations of the business functions.

In early 2019, equality and human rights training was provided to all staff as part of the RTB commitment to ensuring equality of treatment for all people who use RTB services and the protection of employees and others with whom we do business.

## Dignity at work Policy

The RTB is committed to protecting dignity and respect across the organisation and adheres to the Dignity at work policy which was developed by the Department of Public Expenditure and Reform in 2015. The policy aims to promote respect, dignity, safety, and equality in the workplace.

## Access Officer

The Access Officer is responsible for providing or arranging for and co-ordinating assistance and guidance to persons with disabilities accessing services provided by the RTB and generally to act as a point of contact for people with disabilities wishing to access services. The RTB's Access Officer received 12 such requests in 2019.

## Ethics in Public Office

The RTB falls within the scope of the Ethics in Public Office Act 1995 and it has adopted procedures to comply with this Act. Where required, Board members and senior management have completed statements of interest in compliance with the provisions of the Act.

Board members are asked to declare any potential conflicts of interest at the outset of every Board meeting and we have procedures in place for the ongoing disclosure of interests.

## Prompt Payments

The RTB is aware of its responsibilities under the Prompt Payment of Accounts Act, 1997, and the Late Payment in Commercial Transactions Regulation, 2002, and has established procedures to make sure payments are made in accordance with these regulations. During 2019 the RTB paid €160.40 in late payment interest and compensation relating to four invoices. During 2018 the RTB paid €117.44 in late payment interest and compensation relating to two invoices. The RTB confirms that it had procedures in place to ensure it adhered to all relevant aspects of the Public Spending Code during 2019.

## Taxation

The RTB have procedures in place to ensure that it is compliant with its obligations under taxation law and that all tax liabilities are paid on or before their due dates

## Procurement

The Procurement Unit continued to support the needs and objectives of the RTB in 2019.

The RTB focused on delivering and improving its capacity for procurement and contract management in 2019. The RTB continues to take responsibility for overseeing the development and management of procurement activities, ensuring the organisation is fully compliant with national and EU procurement procedures.

During the year a number of significant procurement procedures were completed and commenced with the Board and/or the Director approving the award of ten contracts for the following services:

- HR support and recruitment services
- Advertising and creative services
- Payroll services
- Mobile phone and data services
- Commercial cleaning services
- Research services for annual survey of landlords, tenants and agents
- Rent Index- RTB average rent report

- Communication APIs for SMS, voice and messaging application services
- Office supplies and stationery
- Printing and postal services

## Oireachtas Members' Queries 2019

In 2019 the RTB processed 42 queries from Oireachtas Members of which 37 Queries were made on behalf of constituents. The majority of queries related to dispute resolution (15 in total).

**Table 36**

### Oireachtas queries 2017-2019

2017	2018	2019
46	35	42

## Data Protection and GDPR

As a data controller dealing with large volumes of data, the RTB takes the privacy of our service users, staff and stakeholders very seriously. The RTB are committed to complying with our obligations under Data Protection Legislation. There are a number of procedures and policies in place to ensure that the rights of data subjects are upheld. These policies are under continuous review.

The RTB aims to be at the forefront of ensuring the privacy of our service users. Since the establishment of the RTB, work has continued across the organisation to ensure data protection compliance. One major component of RTB privacy activities in 2019 was to ensure the implementation of 'Data Protection by design' across new processing activities. Several strategic Data Privacy Impact Assessments ("DPIAs") were drafted throughout the year to assess privacy risks. These include major areas of change, such as RTB360, a major system implementation and the establishment of the Investigations & Sanctions function of the RTB. DPIAs aim to ensure compliance is integrated into all new processing activities.

Data protection training is also an essential component of the RTB's data protection programme. All new staff underwent GDPR training as part of their onboarding programme and the training of existing staff is an ongoing commitment to ensure sustained privacy awareness.

In 2019, the RTB received 49 Subject Access Requests for copies of personal data and 51 data protection queries were received by the data protection unit.

## Freedom of Information and Access to Information on the Environment

In 2019, the RTB received 56 Freedom of Information requests. No requests under the Access to Information on the Environment regulations were received in 2019.

## Protected Disclosures

The Protected Disclosures Act 2014, requires every public body to establish and maintain procedures for dealing with protected disclosures, and to provide written information relating to these procedures to employees. During 2019, no protected disclosures were made by any RTB employee under the terms of the legislation.



# Governance Statement and Board Report

## Governance

The Board of the Residential Tenancies Board (“RTB”) was established under the Residential Tenancies Act (2004) (“the Act”). The functions of the Board are set out in Part 8 of the Act. The Board is accountable to the Minister for Housing, Planning and Local Government and is responsible for ensuring good governance at the RTB. The Board performs this task by setting strategic objectives and targets for the organisation and taking strategic decisions on all key business matters.

The day-to-day management, control and direction of the RTB are the responsibility of the Director of the RTB and her senior management team. The Director and her team follow the broad strategic direction set by the Board and ensure that all Board members have a clear understanding of the organisation’s key activities and issues, the types of decisions the Board is required to make, and all significant risks the organisation is faced with. The RTB Director acts as a direct liaison between the Board and RTB management and she has a reporting line to the Board Chair.

## Board Responsibilities

The work and responsibilities of the Board are set out in the Board’s terms of reference and the schedule of matters specifically reserved for Board decision. In general these incorporate the functions vested in the Board by the Act, governance decisions such as the appointment of Committee members or the approval of policies, key strategic and financial decisions such as the approval of plans, or the commitment of significant resources, and risk oversight of the RTB’s activities.

The RTB has responsibility for the direct implementation of legislation and Government policy relating to the residential rental sector. It has a quasi-judicial and regulatory role and is independent in its decision-making functions. As a quasi-judicial service, there is a significant commitment made by the Board in overseeing certain decisions. Along with its monthly meetings, the Board convenes to consider decisions in fulfilment of its quasi-judicial role.

During 2019, the Board met on 39 occasions (58 in 2018), both for ordinary board meetings and in meetings to deal with matters relating to its quasi-judicial role. The Board held 13 ordinary Board meetings and 26 Board Tenancy Disputes meetings. Standing items considered by the Board at every ordinary Board meeting include declarations of interest of Board members, risk management, financial matters, a report from the Director, Board and Committee membership, meeting minutes, and Committee reports.

Section 177 of the Residential Tenancies Act (2004) requires the Board of the RTB to keep, in such form as may be approved by the Minister for Housing, Planning and Local Government with consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of money received and expended by it.

In preparing these financial statements, the Board of the RTB is required to:

- select suitable accounting policies and apply them consistently
- make judgements and estimates that are reasonable and prudent
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that it will continue in operation, and
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Board is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enable it to ensure that the financial statements comply with Sections 177 to 179 of the Act.

The maintenance and integrity of the corporate and financial information on the RTB's website is the responsibility of the Board.

The Board is responsible for approving the RTB's annual business plan and budget and for ongoing monitoring of performance. Throughout 2019 the Board evaluated the RTB's performance against budget and received quarterly reports from the senior management team on each department's performance against its departmental business plan. The final financial outturn and performance against the 2019 business plan was formally reviewed by the Board at its meeting on 9 April 2020.

The Board is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities. The Board considers that the financial statements of the RTB give a true and fair view of the financial performance and the financial position of the Residential Tenancies Board at 31 December 2019.

## Board Structure

The Board consists of a Chairperson and up to 11 ordinary members who are appointed by the Minister for Housing, Planning and Local Government. The members of the Board were appointed for varying periods and meet on a monthly basis.

The table below details the appointment information for Board members during calendar year 2019. John Fitzgerald and Catriona Walsh were appointed to their second terms on the Board on 01 April 2017 and 01 May 2017 respectively.

During the year the term of appointment of Catriona Walsh as Chairperson, which was due to end on 30 April 2019, was extended by the Minister to 30 September 2019. Catriona was replaced by Tom Dunne who was appointed by the Minister as a Board member on 01 September 2019 and as Chairperson on 01 October 2019. Patricia O'Sullivan Lacy and Colin Potts were appointed by the Minister on 22 July 2019 to fill vacancies on the Board.

On 16 January 2020, the Board performed an annual evaluation of its own effectiveness during 2019 and will be commencing an external review and evaluation in 2020 in compliance with the Code of Practice for the Governance of State Bodies (2016) ("2016 Code").

Board member	Role	Board term
Catriona Walsh	Chairperson	16 April 2013 – 30 September 2019
Tom Dunne	Chairperson	01 September 2019 – 31 August 2024
John Fitzgerald	Member	01 April 2013 – 30 September 2020
Mary O'Donovan	Member	01 July 2016 – 30 June 2020
Justin O'Brien	Member	15 June 2017 – 30 June 2021
Paul White	Member	15 June 2017 – 30 June 2021
Paddy Gray	Member	01 July 2017 – 31 July 2021
Julia Carmichael	Member	01 December 2017 – 30 November 2022
Audry Deane	Member	23 April 2018 – 22 April 2021
James Doorley	Member	23 April 2018 – 22 April 2021
Patricia O'Sullivan Lacy	Member	22 July 2019 – 21 July 2023
Colin Potts	Member	22 July 2019 – 21 July 2023

## Board Committees

The Board is assisted in its oversight role by a number of Board Committees which are comprised of board members and external members with subject matter expertise in the Committees' respective areas of responsibility. These Committees are charged by the Board with in-depth consideration of certain matters and they provide advice to help with Board decision-making. The minutes of Board Committee meetings are circulated to the Board to keep the Board informed of the work of the Committees.

Board Committees are periodically reviewed by the Board to consider their effectiveness against their terms of reference. During 2019 the Board had the following Board Committees in place:

- Audit and Risk Committee
- Legislative Committee
- Research Committee
- Section 189 Committee

## Audit and Risk Committee

The Audit and Risk Committee ("ARC") comprises four Board members and two external members with skills and executive experience in risk management, governance, and finance. The ARC held six meetings during 2019.

The ARC reports to the Board after each meeting, and formally in writing annually. The papers and minutes of the ARC meetings are circulated to the Board subsequent to each meeting. At 31 December 2019 the members of the Audit and Risk Committee were: Board members Julia Carmichael (Chairperson), Mary O'Donovan, Paul White, & Colin Potts, and external members Shane O'Keeffe and Paul Dunne.

The schedule of Committee attendance during 2019 is below.

