



Bord um Thionóntachtaí Cónaithe
Residential Tenancies Board

Annual Report 2020



**Adapting and responding
in challenging times**

About the Residential Tenancies Board

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.



What the RTB 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

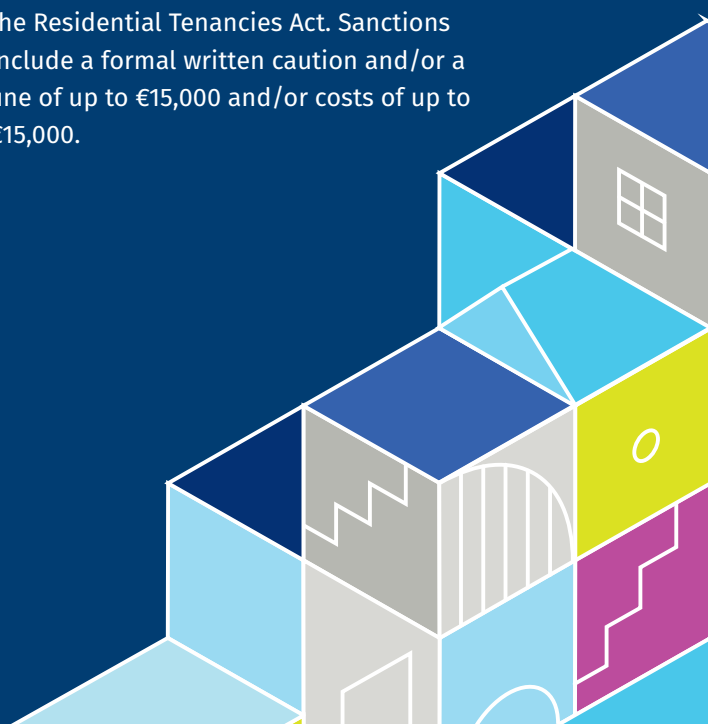
All private residential landlords, Approved Housing Bodies (who are not-for-profit housing providers, often referred to as Housing Associations) and landlords of Student Specific Accommodation must register their tenancies with the RTB. You can search to see if a tenancy is registered on the RTB website. 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 powers to investigate and sanction landlords who engage in certain breaches of rental law, such as increasing the rent by more than is allowed under the calculation set out in the Residential Tenancies Act or ending a tenancy by citing a reason in a notice of termination 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.



