

RTB's Guide to Evidence

Our Evidence Handling Policy has changed

From 1st April 2020, the RTB will not be blacking out personal data within documents submitted as evidence.

The RTB **is not** responsible for blacking out or redacting personal data in evidence submissions. The obligation to black out personal data is on the person submitting evidence.

All evidence received will be copied and given in full to all case parties and the decision-makers. It is important that evidence does not include personal / confidential information.

Unless you are satisfied that the personal data can be shared, you must black out personal data in the material submitted as evidence, such as bank account numbers, personal telephone numbers, addresses, witness contact details, etc.

Evidence & Dispute Resolution Services

Adjudication and Tribunal Process



The Adjudication and Tribunal process is an evidence-based process. All parties can submit evidence in support of the case, and the independent decision-maker assesses the evidence to decide how the dispute should be resolved. In an application made by a third party (e.g. a neighbour), the case is taken against the landlord; however, the tenants are made aware of the case and will be provided with copies of all evidence submitted.

Mediation Process



Mediation is not focused on evidence.

It is about both parties finding their own acceptable solution to the dispute. Case parties can submit essential documents for review by the mediator, but these documents are not circulated to the other party. If the dispute moves forward to Tribunal, evidence submitted at mediation stage would then be circulated in the normal way to all case parties.



WHAT IS EVIDENCE?

Evidence is a document or other information that is provided by a case party and **is relevant to the dispute.**



- ⇒ Evidence is relevant if it proves or disproves a fact that is in dispute between the case parties (i.e. the landlord, tenant or third-party).
- ⇒ Before you submit any evidence, it is important to note that **any evidence submitted will be copied and given in full to all case parties** and the decision-makers (unless it is a mediation case).



WHAT IS PERSONAL DATA?

Personal data is information that relates to an individual and would make an individual identifiable. Those identifiers include name, address, bank account details, etc.



Your responsibilities in relation to submitting evidence

- ✓ The RTB is not responsible for blacking out any personal data. The person submitting evidence is obligated to ensure **personal data is blacked out.**
- ✓ Please ensure that any confidential and sensitive data that you do not want to be circulated and which is not necessary for anyone to know is properly blacked out.
- ✓ This also relates to confidential and sensitive data about other persons. You must therefore black out information in the documents submitted as evidence, such as bank account numbers, personal telephone numbers, addresses, witness's contact details, etc.
- ✓ Any circulated materials are solely for the purposes of the hearing in question and **cannot be used for any other purposes.** Always have regard for the privacy rights of other persons.

What happens to evidence submitted to the RTB?

- ⇒ Where a dispute application is submitted via paper application, the pages containing the case party's addresses, phone numbers and email addresses will be blacked out by the RTB for the purposes of circulation. **This is the only form of blacking out that will take place by the RTB.**
- ⇒ Any evidence submitted will be copied and given in full to all case parties and the decision-maker.
- ⇒ The RTB scans and archives all documents submitted to the RTB. Do not send in original copies of any documents that may be required at a later stage, as documentation is not returned. However, it is important to bring original documentation to the hearing in case authentication is required.
- ⇒ The RTB retains the right to black out personal data where there is a question regarding relevance or the protection of any individual's rights and freedoms.

Types of evidence to submit in support of a case

Any documents, information or other evidence that you provide must be relevant to the dispute.

This may include:

- ⇒ Correspondence between case parties, including emails and text messages
- ⇒ Bank statements / Utility bills / receipts & invoices
- ⇒ Photographic evidence
- ⇒ Letting agreements / Lease
- ⇒ Witness Statements



How to submit evidence?

Evidence and documents can be submitted online or via email in a single batch. You can submit evidence as soon as a case is assessed and you have a case number. **All evidence must be submitted 5 days in advance of the hearing date.** For assistance in submitting your evidence, call the RTB on **0818 30 30 37**.

Please note that for security reasons, the RTB cannot accept any submission made via a link to a file-sharing or cloud storage device / facility.

REMEMBER!
Black out any confidential or personal information



ONLINE

When submitting evidence with online applications:

- ⇒ Have the evidence saved to your computer before you login to your account.
- ⇒ **Black out any confidential or personal information** which is irrelevant to the case (e.g. bank account details, telephone numbers and addresses).
- ⇒ Login to your account.
- ⇒ Go to the case under dispute.
- ⇒ Scroll to the bottom of the page to the "Action" button.
- ⇒ Choose the upload evidence in support of the case option.



VIA EMAIL

- ⇒ Have the evidence saved to your computer.
- ⇒ **Black out any confidential or personal information** which is irrelevant to the case (e.g. bank account details, telephone numbers and addresses).
- ⇒ Evidence should be submitted via email to disputes@rtb.ie citing the case number in the subject line.
- ⇒ Evidence should be submitted as one single batch, where possible.



VIA POST (Please note that the RTB currently has limited access to post)

- ⇒ Evidence should be submitted as one single batch via post.
- ⇒ Ensure you have quoted the correct case reference number.
- ⇒ **Black out any confidential or personal information** which is irrelevant to the case (e.g. bank account details, telephone numbers and addresses).
- ⇒ Please allow sufficient time for the RTB to process documents received via post (no later than 5 days before your Adjudication date).

Deadlines for submission of evidence

- ⇒ You can submit evidence as soon as you have a case reference number, you do not have to wait until you receive a hearing date.
- ⇒ It is your responsibility to submit evidence within the specified timeframe. It is recommended that any evidence is submitted **no later than 5 days before your hearing date**. The RTB cannot guarantee that evidence submitted after this will be processed and circulated to all parties in time.
- ⇒ It is at the discretion of the decision-maker to accept late evidence submissions.



There is a list of suggested evidence types for your dispute type on our website. For this and for further information on evidence please visit our [website](#).

Dispute Type	Suggested Evidence Types	
Deposit Retention Case	<ul style="list-style-type: none"> ⇒ Letting agreement ⇒ Evidence of Payment of Deposit / Rent ⇒ Inventory and Condition Report on commencement of tenancy and end of tenancy 	<ul style="list-style-type: none"> ⇒ Witness Statements ⇒ Bank statements ⇒ Photographic evidence ⇒ Outstanding utility bills ⇒ Cleaning or redecorating invoices
Notice of Termination Overholding Rent Arrears Rent Arrears and Overholding	<ul style="list-style-type: none"> ⇒ Letting agreements ⇒ Warning notices for non-payment of rent ⇒ Notices of termination and proof of service (if available) 	<ul style="list-style-type: none"> ⇒ Bank statements ⇒ Receipts ⇒ Correspondence between case parties
Rent Review	<ul style="list-style-type: none"> ⇒ Letting agreements ⇒ Notices of rent increase ⇒ Rent Index Report 	<ul style="list-style-type: none"> ⇒ Information on rent payable for dwellings similar in size, type, character and location
Standard and Maintenance of Dwelling	<ul style="list-style-type: none"> ⇒ Letting agreement ⇒ Correspondence between case parties 	<ul style="list-style-type: none"> ⇒ Photographic evidence ⇒ Invoices or receipts for repairs or works
Anti-Social Behaviour	<ul style="list-style-type: none"> ⇒ Photographic evidence ⇒ Log of events ⇒ Garda reports ⇒ Witness statements 	<ul style="list-style-type: none"> ⇒ For Third Party applications: evidence that landlord has been made aware of anti-social behaviour of tenant

For more information, visit www.rtb.ie.