Committee member	Meetings attended
Meetings Held	6
Julia Carmichael – Board	6
Mary O'Donovan – Board	6
Paul White – Board	5
Colin Potts – Board (term began 04/10/2019)	1
Shane O' Keffe – external	6
Paul Dunne – external	5

## Legislative Committee

The Legislative Committee is charged with assisting the Board in its consideration of legal and legislative matters. It held four meetings during 2019. The members of this committee at 31 December 2019 were Board members John Fitzgerald, Justin O'Brien, James Doorley, Patricia O'Sullivan Lacy, and external members Finian Matthews (Chairperson), Anne Colley, and Karen Murphy.

Committee member	Meetings attended
Meetings Held	4
Catriona Walsh – Board (term ended 30/09/2019)	1
John Fitzgerald – Board	1
Justin O'Brien - Board	4
James Doorley - Board	2
Patricia O'Sullivan Lacy – Board (Committee term began 04/10/2019)	-
Anne Colley - external	4
Finian Matthews - external	3
Karen Murphy - external	3

## Research Committee

The Research Committee, which provides strategic direction and oversight for the development and delivery of the RTB research programme, met three times during 2019. Committee members as of 31 December 2019 were Board members Paddy Gray (Chairperson), John FitzGerald, Justin O'Brien and Audry Deane, and external members Lorcan Sirr, Christine Whitehead and John McCartney.

Committee member	Meetings attended
Meetings Held	3
Paddy Gray – Board	3
John FitzGerald - Board	2
Justin O'Brien - Board	3
Audry Deane - Board	3
Lorcan Sirr - external	3
Christine Whitehead - external	2
John McCartney – external	3

## Section 189 Committee

The Section 189 Committee consists of all Board members throughout their tenure as members of the RTB Board. It meets only as required by circumstances prescribed in section 189 of the Act to consider whether to apply to the Courts for interlocutory relief in cases of alleged illegal evictions by landlords. The Section 189 Committee met once in 2019. Board members' attendance at the Section 189 Committee is set out in the table titled Board Members' Meeting Attendance and Fees & Expenses in 2019 later in this Governance Statement.

## Schedule of Board Members' Fees, Attendance and Expenses

During 2019 Board members were paid €106,080 (€151,448 in 2018) for their attendance at meetings. This amount includes fees for attendance at Board and Committee meetings, for participating in training events and interviews, and for fulfilling their duties as members of the Board. The fees are set by the Department of Public Expenditure and Reform and the Department of Housing, Planning, and Local Government. The fee basis for the RTB Chairperson and Board members is set out in the table below. Fees are pro-rated in cases where the recipient only has a partial year of service as a Chairperson or Board member.

Schedule of Board Members Fees	Chairperson	Member
Annual amount for Board work and attendance at Board and Board Committee meetings	€8,978	€5,985
Annual amount for meetings in which the Board exercises its powers under the Act with respect to its quasi-judicial role	€7,700	€5,250

The tables below and on the following page set out the Board members' fees and expenses paid for 2019 and Board members' attendance at meetings during the year.

## Board Member Fees & Expenses 2019

Board Member	Board Work	Travel & Subsistence (T&S)	Total (Fees & Expenses)
Catriona Walsh	€12,509	€106	€12,615
Tom Dunne	€5,096	€0	€5,096
John FitzGerald	€11,235	€3,915	€15,150
Mary O'Donovan	€11,235	€3,850	€15,085
Justin O'Brien	€11,235	€175	€11,410
Paul White	€11,235	€0	€11,235
Paddy Gray	€11,235	€2,705	€13,940
Julia Carmichael	€0	€0	€0
Audry Deane	€11,235	€44	€11,279
James Doorley	€11,235	€0	€11,235
Patricia O'Sullivan Lacy	€4,915	€210	€5,125
Colin Potts	€4,915	€0	€4,915
<b>Total</b>	<b>€106,080</b>	<b>€11,005</b>	<b>€117,085</b>

In compliance with the 'One Person, One Salary' principle, board fees were not paid to Julia Carmichael.

In compliance with Department of Public Expenditure and Reform guidelines, board members were reimbursed a total of €11,005 for travel and subsistence incurred for attendance at meetings and training.

## Board Members' Meeting Attendance and Fees and Expenses in 2019

Board Member	Board Meeting	Board Disputes Meeting	Section 189 Committee Meeting	Rent Tribunal	Audit & Risk Committee	Legislative Committee	Research Committee	Total (Fees & Expenses)
<b>Meetings Held</b>	<b>13</b>	<b>26</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>4</b>	<b>3</b>	
Catriona Walsh <sup>1</sup>	9	14	1	1	-	1	-	€12,615
Tom Dunne <sup>2</sup>	3	6	-	-	-	-	-	€5,096
John FitzGerald	11	17	0	1	-	1	2	€15,150
Mary O'Donovan	13	22	1	0	6	-	-	€15,085
Justin O'Brien	13	17	1	0	-	4	3	€11,410
Paul White	13	17	1	0	5	-	-	€11,235
Paddy Gray	10	23	1	0	-	-	3	€13,940
Julia Carmichael	10	11	0	0	6	-	-	€0
Audry Deane	12	24	1	0	-	-	3	€11,279
James Doorley	10	19	1	0	-	2	-	€11,235
Patricia O'Sullivan Lacy <sup>3</sup>	5	8	-	-	-	-	-	€5,125
Colin Potts <sup>3</sup>	4	6	-	-	1	-	-	€4,915
<b>Total Fees</b>								<b>€117,085</b>

<sup>1</sup> The term of Catriona Walsh as Chairperson ended on 30 September 2019.

<sup>2</sup> The term of Tom Dunne as Board member commenced on 01 September 2019 and as Chairperson commenced on 01 October 2019.

<sup>3</sup> The Board terms of Patricia O'Sullivan Lacy and Colin Potts commenced on 22 July 2019.

## Dispute Resolution Committee

The Dispute Resolution Committee (“DRC”) is the panel from which members of the three-person Tenancy Tribunals are drawn. Since Tribunal determinations can only be appealed on a point of law to the High Court, members of the DRC perform an important quasi-judicial function. There were 533 Tribunal hearings in 2019. The table below shows payments to Tribunal members for 2019.

### Tribunal Member Payments 2019

Panel Member	Fees	Training	Total
Andrew Nugent	€21,635	€392	€22,027
Anne Colley	€0	€0	€0
Anne Leech	€23,981	€588	€24,569
Brian Murray	€26,399	€0	€26,399
Ciara Doyle	€33,043	€588	€33,631
Claire Millrine	€14,814	€196	€15,010
Dairine MacFadden	€33,199	€196	€33,395
Dervla Quinn	€50,567	€784	€51,351
Donald Menzies	€31,991	€588	€32,579
Elizabeth Maguire	€15,826	€588	€16,414
Eoin Byrne	€59,376	€784	€60,160
Finian Matthews	€42,574	€784	€43,358
Fintan McNamara	€8,341	€784	€9,125
Grainne Duggan	€1,195	€0	€1,195
Healy Hynes	€31,131	€588	€31,719
Helen Claire O’Hanlon	€29,284	€392	€29,676
Hugh Markey	€24,159	€392	€24,551
Jack Nicholas	€4,597	€0	€4,597
James Egan	€21,641	€588	€22,229
John Conran	€0	€196	€196
John Keane	€31,136	€196	€31,332
John Keaney	€30,462	€392	€30,854
Karen Ruddy	€25,682	€392	€26,074
Kevin Baneham	€33,845	€784	€34,629
Louise Moloney	€21,794	€588	€22,382

<b>Panel Member</b>	<b>Fees</b>	<b>Training</b>	<b>Total</b>
Mary Doyle	€23,323	€392	€23,715
Mary H. Morris	€0	€0	€0
Maureen Cronin	€27,924	€196	€28,120
Mervyn Hickey	€8,688	€0	€8,688
Michael Vallely	€21,996	€196	€22,192
Michelle O'Gorman	€36,464	€392	€36,856
Monica Brennan	€6,995	€196	€7,191
Nesta Kelly	€28,121	€392	€28,513
Niall Buckley	€1,701	€0	€1,701
Owen Donnelly	€2,721	€0	€2,721
Peter Shanley	€28,967	€0	€28,967
Roderick Maguire	€13,253	€392	€13,645
Rosemary Healy Rae	€27,270	€196	€27,466
Simon Noone	€1,187	€0	€1,187
Siobhan Phelan	€6,812	€588	€7,400
Suzy Quirke	€28,084	€588	€28,672
Vincent P. Martin	€9,202	€0	€9,202
<b>Total</b>	<b>€889,380</b>	<b>€14,308</b>	<b>€903,688</b>

## Adjudicators and Mediators Panel

An important function of the RTB is to provide a dispute resolution service for landlords, tenants and third parties. To ensure impartiality in the dispute resolution process, the adjudicators and mediators on the panel are appointed independently, and they undertake their functions in an autonomous capacity. Adjudicators are paid a flat fee of €616 per day for three hearings, or €616 for three telephone mediations where both parties agree to enter the mediation process. The table below shows payments made to Adjudicators/Mediators for 2019.

### Adjudicator/Mediator Payments 2019

Panel Member	Fees	Training	Total
Angela Becker	€45,584	€588	€46,172
Brian Whelan	€60,598	€2,212	€62,810
Catherine McGuigan	€616	€392	€1,008
Catriona O'Connor	€50,356	€392	€50,748
Chris McDermott	€18,480	€0	€18,480
Ciara Fitzgerald	€0	€196	€196
Cynthia Lennon	€30,184	€588	€30,772
David Duncan	€77,616	€784	€78,400
Deirdre McGowan	€0	€0	€0
Denis Kelliher	€1,848	€0	€1,848
Dermot Sheehan	€47,432	€588	€48,020
Eithne Corry	€616	€196	€812
Emma Synnott	€0	€196	€196
Frank Brady	€84,392	€588	€84,980
Gerard N Murphy	€45,584	€196	€45,780
Laura Farrell	€43,120	€392	€43,512
Lauren Tennyson	€30,800	€196	€30,996
Linda Brophy	€33,880	€588	€34,468
Louise Beirne	€22,176	€392	€22,568
Mark Kane	€69,608	€784	€70,392
Mema Byrne	€35,728	€196	€35,924
Órla Ryan	€0	€0	€0
Sarah Brophy	€81,542	€588	€82,130
Shaun Smyth	€60,984	€784	€61,768
Simon Brady	€43,736	€392	€44,128
Stephen Brady	€0	€0	€0
Steven Dixon	€75,768	€588	€76,356
Susan Fay	€0	€0	€0
Thomas Dowling	€3,696	€0	€3,696
<b>Total</b>	<b>€964,344</b>	<b>€11,816</b>	<b>€976,160</b>

## Key Board and Personnel Changes

The term of office of Catriona Walsh as Chairperson and Board member of the RTB Board expired during the year. The Minister appointed Tom Dunne as a Board member and Chairperson in her place. He also appointed two other new Board members during the year in accordance with his powers under the Act. These changes to the Board are shown in the table earlier in this document under *Board Structure*.