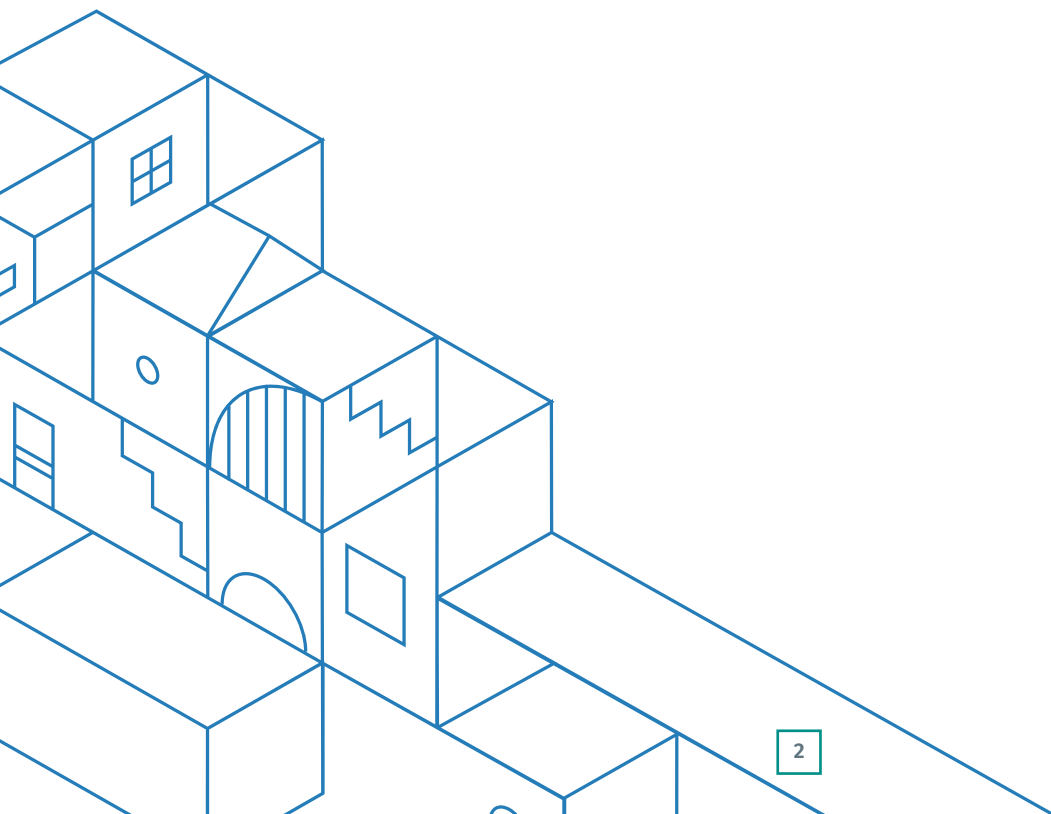








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Chairperson and Director's Message

2020 represented a very challenging time for both landlords and tenants operating and living in the housing and tenancy rental sectors. The impact of the Covid-19 pandemic created immediate and significant issues across society, with major unemployment and public health issues exacerbating existing problems in the sector. While security of tenure, supply and affordability were already issues of severe strain, the effect of Covid-19 was immediate. The resulting economic impacts and uncertainty caused by largescale job losses and public health measures meant prompt intervention and heightened support was required.

In order to mitigate impacts on those experiencing economic difficulties as a result of the series of restrictions required to suppress the spread of Covid-19, an unprecedented series of legislative measures and changes were enacted during the year. At the outset of the first lockdown, temporary emergency measures provided immediate protections to ensure tenants could not be forced to leave their rental accommodation or be subject to rent increases. In August, the Residential Tenancies and Valuation Act 2020 introduced temporary and permanent measures to protect tenants facing rent arrears and at risk of losing their tenancies. In October, new legislation automatically linked a 5 km travel restriction on public health grounds to an eviction moratorium.

All these measures were deemed necessary to support those landlords and tenants most impacted by Covid-19 and complemented wider financial supports and measures to address those most at risk. As always, the focus of the RTB during the year was supporting those landlords and tenants through their increased difficulties. An immediate priority was the operationalisation of these legislative measures to ensure they worked smoothly and effectively for all. It was also imperative to ensure that landlords, tenants and wider stakeholders understood the measures and requirements of the regulatory framework and the enhanced supports and services available through the RTB to assist them.

New regulation and supports are ineffective if people are not aware of them, therefore, a significant part of 2020 was also dedicated to raising awareness of those changes by informing and supporting those living and working in the rental sector. The RTB developed and delivered several multi-channel communications campaigns throughout the year to drive awareness of the legislative changes and the enhanced supports available through the RTB. Over 400,000 tenants and registered landlords were contacted directly with information on the new measures. Extensive national and regional awareness campaigns were rolled out throughout the year to ensure that both landlords and tenants understood and had access to information on this complex and an ever-changing regulatory framework.

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 difficult times. We have had a focus over the last number of years to develop and evolve flexibility and resilience within our services which has given the organisation improved agility to adapt to changing environments. Nevertheless, 2020 was an exceptional year and few could have imagined or planned for the degree of disruption the Covid-19 pandemic would bring. Our work from previous years enabled the RTB to immediately adjust to a largely remote working environment. We focused on speedily adopting innovative ways of how we work, through the use of technology, digitalisation of services and automation of processes, to ensure the continuation in the provision and quality of the services we provide.

The organisation moved quickly and effectively to remote working with minimum disruption to most of our functions. Early and decisive action was taken to ensure the sustainability and protection of key services where required and possible. Immediate measures and protocols were put in place to ensure a safe working environment for the staff and members of the public who continued to work on-site in essential roles that could not be operated remotely.

Contact services to our customer through all our normal channels, from phones, to website, to WebChat, were quickly restored on a remote basis with no gap in the provision of services during the Covid-19 pandemic.

The most severe impact was in relation to the RTB's Dispute Resolution Service. Arising from the severe restrictions during the early months of the Covid-19 pandemic and continuing restrictions thereafter, the necessary postponement of dispute cases, the inability to schedule and hold physical hearings and the need for staff to primarily work remotely, all caused a significant and immediate backlog in the processing of cases for adjudication, mediation and tribunals. The RTB's Dispute Resolution Service team worked diligently from the start of the crisis to minimise the impact on case parties and multiple mechanisms for dispute hearings were established to allow cases to quickly and fully resume. Backlogs were stabilised early with levels of service recovering towards the norm by year end.

The need for increased communications with our stakeholders was also recognised early. In order to better understand how Covid-19, the adaption of our services to restrictions and the extensive legislative changes impacted our stakeholders, the RTB organised an accelerated campaign of communication. Over 50 virtual stakeholder events and information sessions were held during the year and monthly and quarterly meetings with representatives from landlords, tenants and AHB groups were also organised. The RTB also established a closer relationship with the State's Money Advice and Budgeting Service (MABS) utilising opportunities emerging from the new legislative measures. RTB and MABS regularly engaged and shared information related to rent arrears and how to better support those impacted by this issue. Work to establish RTBs recently enacted new powers of investigation and related sanctions regime also continued apace. These powers provide a more effective means for the RTB to directly regulate the rental sector, providing the ability to proactively investigate and apply sanctions where breaches and improper conduct are found.

By the end of 2020, the RTB had received over 800 contacts from members of the public wishing to report potential improper conducts. 245 investigations into alleged improper conduct had been approved by the RTB and 70 cases had been submitted to the Decision Makers for decision on sanction. In collaboration with the Court Services, the confirmation process was also trialled and successfully applied by the end of the year, in spite of pandemic restrictions.

A very important and additional source of information substantially progressed during the year was RTBs Survey of Landlords and Tenants which is due to be published in 2021. This research will represent perhaps the most comprehensive profile of landlords and tenants in the private rental sector in Ireland and help provide real insights to support future developments in the sector. Through the additional insight provided by the production of this Survey of Landlords and Tenants, the planned introduction of annual registration, the continued development of the RTB Quarterly Rent Index and other reporting and research initiatives, the RTB will have made a stepped improvement during the year to be able to meet its objective to support better informed and evidence-based policy development and improved decision-making in that regard.

Opportunities emerging from our response to the Covid-19 pandemic is to the forefront of our thoughts and the RTB has been regularly assessing what is effective, what measures we must put in place and how we can improve. This will continue long after we have seen the back of this pandemic. Covid-19 has highlighted even further the need for customers to be able to easily access RTB services online and self-serve. The Covid-19 pandemic has seen a significantly increased volume of customers completing their business with the RTB through our digital channels.

Fundamentally, the agility in handling the challenges that emerged during the year was made possible by our staff. Through their resilience, adaptability and innovation, the RTB delivered key business supports at significant speed, often within days of being devised.

This was achieved despite the fact that, almost overnight, there was a need to adjust to a largely remote working environment. We are enormously proud of how the staff of the RTB responded. They have risen magnificently to the challenges and we thank each and every one of them for their commitment, professionalism and dedication to retain and restore important services for those we support in the rental sector.

We would also like to thank all those who worked with the RTB to deliver and support progress during this most challenging of years. In particular, we would like to thank our Board members, committee members, our independent Adjudicators, Mediators and Tribunal members and all our key vendor partners for their significant and continued support and contribution. We would like to acknowledge the continued support from the Minister and also acknowledge the level of collaboration and the degree of enhanced cooperation activated between the Department of Housing, Local Government and Heritage and the RTB during 2020 to ensure those important and necessary protections were quickly legislated for and quickly and effectively actioned during the course of the year.

The landscape ahead will continue to be fraught and unpredictable. It is unclear the full impact the Covid-19 pandemic will have on a housing and rental sector already under stress. As the work of the RTB continues to grow and expand, at the core of RTB’s remit and focus over the next number of years will be increasing our support for both landlords and tenants to assist them through their difficulties, particularly through the delivery of more targeted and enhanced services. The challenge has increased, but we are fully committed to ensuring we play our part to help the sector emerge from the difficulties of the Covid-19 pandemic and continue our work towards improving outcomes for all who live and operate within the tenancy rental sector.