During the year, the RTB Director added a new role of Assistant Director (A/D) with responsibility for Investigations and Sanctions to her senior management team.

## Disclosures Required by Code of Practice for the Governance of State Bodies (2016)

The Board is responsible for ensuring that the RTB has complied with the requirements of the 2016 Code as published by the Department of Public Expenditure and Reform in August 2016.

The following disclosures are required by the 2016 Code:

## Employee Short-Term Benefits Breakdown

10 staff members were paid short-term benefits in excess of €60,000 each in 2019. These payments are analysed in Note 4a of the RTB's 2019 Financial Statements. For the purpose of this disclosure, employee short-term benefits during 2019 include salary, overtime, and other payments made to the employees but exclude employer's PRSI.

## Consultancy Costs

Consultancy costs include the cost of external advice to management and exclude outsourced 'business-as-usual' functions.

Consultancy	2019	2018
Legal Advice	€293,435	€55,308
GDPR Compliance	€0	€60,512
Communications & Research	€8,000	€13,380
Strategic Planning	€0	€9,194
Workforce Planning	€9,840	€73,247
Leasehold Improvements (Capitalised)	€0	€18,058
<b>Total</b>	<b>€311,275</b>	<b>€229,699</b>

No consultancy costs were capitalised during 2019. Architectural and other fees of €18,058 incurred in occupying additional office space were capitalised in 2018.

## Legal Costs and Settlements

The table overleaf provides a breakdown of amounts recognised as legal expenditure in 2019. The primary driver of legal costs for the RTB is in carrying out our functions under the Act including the resolution of disputes between landlords and tenants, litigation where required to enforce an RTB Determination Order or confirm a decision of the RTB, and prosecution in the case of unregistered tenancies. This table also includes legal costs incurred in compliance with other legislation including data protection, employment law, and freedom of information, and in the day to day running of the organisation. This does not include expenditure incurred in relation to general legal advice received by the RTB which is disclosed in Consultancy costs above.

<b>Legal Costs and Settlements</b>	<b>2019</b>	<b>2018</b>
Judicial Review	€47,403	€0
Registration Enforcement	€76,555	€11,357
Order Enforcement	€635,126	€836,040
High Court Appeals	€38,413	€211,151
General Administration	€493,843	€305,768
Other Legal Support	€400,851	€361,750
<b>Total</b>	<b>€1,692,191</b>	<b>€1,726,066</b>

## Travel and Subsistence Expenditure

Travel and subsistence expenditure is categorised below.

<b>Travel &amp; Subsistence</b>	<b>2019</b>	<b>2018</b>
RTB Staff and Secondees	€29,523	€17,143
Board Members	€11,005	€18,939
Tribunal Members, Adjudicators, Mediators	€51,785	€40,130
<b>Total</b>	<b>€92,313</b>	<b>€76,212</b>

Of the current year travel and subsistence amount for RTB staff and secondees, €3,364 relates to foreign travel (2018: €706). There was no foreign travel for Board members, Tribunal members, Adjudicators, or Mediators in either year. All travel and subsistence expenditure is paid in compliance with Department of Public Expenditure & Reform guidelines.

## Hospitality Expenditure

Hospitality expenditure includes refreshments provided for information sessions hosted by the RTB in fulfilment of its mandate to deliver education and awareness events to stakeholders. The expenditure is categorised below.

<b>Hospitality Expenditure</b>	<b>2019</b>	<b>2018</b>
Staff	€1,094	€3,088
Board and Other	€1,155	€56
Education and Awareness Events	€6,922	€9,824
<b>Total</b>	<b>€9,171</b>	<b>€12,968</b>

## Statement of Compliance

The Board has adopted the Code of Practice for the Governance of State Bodies (2016) and has put procedures in place to ensure compliance with it. Significant work was done by management during 2019 to ensure compliance with the 2016 Code. This work was carried out under the oversight of the Audit and Risk Committee, who acknowledge the efforts made during the year and are satisfied that the organisation was in compliance with the 2016 Code at the end of 2019.

**Padraig McGoldrick**

Director

Date: 04 June 2020

**Tom Dunne**

Chairperson

Date: 04 June 2020

# Statement on Internal Control

## Responsibility for the System of Internal Control

As Chairperson of the Residential Tenancies Board (“RTB”), I acknowledge the Board’s responsibility for ensuring that an effective system of internal control is maintained and operated. In considering the effectiveness of the system of internal control, the Board has regard, amongst other things, to the requirements of the Code of Practice for the Governance of State Bodies (2016), hereafter referred to as the “2016 Code” and any associated regulatory or legislative requirements.

## Purpose of the System of Internal Control

The system of internal control is designed to manage risk to an agreed tolerable level in line with the organisation’s risk appetite statement rather than to eliminate it. The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions are authorised and properly recorded, and that material errors or irregularities are either prevented or detected in a timely manner.

The system of internal control outlined in this statement, which accords with the guidance issued by the Department of Public Expenditure and Reform, has been in place in the RTB for the year ended 31 December 2019 and up to the date of approval of the financial statements.

## Capacity to Handle Risk

The Board of the RTB is responsible for ensuring that the RTB has an effective system of internal control in place. The Board is assisted in its work by the Audit and Risk Committee (“ARC”) which is comprised of four Board members and two external members with expertise in risk management, governance, and finance. The Audit and Risk Committee (“the Committee”) advises the Board on all matters related to risk, internal control, and governance and is supported by reporting it receives from Executive management. The ARC met six times during 2019.

The Board has delegated executive authority to the Director who, along with her senior management team, manages the RTB’s risk management framework and reports on risk at every Board meeting or between meetings as required.

The RTB has an Internal Audit function which is provided by an external firm. The audit firm developed a one year and a three year audit plan under the guidance of the ARC and with input from Executive management. The audit plan and audit charter are reviewed by the ARC at least annually and changes are made as required based on recommendations from the Committee.

The ARC reviewed the audit firm’s scope of delivery against the plan regularly throughout the year. In 2019 four internal audits were performed covering internal financial control, procurement, cyber security, and prior audit recommendations, each of which was considered in detail by the ARC. As a result of the audit of prior audit recommendations, the Executive has put in place an action plan to close out open audit items with oversight from the ARC. All audit recommendations arising from 2019 and prior audits will be tracked to completion by management and reviewed as a standing agenda item by the Committee.

The RTB has a Risk Management policy in place which sets out a suite of processes to enhance and embed the culture of risk management in the organisation. The policy was developed with oversight and guidance by the ARC and was approved by the ARC and the Board. The RTB also has a Risk Appetite Statement in place which is used by the Board to ensure that risks are being managed within the risk appetite requirements and that breaches of risk tolerances set by the Board will be reported by RTB management in a timely manner. The Board formally reviews the Risk Appetite Statement at least annually. The ARC will continue to oversee developments in this area in accordance with RTB priorities.

With respect to the effective management of financial risk, the Board approved a Reserves Management policy during 2019 which aims to ensure that the RTB has sufficient reserves to be able to operate its business during periods of stress on cash flows and to maintain its reserves at an optimal level over the medium term. The level of reserves will be monitored regularly by the Director and reported periodically to the Board who will make changes as required.

With respect to the effective management of operational risk, the Director and the senior management team ensured that appropriate procedures were in place during 2019 to identify emerging risks, assess and manage risk from a strategic and operational perspective, and to monitor the implementation of the Risk Management Policy and Risk Appetite Statement.

The Residential Tenancies (Amendment) Act 2019 was signed into law in May 2019. This new legislation for the residential tenancies sector significantly expanded the mandate of the RTB and increased its regulatory powers. The Board expects that the period of considerable change which the RTB has experienced over the past few years will continue into 2020 and beyond. The Board will continue to oversee the system of internal control and risk management and ensure that it evolves in line with the evolution of the RTB into the future.

## Risk and Control Framework

### Risk Register

The RTB maintains a corporate risk register which identifies the key risks, evaluates them using a risk-based scoring system, and identifies the controls in place and actions needed to reduce the risks or mitigate their impact. The register is prepared by management and reviewed by the ARC and the Board periodically. The outcomes of these reviews are used to plan and allocate resources to ensure risks are managed to an acceptable level.

### Internal Control

The RTB has a system of internal control and risk management designed to identify and report key risks and the management actions being taken to address and, where possible, to mitigate them.

The key elements of the system are as follows:

- A clearly defined organisation structure with appropriate segregation of duties and limits of authority designated by the Board
- A strategic plan, approved by the Board, which guides the annual business plan and budget
- An annual budget and annual business plan for each directorate, approved by the Board, with monthly and/or quarterly reporting of key variances to the plan
- Documented policies and procedures covering key areas of risk which are periodically reviewed and approved by the Board
- Defined limits and authority for financial expenditure including procurement of goods and services and capital expenditure, approved by the Board
- Monthly management accounts prepared for and reviewed by the Board
- An Audit and Risk Committee which provides oversight and guidance in the areas of risk management, risk register review, risk appetite, risk reporting and policy development
- A number of other Board Committees which support the Board in its oversight role. These are listed in the Governance Statement & Board Members' Report
- Policies covering data protection, fraud, health and safety, and other key risk areas as well as a code of conduct for the Board, Officers, and staff
- Policies and procedures covering staff performance management, training, staff development, and continuing education
- A procurement policy and plan which is reviewed annually by the Board
- An Internal Audit function which reviews identified processes, systems and controls and reports on its work to the Audit and Risk Committee
- The Audit and Risk Committee which deals with any significant control issues raised by Internal Audit, the Office of the Comptroller and Auditor General, or other external reviews
- A corporate risk register which is prepared by management and reviewed regularly by the Audit and Risk Committee and the Board

- Reporting on customer volumes and activity in our in-house and outsourced operations which records performance against service standards and triggers management intervention
- Customer surveys, feedback, and complaints which we use to identify and address issues with the delivery of our services
- Systems and software in place to protect our ICT environment from threats and to ensure the security of the information we hold.

## Board Committees

The Board is assisted in its oversight role by a number of Board Committees which are comprised of board members and external members with subject matter expertise in the Committees' respective areas of responsibility. The Committees are charged by the Board with in-depth consideration of certain matters and they provide advice to help with Board decision-making. The minutes of each Board Committee meeting are circulated to the Board in advance of the next Board meeting which allows the Board to oversee its work. Details of the Committees in operation during 2019 are included in the Governance Statement & Board Members' Report.

## Risk Management System

Risk is managed using the three lines of defence model. The first line is the RTB's management team which has primary responsibility for managing risk and internal control in their areas of responsibility. They are supported by the RTB's control functions (Finance, Risk, Human Resources, Data Protection, and Procurement) which are the second line. The third line of defence is comprised of the external bodies who review the system. The overall system of internal control at the RTB is reviewed independently by our Internal Audit service and, within the governance requirements of the 2016 Code, the Audit and Risk Committee of the Board.

Managers in all areas of the RTB have clearly defined responsibilities for the performance of their roles and staff are appropriately skilled and supported with training. Manager and staff performance expectations are set and monitored through the employee performance management system. Training is provided for staff when they take up a role and where special training needs are identified these requirements are supported by Human Resources.

In addition to RTB paid staff, customer servicing is supported by an outsourced customer care center which delivers the majority of frontline customer services. Internal controls for this service include transparent service level agreement requirements, frequent quality reviews, regular performance and quality reports, and weekly, monthly, and quarterly meetings between the provider and RTB management. A separate quality assurance process is in place within the RTB to provide assurance to management and the Board that customers' needs are being met in a timely and professional manner. The review and monitoring of all outsourced work is a dynamic process and all significant risks arising must be recorded and notified to management, the Audit and Risk Committee, and the Board.

Control functions, such as Finance, Risk, Human Resources, Data Protection, and Procurement have policies in place to control risk in their areas of responsibility and provide guidance and oversight to operational areas to ensure compliance with applicable laws, regulations, and policies. These units perform regular reviews to ensure managers and staff across the organisation are adhering to these policies and they escalate significant breaches through the management hierarchy so that corrective action can be taken.

## Organisational Structure

The RTB management team is led by the Director and she has organised the RTB's operations into nine directorates each headed by an experienced Assistant Director. The directorates are: Dispute Resolution; Registration & Determination Order Enforcement; HR & Corporate Services; ICT; Registrations, Outsourcing and Customer Service; Investigations & Sanctions, Strategic Projects & Procurement; Communications & Research; Finance, Governance, & Risk Management.

The Residential Tenancies (Amendment) Act 2019 significantly enhanced the mandate and powers of the RTB. During 2019 the Director added one person to her senior management team and she reorganised responsibilities across directorates to deliver on the enhanced demands on the organisation driven by the new legislation and changes in the residential tenancies sector. Also during 2019, the RTB received approval for and recruited 29 new whole time equivalent roles to fulfil the requirements of its expanding remit and the increasing demand for the services which it provides.

## Ongoing Monitoring and Review

The RTB Strategic Plan 2018 – 2022 is in place and incorporates the changing mandate of the RTB and the expectations set for us in the Government's Strategy for the Rental Sector. The strategic plan was set with considerable Board input and was developed by the Director and her senior team with the assistance of outside advisors.

There is a comprehensive annual business plan and budget in place each year with operational and financial objectives for all business areas driven by the goals in the strategic plan. Management and the Board review performance against the budget on a monthly basis and review performance against the annual business plan on a quarterly basis.

There is a suite of performance and quality reports produced by management on the RTB's in-house operations and outsourced service providers. These are used by management to monitor actual outcomes versus agreed service levels and quality standards. When issues are identified in the reports they are escalated to senior management and the service providers to take appropriate action.

The RTB has procedures in place for monitoring controls, addressing control weaknesses, and communicating issues as they arise to senior management and to the Board in a timely way. The Board will continue to provide oversight to the evolving risk management and internal control system at the RTB and will draw on the support of its Committees and outside advisors in fulfilling its stewardship role.

## Procurement

I confirm that RTB has procedures in place to ensure compliance with current procurement rules and guidelines. Matters arising regarding controls over procurement are highlighted under internal control issues below.

## Review of Effectiveness

I confirm that the RTB has procedures to monitor the effectiveness of its risk management and control environment.

RTB's monitoring and review of the system of internal control is guided by the work of the internal and external auditors, the Audit and Risk Committee which oversees their work, the Board, and the senior management team which is responsible for the development and maintenance of the internal control framework.

I confirm that the Board conducted an annual review of the effectiveness of the internal controls for 2019. Aside from the procurement item outlined below, I confirm that there have been no material weaknesses identified in the internal controls in relation to 2019 that require disclosure in the financial statements.

### **Internal Control Issues**

During 2019 the RTB spent €0.15 million with four vendors on purchased services where the procedures employed did not comply with procurement guidelines. The service providers had been used by the RTB for several years and were scheduled to be brought into compliance during the year. All of this spending has been brought into compliance as of the date of this report.

In addition, the RTB incurred expenditure in respect of three contracts totaling €2.75 million without conducting a competitive process. Each contract was considered by the Board to meet the exceptional conditions justifying a direct award. One contract providing business processing services with a value during the year of €2.20 million was extended without a competitive process because the level of risk involved in simultaneously delivering a CRM system upgrade and business support was deemed unacceptably high. A VEAT notice was published for this award in compliance with procurement rules. Two other contracts with a combined value of €0.55 million were awarded for proprietary data analytics and legacy ICT system support because the providers were considered sole suppliers.




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**Tom Dunne**

*Chairperson*

Date: 04 June 2020

# Report of the Comptroller and Auditor General

Report for presentation to the Houses of the Oireachtas Residential Tenancies Board Opinion on the financial statements I have audited the financial statements of the Residential Tenancies Board for the year ended 31 December 2019 as required under the provisions of section 178 of the Residential Tenancies Act 2004. The financial statements comprise

- the statement of income and expenditure and retained revenue reserves
- the statement of comprehensive income
- the statement of financial position
- the statement of cash flows and
- the related notes, including a summary of significant accounting policies.

In my opinion, the financial statements give a true and fair view of the assets, liabilities and financial position of the Residential Tenancies Board at 31 December 2019 and of its income and expenditure for 2019 in accordance with Financial Reporting Standard (FRS) 102 – *The Financial Reporting Standard applicable in the UK and the Republic of Ireland*.

## Basis of opinion

I conducted my audit of the financial statements in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the appendix to this report. I am independent of the Residential Tenancies Board and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

## Report on information other than the financial statements, and on other matters

The Residential Tenancies Board has presented certain other information together with the financial statements. This comprises the governance statement and Board members' report and the statement on internal control. My responsibilities to report in relation to such information, and on certain other matters upon which I report by exception, are described in the appendix to this report.

I have nothing to report in that regard.



**John Crean**

For and on behalf of the Comptroller and Auditor General

5 June 2020

## Appendix to the report

### Responsibilities of Board members

As detailed in the governance statement and Board members' report the Board members are responsible for

- the preparation of financial statements in the form prescribed under section 178 of the Residential Tenancies Act 2004
- ensuring that the financial statements give a true and fair view in accordance with FRS 102
- ensuring the regularity of transactions
- assessing whether the use of the going concern basis of accounting is appropriate, and
- such internal control as they determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### Responsibilities of the Comptroller and Auditor General

I am required under section 178 of the Residential Tenancies Act 2004 to audit the financial statements of Residential Tenancies Board and to report thereon to the Houses of the Oireachtas.

My objective in carrying out the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the financial statements whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures.
- I conclude on the appropriateness of the use of the going concern basis of accounting and, based on the audit evidence obtained, on whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Residential Tenancies Board's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my report. However, future events or conditions may cause the Residential Tenancies Board to cease to continue as a going concern.
- I evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

## Information other than the financial statements

My opinion on the financial statements does not cover the other information presented with those statements, and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, I am required under the ISAs to read the other information presented and, in doing so, consider whether the other information is materially inconsistent with the financial statements or with knowledge obtained during the audit, or if it otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

## Reporting on other matters

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation. I report if I identify material matters relating to the manner in which public business has been conducted.

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I report if I identify any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.

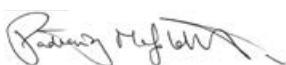
I also report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the financial statements to be readily and properly audited, or
- the financial statements are not in agreement with the accounting records.

# Statement of Income and Expenditure and Retained Revenue Reserves

		Year Ended 31 December 2019	Year Ended 31 December 2018
	Notes	€	€
<b>Income</b>			
Registration fees	2	<b>11,507,126</b>	11,067,586
Disputes fees		<b>131,815</b>	163,080
Other income	4	<b>151,925</b>	47,042
Exchequer funding (Vote 34, subhead A.24)	3	<b>7,838,119</b>	5,254,976
Deferred pension funding	12c	<b>828,881</b>	554,024
Transfer from/(to) capital account	10	<b>(1,446,318)</b>	(1,365,969)
Sub-total		<b><u>19,011,548</u></b>	<u>15,720,739</u>
<b>Expenditure</b>			
Staff costs	5a	<b>4,350,857</b>	2,864,346
Board and panel member costs	5b	<b>2,054,278</b>	1,961,898
Administrative costs	5c	<b>10,020,690</b>	8,236,998
Pension costs	12a	<b>750,310</b>	553,072
Depreciation	6	<b>442,248</b>	425,193
Sub-total		<b><u>17,618,383</u></b>	<u>14,041,507</u>
<b>Surplus/ (deficit) for the year</b>			
Accumulated Surplus 1 January		<b><u>1,393,165</u></b>	<u>1,679,232</u>
Accumulated Surplus 31 December		<b><u>5,094,174</u></b>	<u>3,414,942</u>
		<b><u>6,487,339</u></b>	<u>5,094,174</u>

The Statement of Cash Flows and Notes 1 to 17 form part of these Financial Statements.