Tom Dunne
Chairperson



Pádraig McGoldrick
Interim Director

Overview of Covid-19 Emergency Legislation and Impact on RTB Services

The Covid-19 pandemic impacted everyone in many different ways in 2020, whether as a result of lockdowns, self-isolation, confirmed medical diagnosis, a reduction in working hours or loss of employment. In the rental sector, emergency legislation was introduced at the outset of the pandemic to ensure public safety and to protect tenancies through a temporary moratorium on evictions and increases of rent. Two further pieces of emergency legislation were also introduced thereafter to help stop the spread of Covid-19 and protect those financially impacted by Covid-19.

This section gives a brief overview of the key legislative changes introduced in 2020 and how the RTB adapted its services to best meet the needs of its customers and stakeholders during this challenging time.

Emergency Legislation

One of the notable features in the rental sector in 2020 was the introduction of three new pieces of legislation in response to Covid-19. The Government's intention with these measures was to minimise the movement of people caused by ending tenancies and thereby curtail the spread of Covid-19, while also providing protections for tenants who were financially impacted by Covid-19. The below legislation was introduced in 2020 in response to Covid-19:

- **Emergency Measures in the Public Interest (Covid-19) Act 2020**
- **Residential Tenancies and Valuation Act 2020**
- **Residential Tenancies Act 2020**

Emergency Measures in the Public Interest (Covid-19) Act 2020

The Covid-19 Act came into force at the outset of the pandemic, introducing an Emergency Period for the rental sector where tenancy terminations (except in exceptional circumstances) and rent increases were not allowed. The Emergency Period lasted from 27 March 2020 to August 2020.

Under the Covid-19 Act, Notices of Termination could not be served by landlords on tenants between 27 March and 1 August 2020. Any Notices of Terminations which were served before 27 March 2020 were paused so that tenants could not be made to leave their rented accommodation during this time. Additionally, all notices of rent review which were served before the Emergency Period and were due to take effect during this period were also paused. Tenants were still obliged to pay their rents during the Emergency Period, but landlords were not permitted to increase the rent payable during this time.

When the Emergency Period under the Covid-19 Act expired, the provisions which previously applied under the Residential Tenancies Acts 2004-2019 continued as normal for the most part, except for the procedures around rent arrears which changed. This meant that tenancy notice periods could begin to count again, rent increases could take effect and rent reviews could continue as normal following the usual rules.

Residential Tenancies and Valuation Act 2020

When the Emergency Period under the Covid-19 Act expired, the Government introduced the Residential Tenancies and Valuation Act 2020 (RTVA). A new Emergency Period set out under the RTVA came into force on 1 August 2020 and expired on 10 January 2021.

The RTVA was introduced in recognition of the continued economic impacts of Covid-19 whereby many in the rental sector lost employment either temporarily or permanently which restricted their ability to pay rent and put their tenancies at significant risk of ending. As such, the RTVA brought in protections for tenants who were facing rent arrears and, as a result, were at risk of losing their tenancies. If a tenant's ability to pay rent was impacted by Covid-19 and the tenant met specific criteria, new procedures and protections applied during this period. Qualifying tenants could not be required to leave their accommodation before 10 January 2021, and it was prohibited for them to be asked to pay an increase in rent until after 10 January 2021.

The RTVA also introduced a new 8-step process for how to end a tenancy for rent arrears. Amongst the changes introduced were:

- Warning notice periods for rent arrears increased from 14 days to 28 days;
- Landlords now have to serve a copy of the rent arrears warning notice to the RTB on the same day they serve it on the tenant;
- Tenants can voluntarily request a referral to MABS (the Money Advice & Budgeting Service) to help them to deal with the rent arrears;
- Where applicable, the tenant completes and submits a self-declaration form to the RTB and sends a copy to their landlord.

A landlord who has not received a self-declaration form from their tenant can serve a 28-day Notice of Termination for rent arrears on the tenant once the 28-day warning notice has been validly served and copied to the RTB. The landlord must also submit a copy of the Notice of Termination to the RTB on the same day they served it on the tenant.

Residential Tenancies Act 2020

The Residential Tenancies Act 2020 (RTA 2020) introduced another Emergency Period which was linked to restrictions on travel outside a 5km radius of a person's dwelling.

This means that every time the 5km travel restriction is introduced, either nationally or regionally, tenancy terminations are paused. Recognising that the blanket ban on ending tenancies in the Covid-19 Act could be too restrictive, the RTA 2020 introduced a few exceptions and changes including:

- Notices of Termination could be served during an Emergency Period but they could not take effect until after the Emergency Period expires;
- Notice periods are paused during an Emergency Period;
- Exceptions to the ban on ending a tenancy were introduced for anti-social behaviour, invalidation of insurance, threat to the dwelling or unauthorised use of the property. In these instances, a landlord could end a tenancy following the usual rules;
- A 10-day grace period for ending tenancies has to be included in a revised termination date;
- There are no impacts on the ability to carry out a rent review during an Emergency Period linked to the RTA 2020.

The RTB will continue to inform those living and working in the rental sector of any new legislative changes to ensure everyone is aware of their rental rights and responsibilities and to ensure tenancies are maintained wherever possible.

Impact of Covid-19 on RTB services

The RTB has a quasi-judicial role, which means it is classified as an essential service. The RTB has a contingency plan for emergencies and in 2020 this plan was enacted to allow core services to continue during the Covid-19 pandemic.

Initially, RTB staff were provided with the necessary resources to allow them to work remotely. All staff were fully equipped and, in a position to work remotely as soon as the Government mandated this. This quick transition meant that, in the main, many of the RTB core services were able to continue uninterrupted.

For example, the call centre and Telephone Mediation service were unaffected and continued to provide vital support to stakeholders through the pandemic.

How RTB services were maintained and adapted during the Covid-19 pandemic

Ensuring the safety of staff and those accessing services was of paramount concern to the RTB which meant some key services needed to be adapted to ensure they could continue safely in the remote environment. Any changes to service provision were aligned to HSE guidance and monitored to ensure they adhered to the latest advice.

Some key changes included:

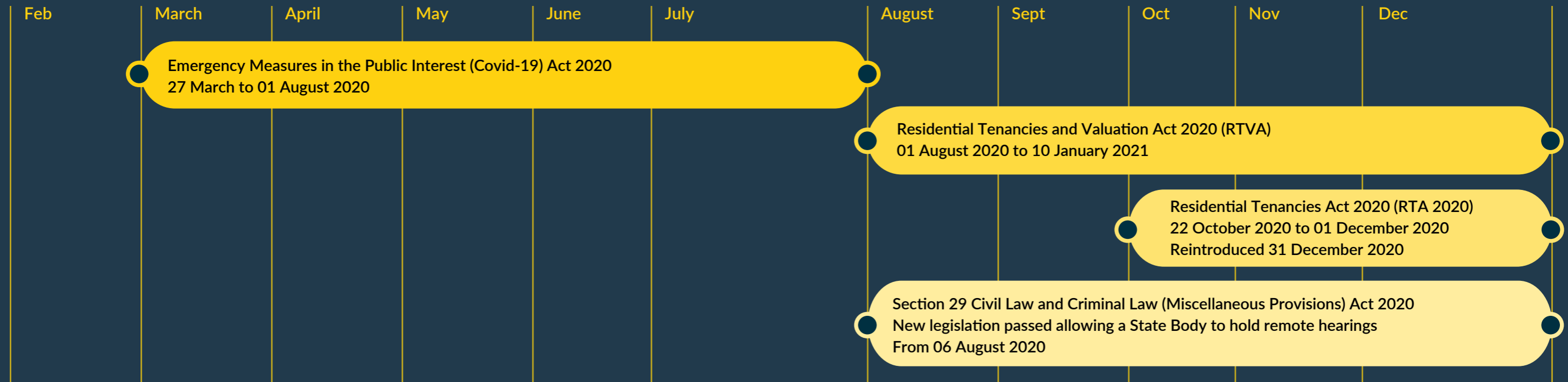
- Communication activity increased online and on radio to support general awareness raising and new legislative requirements.
- Meetings and events with stakeholders were held virtually instead of face-to-face.
- The RTB alerted over 425,000 landlords and tenants by a direct mail campaign to inform them of the new rent arrears measures under the Residential Tenancies and Valuation Act 2020.
- The RTB presented information on the new changes at over 50 virtual stakeholder events and information sessions.
- Access to the Courts was restricted with many Districts adjourning civil matters over the duration of both level 4 and 5 restrictions.
- Not all enforcement matters were adjourned, with the RTB Panel Solicitors reporting 123 Court Orders obtained nationally.
- Tribunal hearings were suspended in March 2020 in order to protect RTB customers and staff.