**Padraig McGoldrick**

Director

Date: 04 June 2020



**Tom Dunne**

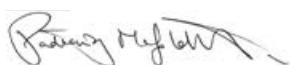
Chairperson

Date: 04 June 2020

# Statement of Comprehensive Income

	Notes	Year Ended 31 December 2019	Year Ended 31 December 2018
		€	€
Surplus/(deficit) for the year		<b>1,393,165</b>	1,679,232
Experience loss on pension scheme liabilities	12d,e	<b>(266,000)</b>	(37,000)
Changes in assumptions underlying the present value of pension scheme liabilities	12d,e	<b>(2,425,000)</b>	<u>347,000</u>
Transfer of service from other public sector employers	12b	<b>(7,200,000)</b>	<u>0</u>
Actuarial gain/(loss) and past service cost recognised		<b>(9,891,000)</b>	310,000
Adjustment to deferred pension funding		<b><u>9,891,000</u></b>	<u>(310,000)</u>
Total recognised surplus/(deficit) for the year		<b><u>1,393,165</u></b>	<u>1,679,232</u>

The Statement of Cash Flows and Notes 1 to 17 form part of these Financial Statements.



**Padraig McGoldrick**  
Director  
Date: 04 June 2020

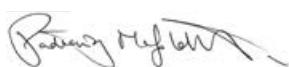


**Tom Dunne**  
Chairperson  
Date: 04 June 2020

# Statement of Financial Position

	Notes	Year Ended 31 December 2019	Year Ended 31 December 2018
		€	€
<b>Fixed Assets</b>			
Property, plant and equipment	6	<b>4,634,030</b>	3,187,712
<b>Current Assets</b>			
Receivables	7	<b>919,423</b>	379,641
Cash and cash equivalents		<b>8,543,405</b>	<u>8,638,465</u>
		<b>9,462,828</b>	9,018,106
<b>Payables</b>			
Amounts falling due within one year	8	<b>(2,975,489)</b>	(3,923,932)
<b>Net Current Assets</b>			
		<b>6,487,339</b>	5,094,174
<b>Total Net Assets Before Pensions</b>			
		<b>11,121,369</b>	8,281,886
Deferred pension funding			
Pension scheme liabilities	12b,c	<b>16,865,000</b>	6,145,000
	12b	<b>(16,865,000)</b>	<u>(6,145,000)</u>
<b>Total Net Assets</b>			
		<b>11,121,369</b>	8,281,886
<b>Representing</b>			
Accumulated surplus	9	<b>6,487,339</b>	5,094,174
Capital account	10	<b>4,634,030</b>	<u>3,187,712</u>
		<b>11,121,369</b>	8,281,886

The Statement of Cash Flows and Notes 1 to 17 form part of these Financial Statements.



**Padraig McGoldrick**

Director

Date: 04 June 2020



**Tom Dunne**

Chairperson

Date: 04 June 2020

# Statement of Cash Flows

	Year Ended 31 December 2019	Year Ended 31 December 2018
	Notes	€
<b>Reconciliation of Operating Surplus to Net Cash inflow from Operating Activities</b>		
Operating surplus/(deficit) for year	<b>1,393,165</b>	1,679,232
Depreciation	6 <b>442,248</b>	425,193
Interest earned	(44,681)	(29,651)
Transfer (from)/to capital account	10 <b>1,446,318</b>	1,365,969
(Increase)/decrease in receivables	(539,782)	(149,300)
Increase/(decrease) in payables	<b>(948,443)</b>	736,816
Net cash inflow/(outflow) from operating activities	<b>1,748,825</b>	4,028,259
<b>Cash Flow Statement</b>		
Net cash inflow/(outflow) from operating activities	<b>1,748,825</b>	4,028,259
<b>Returns on Investment and Servicing of Finance</b>		
Interest received	44,681	29,651
Net Capital Expenditure Property, plant and equipment	6      (1,888,566)	(1,791,162)
<b>Increase/(Decrease) in Cash and Cash Equivalents</b>	<b>(95,060)</b>	2,266,748

# Notes to the Financial Statements

## 1 Accounting Policies

The basis of accounting and significant accounting policies adopted by the Residential Tenancies Board (“RTB”) are set out below. They have all been applied consistently throughout the year and for the preceding year.

### a) General Information

The Residential Tenancies Board (formerly Private Residential Tenancies Board) was set up under the Residential Tenancies Act 2004 and has its head office at D’Olier Street Dublin 2. The Board’s name was changed in 2016 to the Residential Tenancies Board (RTB) to reflect the extension of its remit to the Approved Housing Body sector. In addition, during 2016 the functions of the Rent Tribunal were transferred to the RTB.

The Residential Tenancies Board’s primary functions as set out in the 2004 Act (as amended) are as follows:

- a) the resolution of disputes between tenants and landlords
- b) the registration of particulars in respect of tenancies including tenancies for student specific and Approved Housing Bodies’ accommodation
- c) the provision to the Minister of advice concerning policy in relation to the residential rented sector
- d) the development and publication of guidelines for good practice by those involved in the residential rented sector
- e) the collection and provision of information relating to the sector, including information concerning prevailing rent levels
- f) where the Board considers it appropriate, the conducting of research into the sector and monitoring the operation of various aspects of the sector or arranging for such research and monitoring to be done
- g) the review of the operation of the Act and any related enactments and the making of recommendations to the Minister for the amendment of the Act or those enactments
- h) confirming to the Minister whether an area meets the criteria for designation as a rent pressure zone as defined in the Act
- i) the conduct of investigations into alleged breaches of the Act and the power to issue sanctions where a breach has been determined
- j) the performance of any additional functions conferred on the Board under the Act.

The Residential Tenancies Board is a Public Benefit Entity (PBE).

### b) Statement of Compliance

The financial statements of the Residential Tenancies Board for the year ended 31 December 2019 have been prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council (FRC), as promulgated by Chartered Accountants Ireland.

### c) Basis of Preparation

The financial statements have been prepared under the historical cost convention, except for certain assets and liabilities that are measured at fair values as explained in the accounting policies below. The financial statements are in the form approved by the Minister for Housing, Planning and Local Government with the concurrence of the Minister for Finance under the Residential Tenancies Act 2004.

### d) Currency

The financial statements have been presented in Euro (€), which is the functional currency of RTB.

### e) Income

#### *Registration Fees*

Revenue is generally recognised on an accrual basis, except for Oireachtas Grants which are recognised on a cash received basis. Registration income is recognised on receipt of an application to register a tenancy. The RTB recognises a provision in relation to fees which may be returned to applicants in instances where the application is incomplete or where the incorrect fee has been paid.

#### *Dispute Fees*

Income is recognised when a dispute application is heard.

#### *Oireachtas Grant*

Revenue is generally recognised on an accrual basis, with the exception of Oireachtas Grants which are recognised on a cash received basis.

#### *Other Income*

Other income represents interest accruing on deposits held with financial institutions and any legal costs recovered in the year.

#### *Interest income*

Interest income is recognised on an accrual basis using the effective interest rate method.

### f) Property, Plant and Equipment

Property, plant and equipment are stated at cost less accumulated depreciation, adjusted for any provision for impairment. Depreciation is provided on all property, plant and equipment at rates estimated to write off the cost less the estimated residual value of each asset on a straight-line basis over their estimated useful lives, as follows:

Leasehold improvements	5% per annum
Fixtures and fittings	10% per annum
Office equipment	20% per annum
Computer equipment and software development	20% per annum
Assets under development	Not depreciated

The costs of systems under development are capitalised to the extent that they satisfy the requirements of FRS 102 for capitalising intangible assets other than goodwill. Depreciation at the rate shown above for software development is charged from the point at which the development is complete and the system is put into service.

Residual value represents the estimated amount which would currently be obtained from disposal of an asset, after deducting estimated costs of disposal, if the asset were already of an age and in the condition expected at the end of its useful life.

If there is objective evidence of impairment of the value of an asset, an impairment loss is recognised in the Statement of Income and Expenditure and Retained Revenue Reserves in the year.

### **g) Receivables**

Receivables are recognised at fair value, less a provision for doubtful debts. The provision for doubtful debts is a specific provision and is established when there is objective evidence that the Residential Tenancies Board will not be able to collect all amounts owed to it. All movements in the provision for doubtful debts are recognised in the Statement of Income and Expenditure and Retained Revenue Reserves.

### **h) Operating Leases**

Rental expenditure under operating leases is recognised in the Statement of Income and Expenditure and Retained Revenue Reserves over the life of the lease. Expenditure is recognised on a straight-line basis over the lease period, except where there are rental increases linked to the expected rate of inflation, in which case these increases are recognised when incurred. Any lease incentives received are recognised over the life of the lease.

### **i) Cash and cash equivalents**

Cash and cash equivalents include cash on hand, deposits held on call with banks, other short-term liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities.

### **j) Employee Benefits**

#### *Short-term Benefits*

Short term benefits such as holiday pay are recognised as an expense in the year, and benefits that are accrued at year-end are included in the Payables figure in the Statement of Financial Position.

### **k) Retirement Benefits**

The Residential Tenancies Board (RTB) operates a defined benefit pension scheme which is funded annually on a pay as you go basis from monies available to it. Statutory Instrument (S.I. No 625 of 2011) gave effect to the RTB Superannuation Scheme and was approved by the Minister for Housing, Planning and Local Government with the consent of the Minister for Public Expenditure and Reform in November 2011 (commencing with effect from 1 September 2004). The RTB also operates the Single Public Service Pension Scheme (Single Scheme) which is the defined benefit pension scheme for public servants recruited on or after 1 January 2013. Single Scheme members' contributions are paid over to the Department of Public Expenditure and Reform.

Pension costs reflect pension benefits earned by employees in the period and are shown net of staff pension contributions which are treated as payable to the Department of Housing, Planning and Local Government. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable and offset when necessary by grants received in the year to discharge pension payments.

Actuarial gains and losses arising on scheme liabilities are reflected in the Statement of Comprehensive Income and a corresponding adjustment is recognised in the amount recoverable from the Department of Housing, Planning and Local Government.

Pension liabilities represent the present value of future pension payments earned by staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the Department of Housing, Planning and Local Government.

**l) Foreign Currencies**

Transactions denominated in foreign currencies are translated into euro at the rates of exchange prevailing at the transaction date. Any differences arising on translation between transaction dates and payment dates are charged to the Income and Expenditure account.

**m) Capital Account**

The capital account represents the unamortised amount of income used to finance fixed assets.

**n) Critical Accounting Estimates and Judgements**

The preparation of the financial statements requires management to make judgements, estimates and assumptions that affect the amounts reported for assets and liabilities as at the balance sheet date and the amounts reported for revenues and expenses during the year. However, the nature of estimation means that actual outcomes could differ from those estimates. The following judgements have had the most significant effect on amounts recognised in the financial statements.