- The RTB Dispute Resolution Service successfully initiated new processes to enable Tribunal hearings to be conducted through telephone conferencing.
- Paper Based Adjudications (PBA) commenced in April 2020 which meant parties submitted their evidence and the Adjudicator made their decision based on this.
- Virtual hearings were piloted in September 2020 enabling cases to progress without need for participants to attend hearings in person.
- The RTB Telephone Mediation service continued throughout the year with no impact to processing times.
- The RTB's ICT was fully functional for remote working, which meant that the RTB's customer service agents were able to work remotely, and the phone lines remained open as the RTB smoothly transferred to a fully remote phone system.
- The RTB's phone lines and WebChat began running a reduced service from 9am-5pm instead of 8.30am to 6.30pm, Monday to Friday due to Covid-19.
- All customer facing channels remained in operation and continuity of service was maintained.

Further details of these changes are included in this report.

Summary of Emergency Legislation Since March 2020 and the RTB Response to the Covid-19 Pandemic

Emergency Legislation



RTB Response to Legislation

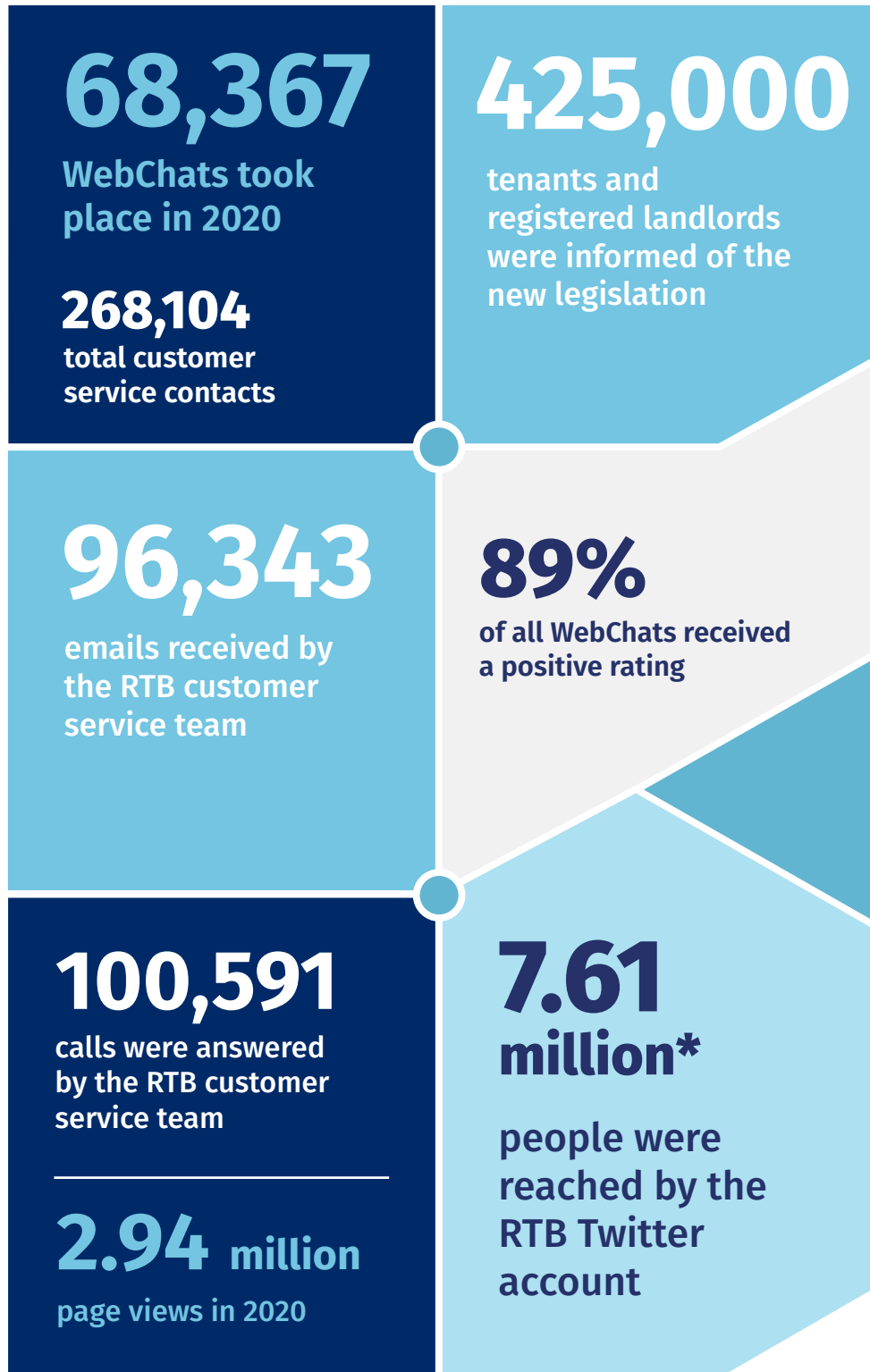


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How the RTB Communicate with its Customers



How the RTB Communicate with its Customers



* This figure represents the total impressions the RTB Twitter account had in 2020. Twitter defines an "impression" as any time a Twitter user sees one of your tweets either in their feed, search results, or as part of a conversation.



The RTB has two core strategic priorities in delivering services to its customers. These are to:

- **Provide accessible, clear, and informative customer-focused services; and**
- **Educate and support those working and living in the rental sector to understand their rental rights and responsibilities.**

RTB Customer Service

The RTB serves a wide range of customers and stakeholders, from landlords, tenants, and agents to the Government, state bodies, the media, and the public. A key priority for the RTB is to ensure that its customers can access information when they need it through a variety of channels to help them to feel empowered with knowledge of their rental rights and responsibilities. This supports compliance across the rental sector and in turn helps prevent disputes from occurring.