***Impairment of Property, Plant and Equipment***

Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less cost to sell and value in use. For the purpose of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash generating units). Non-financial assets that suffered impairment are reviewed for possible reversal of the impairment at each reporting date.

***Depreciation and Residual Values***

The Directors have reviewed the asset lives and associated residual values of all fixed asset classes and in particular the useful economic lives and residual values of fixtures and fittings and have concluded that the asset lives and residual values are appropriate.

***Provisions***

The Residential Tenancies Board makes provisions for legal and constructive obligations which it knows to be outstanding at the period end date. These provisions are generally made based on historical or other pertinent information, adjusted for recent trends where relevant. However, they are estimates of the financial costs of events that may not occur for some years. As a result of this, and the level of uncertainty attaching to the final outcomes, the actual out-turn may differ significantly from that estimated.

### **Provisions for Registration Fee Refunds**

The RTB receives applications and fees from landlords to register tenancies. Section 135 of the Residential Tenancies Act 2004 requires incomplete applications or those without the correct fee to be returned to the applicant together with any fees paid.

The RTB seeks to resolve issues arising and has developed systems to make this process more effective. Where the issue cannot be resolved in a timely manner the application and the fee are returned to the applicant and the tenancy is not registered.

At 31 December 2019, there were several registration applications on hand being processed. The RTB recognises a provision in relation to fees from some of these applications which may ultimately be returned to the applicant. Note 8 to these financial statements records the number of incomplete applications and the corresponding provision.

### **Retirement Benefit Obligation**

The assumptions underlying the actuarial valuations for which the amounts recognised in the financial statements are determined (including discount rates, rates of increase in future compensation levels, mortality rates and healthcare cost trend rates) are updated annually based on current economic conditions, and for any relevant changes to the terms and conditions of the pension and post-retirement plans.

The assumptions can be affected by:

- (i) the discount rate, changes in the rate of return on high-quality corporate bonds; and
- (ii) future compensation levels and future labour market conditions.

## **2 Registration Fees Income**

Fees from landlords for the registration of their tenancies amounted to €11,507,126 (2018: €11,067,586). These included €538,580 (2018: €0) for the registration of student-specific accommodation which came under the ambit of the RTB's registration requirements for the first time in 2019. Generally, the registration fee is €90 for private and Approved Housing Body registrations and €40 for student specific accommodation registrations, with reduced rates for multiple registrations.

## **3 Exchequer Income**

The exchequer income was provided to the RTB by the Department of Housing, Planning, and Local Government. For 2019 exchequer income represented €6,888,119 of funding provided for operating costs, net of €121,881 of employee pension contributions paid over to the exchequer (2018: €4,304,976, net of €85,024 pension contributions) and €950,000 of funding for capital expenditure (2018: €950,000). The capital funding was provided as part of a multi-annual commitment to fund the development of a new tenancy management system to support the RTB's registration and dispute management functions. It is expected that the new system will be operational during 2020.

## **4 Other Income**

	2019	2018
	€	€
Interest income	<b>44,681</b>	29,651
Sundry Income	<b>92,518</b>	38
Legal costs recovered	<b>14,726</b>	17,353
	<b>151,925</b>	47,042

## 5a Staff Costs

	2019	2018
	€	€
RTB staff and secondees' pay	<b>3,230,840</b>	2,511,539
Staff training	<b>114,921</b>	72,743
Social welfare costs	<b>279,240</b>	196,477
Other staff costs	<b>725,856</b>	83,587
	<b>4,350,857</b>	2,864,346

RTB staff and secondees' pay in 2019 includes €171,614 for employer pension contributions to the Single Public Service Pension Scheme (2018: €0). Other staff costs in 2019 include additional recruitment costs of €397,873 and Agency staff costs of €309,395 arising from significant growth in the RTB's approved headcount. There were 88 staff directly paid by the RTB at year end 2019 (2018: 45). In addition, one staff member was seconded to the RTB from another Government Department (2018: 8). No termination, post-employment, or other long-term benefits were paid to any employees during the year.

Additional Superannuation Contributions (ASC) to the value of €78,622 was deducted and paid over to the Department of Housing, Planning and Local Government in 2019 (2018: Pension Levy in the sum of €65,565 was deducted and paid over to the Department of Housing, Planning and Local Government).

Key management personnel	2019	2018
	€	€
<b>Short-term benefits paid</b>	<b>713,806</b>	635,726

The total value of short-term benefits, including salary, paid to the RTB's key management personnel is shown above. These amounts are included within RTB staff & secondees' pay under Staff Costs. Key management personnel at the RTB include the Director and her Assistant Directors.

The value of short-term benefits does not include the value of retirement benefits earned during the year. The key management personnel are members of one of the public service pension schemes and their entitlements do not extend beyond the terms of the model public service scheme.

**Directors' remuneration**

	2019	2018
	€	€
<b>RTB Director's remuneration</b>	<b>105,366</b>	97,609

The Director's remuneration is included within Short-term benefits under Key management personnel. The Director was not in receipt of any bonuses or benefit in kind in 2019 or 2018. The Director's pension entitlements do not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

**Range of Total Employee Benefits****Number of Employees**

From	To	2019	2018
€60,000	€69,999	6	4
€70,000	€79,999	2	1
€80,000	€89,999	1	-
€90,000	€99,999	1	1

Ten staff members received gross pay in excess of €60,000 in 2019 (2018: 6). These payments are analysed on the above table.

**5b Board and Panel Member Costs**

	2019	2018
	€	€
Board members' fees	<b>106,080</b>	149,164
Rent tribunal members' fees	<b>0</b>	2,284
Tribunal members' fees	<b>903,688</b>	775,978
Adjudicators', mediators' & other fees	<b>976,160</b>	973,418
Travel & subsistence - Board	<b>11,005</b>	18,939
Travel & subsistence – panel members	<b>51,785</b>	40,130
Training – Board	<b>3,800</b>	0
Training – panel members	<b>1,760</b>	1,985
	<b>2,054,278</b>	1,961,898

## 5c Administrative Costs

	2019	2018
	€	€
Customer contacts <sup>4</sup>	<b>2,333,955</b>	1,958,953
Legal fees	<b>1,985,625</b>	1,781,375
Professional fees	<b>278,419</b>	211,290
Communications & education	<b>1,099,757</b>	351,583
Rent index & research	<b>293,179</b>	82,899
Print & postage	<b>867,715</b>	616,331
Administration	<b>296,767</b>	202,962
Meeting Rooms	<b>119,911</b>	104,452
Rent & insurance	<b>910,784</b>	805,419
Premises	<b>147,961</b>	58,835
ICT Services	<b>1,401,990</b>	1,773,454
Subscriptions	<b>16,555</b>	18,754
Stenography	<b>65,688</b>	68,740
Translation	<b>40,670</b>	76,488
Initiatives & projects	<b>132,191</b>	108,320
Travel and subsistence - staff	<b>29,523</b>	17,143
	<b>10,020,690</b>	8,236,998

In Notes 5a, 5b and 5c, some prior year headings have been subject to minor re-analysis on the same basis as the current year.

<sup>4</sup> Customer contacts costs relate to expenditure incurred with a third-party service company which provides customer contact (telephone, webchat, e-mail) and administrative services to the RTB's customers.

# Notes to the Financial Statements

## 6 Property, Plant, & Equipment

	Computer Equipment & Software	System under Development <sup>5</sup>	Leasehold Improvements	Furniture & Fittings	Office Equipment	Total
Cost	€	€	€	€	€	€
Opening balance	3,518,909	1,365,802	2,032,956	318,470	84,328	7,320,465
Additions	76,061	1,633,349	74,466	104,690	0	1,888,566
Disposals <sup>6</sup>	(853,194)	0	0	0	0	(853,194)
At 31 December 2019	2,741,776	2,999,151	2,107,422	423,160	84,328	8,355,837
<b>Depreciation</b>						
Opening balance	2,864,516	0	966,300	217,609	84,328	4,132,753
Charge for the year	321,697	0	103,400	17,151	0	442,248
Depreciation on Disposals	(853,194)	0	0	0	0	(853,194)
At 31 December 2019	2,333,019	0	1,069,700	234,760	84,328	3,721,807
<b>Net Book Value</b>						
At 31 December 2018	654,393	1,365,802	1,066,656	100,861	0	3,187,712
At 31 December 2019	408,757	2,999,151	1,037,722	188,400	0	4,634,030

<sup>5</sup> System under development represents the costs of developing a new customer relationship management system for the RTB. No depreciation will be calculated on this asset until development is complete and the system is put into service.

<sup>6</sup> The Disposals and Depreciation on Disposals lines above reflect the removal of fully depreciated computer equipment and its accumulated depreciation from the RTB's asset register during 2019. This equipment, all of which was purchased prior to 01/01/2011, had no residual value upon disposal.

# Notes to the Financial Statements

## 7 Receivables

Amounts falling due within one year	2019 €	2018 €
Prepaid expenses	<b>380,952</b>	340,484
Accrued income	<b>31,512</b>	7,373
Voluntary deductions	<b>14,473</b>	13,791
Sundry debtors	<b>492,486</b>	17,993
	<b>919,423</b>	379,641

## 8 Payables

Amounts falling due within one year	2019 €	2018 €
Creditors and Accruals	<b>2,975,489</b>	2,762,667
Amounts due to Local Authorities	<b>0</b>	1,161,265
	<b>2,975,489</b>	3,923,932

Included in creditors and accruals is a provision in respect of 1,347 incomplete registrations with a value of €158,838 (2018: 1,641 applications, value €136,698).

### Analysis of amounts due to local authorities:

The table below sets out amounts held by the RTB in the relevant financial year and amounts paid over to Local Authorities for the performance of their functions under the Housing Standards and Rent Book Regulations:

	2019 €	2018 €
Opening balance	<b>1,161,265</b>	1,161,265
Fees allocated to Local Authorities in the year	<b>0</b>	0
Fees disbursed to Local Authorities	<b>(1,161,265)</b>	0
Balance due to Local Authorities	<b>0</b>	1,161,265

Up to June 2016, a proportion of the registration fees collected by the RTB (20%) was allocated to local authorities for the purpose of carrying out their functions under the Housing Acts. The amount paid to each local authority was based on the number of inspections conducted by that local authority as a proportion of the total inspections conducted by all local authorities. This was suspended from July 2016 on the direction of the Minister. During 2019 the RTB paid the remaining balance owed to local authorities based on instructions received from the Department of Housing.

# Notes to the Financial Statements

## 9 Accumulated Surplus

The accumulated surplus of €6,487,339 at 31 December 2019 principally arose from the receipt of unplanned registration income during 2019 when student specific accommodation became required to be registered with the RTB in addition to underspending on planned activities in 2019 and prior years. During 2019 the Board adopted a reserves management policy to ensure that the RTB will have sufficient reserves to be able to operate the business during periods of economic uncertainty or stress on cash flow and to maintain reserves at an optimal level over the medium term. The Board, in consultation with the Department of Housing, Planning, & Local Government, will keep the RTB's financial situation, in particular any surplus of funds, under review throughout the coming year.

## 10 Capital Account

	2019	2018
	€	€
Opening balance	<b>3,187,712</b>	1,821,743
Transfer (to) / from Income and Expenditure Account		
Funding to acquire assets	<b>1,888,566</b>	1,791,162
Amortisation in line with asset depreciation	<b>(442,248)</b>	(425,193)
Release on disposal of fixed assets	<b>0</b>	0
	<b>1,446,318</b>	1,365,969
Closing balance	<b>4,634,030</b>	3,187,712

## 11 Accommodation

In October 2007 the Residential Tenancies Board signed a 20 year leasehold agreement in respect of its premises at O'Connell Bridge House, D'Olier Street, Dublin 2. In October 2018 the RTB took additional space in the same building to accommodate growth in staff and expectations for future growth as the mandate of the organisation expands. The lease for the additional space will expire at the same time as the original 20 year leasehold agreement. The annual commitment under these leases at year end was €701,102.

At 31 December 2019 there were annual lease commitments under operating leases as follows:

<b>Expiry date:</b>	2019	€
Between 0 and 1 years	<b>701,102</b>	
Between 1 and 5 years	<b>2,804,409</b>	
Greater than 5 years	<b>1,972,971</b>	
Total	<b>5,478,482</b>	

# Notes to the Financial Statements

## 12 Superannuation

### a) Analysis of total pension costs charged to Expenditure

	2019	2018
	€	€
Current service cost <sup>7</sup>	<b>561,000</b>	335,000
Interest on pension scheme liabilities	<b>146,000</b>	<u>134,000</u>
	<b>707,000</b>	469,000
Superannuation (Department staff)	<b>43,310</b>	<u>84,072</u>
Pension costs charged to expenditure	<b>750,310</b>	553,072

### b) Movement in net pension liability during the financial year

	2019	2018
	€	€
Net pension liability at 1 January	<b>(6,145,000)</b>	(5,901,000)
Current cost	<b>(683,000)</b>	(420,000)
Transfer of service from other public sector employers <sup>8</sup>	<b>(7,200,000)</b>	0
Interest costs	<b>(146,000)</b>	(134,000)
Actuarial Gain (Loss)	<b>(2,691,000)</b>	310,000
Pension deficit at end of year	<b>(16,865,000)</b>	(6,145,000)

### c) Deferred Funding for Pensions

The RTB Superannuation Scheme was approved by the Minister for Housing, Planning and Local Government with the consent of the Minister for Public Expenditure and Reform in November 2011 (with effect from 1 September 2004). The RTB recognises amounts owing from the State for the unfunded deferred liability for pensions arising from this approved superannuation scheme on the basis of the set of assumptions described in (e) and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service pensions including contributions by employees and the annual estimates process.

<sup>7</sup> Current Service costs are net of employee contributions which are remitted back to the exchequer. The amounts that have been remitted back to the exchequer are (2019) €121,881 and (2018) €85,024.

<sup>8</sup> During 2019 a number of employees transferred into the RTB from other public sector employers. The 'transfer of service from other public sector employers' line in Note 12b (2019) €7,200,000 & (2018) €0 reflects the transfer of pension liabilities into the RTB superannuation scheme on a 'knock for knock' basis.

# Notes to the Financial Statements

The Net Deferred Funding for Pensions recognised in the Income and Expenditure Account was as follows:

	2019	2018
	€	€
Funding adjustment in respect of current year pension charge	<b>707,000</b>	469,000
Employee pension contributions	<b>121,881</b>	85,024
State Grant applied to pay pensions	<b>0</b>	0
	<b>828,881</b>	554,024

The deferred funding asset for pensions as at 31 December 2019 amounted to €16,865,000 (2018: €6,145,000).

## d) History of defined benefit obligations

	2019	2018
	€	€
Defined Benefit Obligations	<b>16,865,000</b>	6,145,000
Experience Losses/(Gains) on Scheme Liabilities & Change in Assumptions	<b>2,691,000</b>	(310,000)
Percentage of Scheme Liabilities	<b>16%</b>	(5%)

## e) General Description of the Scheme

The pension scheme is a defined benefit final salary pension arrangement with benefits and contributions defined by reference to current “model” public sector scheme regulations. The scheme provides a pension (eightieths per year of service), a gratuity or lump sum (three eightieths per year of service) and spouses’ and children’s pensions. Normal Retirement Age is a member’s 65th birthday, and pre-2004 members have an entitlement to retire without actuarial reduction from age 60. Pensions in payment (and deferment) normally increase in line with general public sector salary inflation.

The Single Public Service Pension Scheme (Single Scheme) is the defined benefit pension scheme for pensionable public servants appointed on or after 1 January 2013 in accordance with the Public Service Pension (Single Scheme and Other Provisions) Act 2012. The scheme provides for a pension and retirement lump sum based on career- average pensionable remuneration, and possible spouses’ and children’s pensions. The minimum pension age is 66 years (rising in line with State pension age changes). It includes an actuarially reduced early retirement facility from age 55. Pensions in payment increase in line with the consumer price index. There were 52 members of the Single Scheme in 2019 (2018: 25).

The results set out above are based on an actuarial valuation of the liabilities in respect of the staff as at 31 December 2019. This valuation was carried out by a qualified independent actuary for the purposes of the accounting standard, Financial Reporting Standard 102 – Pension Plan disclosures.

# Notes to the Financial Statements

The financial assumptions used to calculate scheme liabilities were:

	2019	2018
Discount rate	<b>1.40%</b>	2.25%
Salary increase assumption	<b>3.00%</b>	3.25%
Pension increase assumption	<b>2.50%</b>	2.75%
Price inflation (CPI)	<b>1.50%</b>	1.75%

## 13 Late Payments in Commercial Transactions

The Board is aware of its responsibilities under the Late Payments in Commercial Transactions Regulations 2002 and has established appropriate procedures and processes to ensure that all payments are made in accordance with the Regulations. The Board has calculated its liability for the year ended 31 December 2019 to be €242 (2018: nil).

## 14 Unresolved Cases

The Board had 78 dispute resolution cases awaiting hearing at 31 December 2019. As the cost of the dispute resolution process varies greatly from case to case no provision for these unresolved cases registered prior to 31 December 2019 is included in the Financial Statements.

## 15 Board Members' Interests and Fees

The Board has adopted procedures in accordance with guidelines issued by the Department of Finance in relation to the disclosure of interests by Board Members and these procedures have been adhered to in the year. There were no transactions in the period in relation to the Board's activities in which the Board Members had any beneficial interest.

Board members' fees are set out in the Schedule of Board Members' Fees, Attendance, and Expenses in the Governance Statement and Board Members' Report. The fee rates are set by the Department of Public Expenditure and Reform and the Department of Housing, Planning and Local Government.

## 16 Covid-19 (Coronavirus)

The Board has closely monitored the impact of Covid-19 on the RTB since early March 2020 and will continue to do so throughout the emergency period. Amongst the many risks the Board has considered is the potential for the pandemic to reduce tenancy registration volumes which could lead to a reduction in the RTB's primary source of customer income. In addition, the Board has considered the potential for cost increases resulting from the effects of the pandemic on operations.

In evaluating these risks, the Board has judged that the RTB's business will continue into the future and therefore the Board has approved these accounts on a going concern basis. In making this judgement, the Board has relied on the RTB's level of financial reserves, the continual support of the Department of Housing, Planning, & Local Government for the RTB's delivery of Government policy, and the expectation that the risks to cash flow can be mitigated over time.

## 17 Approval of Financial Statements

The Financial Statements were approved by the Board on **14 May 2020**.

# RTB Key Words

**Access Officer:** The RTB has an Access Officer to assist persons with disabilities to access RTB services.

**Adjudication:** Adjudication is one of the Dispute Resolution options offered by the RTB to resolve a rental dispute between parties. In an Adjudication, case parties (usually landlords, tenants and/or third parties like neighbours) present evidence in a hearing in front of an Adjudicator, or decision maker, who makes a decision based on the evidence presented.

**Adjudicator:** The Adjudicator is the decision maker at the Adjudication hearing. He or she decides the outcome of the case based on the evidence presented by the case parties involved in the rental dispute.

**Approved Housing Bodies (AHBs):** Approved Housing Bodies (AHBs) provide and manage social rented housing. They are not-for-profit organisations which provide affordable rented housing for people who cannot afford to pay private sector rents or buy their own homes. They also provide housing for particular groups, such as older people or homeless people. In 2016, AHBS came under the RTB's remit, requiring them to register their tenancies with the RTB. This change gave AHB landlords and tenants access to the RTB's Dispute Resolution Service should a tenancy issue arise.

**Authorised Officer:** A person appointed by the RTB for the purposes of carrying out an investigation into an alleged breach of rental law by a landlord. The Authorised Officer has the power to enter and inspect a dwelling, take copies of records, require any person at the dwelling to provide information and records, require a landlord to provide records and conduct an Oral Hearing under oath.

**Betterlet: RTB Accredited Landlord Training Scheme:** The Betterlet RTB Accredited Landlord Training scheme is a free training for landlords to help them better understand their rental rights and responsibilities, so that they can better manage their tenancies. It takes place over a full Saturday or over two evenings and landlords receive accreditation once they complete a small test after the training session.

**Case parties or parties:** This can be anybody involved in a rental dispute: a landlord, tenant(s), neighbour, third parties, etc.

**Circuit Court:** The Circuit Court sits above the District Court and below the High Court and has the power to award damages of up to €75,000 and deal with most criminal cases. Circuit Courts must confirm any sanctions imposed by RTB Decision Makers as result of an investigation.

**Compliance:** To comply or compliance is when a person or organisation follows the rules or laws. It is the opposite of breaking the rules. In the rental sector, the RTB manages compliance of the Residential Tenancies Act, ensuring all those living and working in the rental sector are following rental law.