The RTB provides a variety of channels for customers to access information they need and to seek explanation and assistance in accessing the RTB's services, while also fulfilling their regulatory requirements such as registering their tenancies.

The RTB provides five main channels for our customers to meet their needs. These are the:

- **RTB website**
- **RTB online portal for registrations and disputes**
- **RTB WebChat service**
- **RTB phone line**
- **RTB emails**

Covid-19 and Customer Service

In March 2020, as it became evident that the Covid-19 pandemic was going to impact society significantly, the RTB executed its Business Continuity Plan with its partners, with a core focus of ensuring that customer facing services, including the channels listed to the left, would remain in operation. As the RTB's services were deemed essential, plans were rapidly activated and ready for the first lockdown of the Covid-19 pandemic.

The RTB's ICT was fully functional for remote working, which meant that the RTB's customer service agents were able to work remotely, and the phone lines remained open as the RTB smoothly transferred to a fully remote phone system. In keeping with all health and safety requirements, only a small number of staff who had to deal with paper coming into the RTB remained on-site. The RTB requested customers to move all their transactions online, where possible, and to use WebChat or email to greatly reduce paper and reduce the need for customer service agents to be in the workplace.

The RTB maintained a strong performance on answering calls and engaging in WebChat with customers. It focused on ensuring all information on the website was constantly refreshed and updated. All customer facing channels remained in operation and continuity of service was maintained.

Customers and Legislative Change in 2020

In 2020, RTB customer service agents had to respond to supporting three new pieces of emergency legislation as part of the Government's response to Covid-19. RTB agents were fully trained across all these changes and provided information to customers, typically through WebChat and phone lines. A new service for rent arrears procedures opened to respond to the new legislative environment and it handled and responded to all customers' queries.

The RTB alerted over 425,000 landlords and tenants to the new rent arrears provisions under the Residential Tenancies and Valuation Act 2020 through a direct mail campaign with a concise information leaflet, which was further supported by our online information and customer service agents.