**Customer Charter:** The RTB Customer Charter is a statement of the standards of service our customers can expect from the RTB. More information can be found on [www.rtb.ie](http://www.rtb.ie).

**Decision Maker:** A person appointed by the RTB to determine what sanction, if any, should be imposed on a landlord under investigation. Decision makers are legal professionals with extensive experience in decision making roles and are independent from the RTB.

**Deposit:** A deposit, sometimes referred to as a security deposit, is an amount of money that is paid by a tenant to the landlord usually before a tenancy commences or on the date the tenancy starts. This deposit is held by the landlord and is returned at the end of the tenancy to the tenant. The deposit is considered the lawful property of the tenant until the landlord establishes a right to it. The reasons landlords can keep some or all of the deposit include: where there are rent arrears, bills, taxes or charges due; or where there has been damage to the property beyond normal wear and tear; or where a tenant provides insufficient notice to end a tenancy or if they end their fixed-term tenancy before the end of the agreed terms.

**Determination Order:** Determination Orders are issued by the RTB following Telephone Mediation, Adjudication and Tenancy Tribunal hearings. A Determination Order is a legally binding document which gives the outcome of a case and outlines the terms that need to be complied with and how long the person has to comply with the terms.

**District Court:** The District Court is the lowest court in the Irish Judicial System with power to award damages of up to €15,000 in civil cases and to deal with most minor criminal cases. Determination Order enforcement proceedings take place in the District Court. Case parties can take proceedings themselves or with the help of the RTB. Within the investigations remit, the RTB or the Authorised Officer can apply to the District Court, if necessary, for an Order to require a person to attend an Oral Hearing or to co-operate with an investigation.

**Evidence:** Any information and records relating to any activity in connection with the letting or tenancy of a rental property. Evidence can either be presented at a dispute resolution hearing by case parties or gathered by Authorised Officers during an investigation.

**Improper Conduct:** The RTB can investigate landlords for certain breaches of the Residential Tenancies Act defined as Improper Conduct, which include: failing to comply with Rent Pressure Zone (RPZ) requirements; failing to register a tenancy; failing to notify the RTB of changes to the particulars of a tenancy; failing to notify the RTB when claiming an exemption to RPZ requirements or seeking to rely on an exemption to the RPZ requirements that do not comply with those requirements; failing to offer a tenancy back where specific grounds of termination are no longer relevant; or providing false or misleading reasons for ending a tenancy.

**Investigations and Sanctions Unit:** A new RTB Unit dedicated to investigating potential breaches of rental law by a landlord and imposing, where appropriate, sanctions.

**High Court:** The High Court is the court above the Circuit Court with full jurisdiction to decide all matters of law and fact. The RTB, or a landlord who is the subject of a decision by the Circuit Court on an appeal may, by leave of the Circuit Court, appeal that decision to the High Court on a point of law.

**LEA Boundaries:** Local Electoral Area (LEAs) boundaries are the areas that are designated within a county or city for the purposes of local elections. Municipal districts correspond to Electoral Areas. When a Rent Pressure Zone is designated, it normally is designated to a specific Local Electoral Area.

**Local Authorities:** There are 31 Local Authorities in Ireland, this includes 26 County Councils, 2 City and County Councils and 3 City Councils. City and County Councils deliver a broad range of services in relation to roads; traffic; planning; housing; economic and community development; environment, recreation and amenity services; fire services and maintaining the register of electors. In relation to housing, Local Authorities manage housing inspections to check that rental property standards are being adhered to, along with managing rental support schemes such as HAP and Rent Supplement Allowance.

**Oireachtas Drop in Clinic:** The Oireachtas, sometimes referred to as Oireachtas Éireann, is the body that makes laws in Ireland. It consists of the President of Ireland and the two houses of the Oireachtas: Dáil Éireann and the Seanad Éireann. Together, these bodies create laws in Ireland. The RTB organised an Oireachtas Drop in Clinic, inviting members of the Dáil and Seanad, known as TDs and Senators, to find out more about the RTB, its services and the latest rental legislation to inform their constituents.

**Overholding:** Overholding is when a tenant continues to live in a rental property passed the end of the notice period, even though the landlord issued a valid Notice of Termination and gave the correct amount of notice period for the tenant to vacate the property.

**Procurement:** Procurement is the process of finding and agreeing to terms, and acquiring goods, services, or works from an external source, often via a tendering or competitive bidding process.

**Protected Disclosures:** The Protected Disclosures Act 2014 aims to protect people who raise concerns about possible wrongdoing in the workplace. A protected disclosure is where a worker discloses relevant information in a particular way. Information is relevant if it came to your attention in connection with your work and you reasonably believe that it tends to show wrongdoing.

**Notice of Rent Review:** All landlords are entitled to review the rent amount paid for their properties. Depending on where the rental property is, rent reviews can only take place every 12 months if within a Rent Pressure Zone or every 24 months if outside a Rent Pressure Zone. When reviewing rent amounts, landlords must inform tenants by giving them a written Notice of Rent Review with at least 90 days' notice of the change in rent.

**Notice of Termination:** This is the official document which ends a tenancy, which the landlord must give to the tenant(s). There are strict rules in place around this Notice in order for them to be valid, including that the Notice needs to be in writing, include the date it was served and when the tenancy will end, be signed by the landlord or agent, and provide a valid reason for ending the tenancy if it has lasted more than six months. Copies must be sent to the RTB.

**Regulator:** A Regulator is a person or an organisation that supervises whether a business or sector is following certain rules and laws. For example, the RTB is the regulator for the rental sector, which means it implements the Residential Tenancies Act and enforces it, to make sure everyone is following the rules in the rental sector.

**Regulatory Framework:** The regulatory framework is a combination of all the rules, laws, guidelines and procedures that guide a specific industry or sector. For example, the Residential Tenancies Act forms a large part of the regulatory framework that guides the rental sector in Ireland.

**Rent Arrears:** If a tenant does not pay rent, the amount of rent owed to the landlord, is called rent arrears.

**Rent Arrears and Overholding:** This occurs when a tenant has not paid their rent and is also still living in the rental property passed the end of the notice period, even though the landlord issued a valid Notice of Termination and gave the correct amount of notice period for the tenant to vacate the property.

**Rent Pressure Zone (RPZ):** A Rent Pressure Zone is a designated area where rents cannot be increased by more than 4% per year. This applies to new and existing tenancies (unless an exemption is being applied).

**Rent Pressure Zone (RPZ) Exemption:** In some instances, rental properties do not need to apply the RPZ rent setting rules and can instead set the rent to market levels. These instances are called an RPZ exemption. There are two ways that landlords can be exempt from RPZ rent setting rules: exemption 1: when a property has not been rented in the previous two years or when a property is, or is in, a protected structure and has not been rented in the last 12 months; or exemption 2: when the nature of a property has been substantially changed, which includes an increase in floor area by a minimum of 25% amongst other criteria set out in law. When a landlord is relying on one of these exemptions, they must inform the RTB.

**Rental Stock:** Rental stock is the amount of rental accommodation that is available at any one time.

**Rent Tribunal:** The RTB Rent Tribunal was established in 1983 to decide on rent and other tenancy terms, which were previously rent controlled under the Rent Restrictions Acts 1960-1981. In 2016, the Rent Tribunal was dissolved by the Minister for Housing, Planning, Community and Local Government and its functions were transferred to the RTB.

**Residential Tenancies Act (2004, as amended):** Referred to as the 'Act' or RTA, this is the name of the legislation that created the RTB and is the law that underpins the rental sector in Ireland, providing the legal basis for tenants' and landlords' rights and responsibilities.

**RTB's Jurisdiction:** The Jurisdiction of the RTB is the extent that the RTB can make legal decisions and judgements. Underpinning this is the Residential Tenancies Act which outlines the role and powers of the RTB; anything not outlined in the Residential Tenancies Act is likely outside of the RTB's jurisdiction and the RTB would not be able to act or make a decision. Examples of where the RTB does not have jurisdiction is in dealing with rent-a-room or AirBnB arrangements.

**Sanction:** The RTB can impose sanctions of a written caution and/or up to a €15,000 fine and/or up to €15,000 in RTB investigation costs on a landlord found to have breached the law (Improper Conduct).

**Stakeholder:** An RTB stakeholder is a person or organisation that lives or works in the rental sector. The RTB has various stakeholders that it engages and communicates with on a regular basis, including landlords, tenants, Approved Housing Bodies, Universities, students, Local Authorities, policymakers, Government Departments, media and the general public.

**Statutory:** When something is statutory it means it is required by law.

**Statutory Declaration:** A Statutory Declaration is a legal document that landlords need to issue to a tenant along with a Notice of Termination when ending a tenancy under certain grounds. These grounds include: when the landlord intends on

selling their property; when they intend on moving back or a family member intends on moving into the property; or to change the use of the dwelling. A Statutory Declaration is a signed document that outlines the landlord's declaration that the information in the document is correct.

**Student Specific Accommodation (SSA):** Student Specific Accommodation (SSA) is accommodation specifically built for the use of students, including accommodation provided for by universities and educational institutions.

**Telephone Mediation:** Telephone Mediation is a free and confidential service provided by the RTB to tenants, landlords and third-parties who have an issue with their tenancy that cannot be resolved informally amongst themselves. An independent and trained mediator will work with each party separately to reach a mutually acceptable agreement in a short period of time.

**Tenancy Tribunal:** If the case parties involved in an Adjudication or Telephone Mediation hearing are not satisfied with the result of the case, they can appeal the decision to a Tenancy Tribunal. The appeal hearing is held in a Tenancy Tribunal and it involves a full re-hearing of the dispute unless the parties agree to limit it to certain issues. Even though the case may have been through Telephone Mediation or an Adjudicator has heard the case, both parties will be given the opportunity to present the full case again.

**Third parties (in relation to rental sector):** Third parties are those who are directly and adversely affected by neighbouring tenants and have the right to bring a case against the landlord of those tenants.

**WebChat Service:** The RTB's WebChat Service is a channel of communication that allows customers to communicate directly with the RTB on the RTB website in real time.



## **Disclaimer**

Even though care has been taken in preparation and publication of this document, the Residential Tenancies Board, its servants or agents assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided in this document and do not accept any liability whatsoever arising from errors or omissions contained therein.

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Residential Tenancies Board, PO BOX 12323, Dublin 2.

01-7028100 / 0818 303037

@RTBinfo

[www.rtb.ie](http://www.rtb.ie)