RTB's Self-Service for Customers

The RTB continued to encourage customers to use the online channels and services instead of paper documentation. Whilst the RTB is engaged in a significant digital transformation through RTB360 (the RTB's incoming tenancy registration portal), its customers continued to interact online through the current portal and by accessing information from the website to register tenancies, apply for dispute resolution, and engage with RTB customer service agents through live WebChat.

The process of switching more customers to online self-service accelerated in 2020, in response to Covid-19. Within months, the RTB had moved from 70% of online registrations to over 80% and closed out the year averaging 83% of transactions online. A similar increase occurred with online dispute resolution applications.

RTB WebChat Service

WebChat continues to be a channel of choice for RTB customers and in 2020 it was further promoted through communications, on RTB website and on call waiting. It has proven to be an excellent service feature for agents who are working remotely and is a very efficient channel for supporting customers. The RTB continued to also use the phone service for more complex enquiries, including for customers without internet access or who were uncomfortable using WebChat.

In 2020, the RTB engaged in 68,367 WebChats, which is a 33% increase from 2019 (46,182). This is a significant further migration of RTB service channels, with phone interactions decreasing in 2020 while WebChat increased.

What did RTB customers want to know via WebChat?

The top queries for this channel, accounting for 38% of all WebChat interactions, were related to:

- > Notices of Termination
- > Account ID
- > Renewal of tenancies
- > Updates for registrations
- > New registration applications

What did RTB customers think of the WebChat service?

In May 2020, the RTB created a post chat survey in WebChat to capture the 'Voice of the Customer' which previously had been used on the phone line. The aim of this approach is to get better data and insight into the customers experience. The system asks three core questions and allows free text for customers' comments. The RTB uses this information to maintain standards, to alert to any necessary improvements and to enhance training of the customer service agents.

The response rate to the Voice of the Customer survey was very high at 28%.

Q1 How satisfied were you with the knowledge and expertise of the advisor who handled your call?

89% of customers who answered this question were satisfied.

Q2 Was your query resolved on the WebChat?

83% of customers who responded said they had their query resolved.

Q3 How satisfied are you with the overall experience of the RTB?

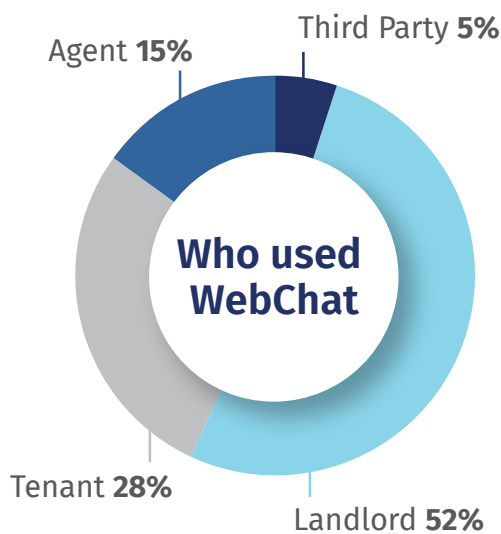
83% of customers who answered this question were satisfied.

Who used the RTB WebChat?

The breakdown of WebChat users in 2020 can be found in Figure 1 below. Over half were landlords, with tenants representing 28%, agents 15% and third parties, such as neighbours, representing 5% of WebChat users.

Figure 1

Who used RTB WebChat



In 2021, the RTB will continue to develop new ways to capture WebChat service data to gain further insights.

RTB Phone Line

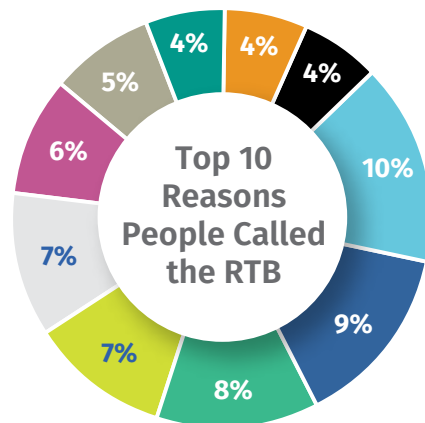
One of the necessary responses by the RTB to the realities of adopting to a new Covid-19 working environment was to reduce the opening hours and reliance on the RTB phone line. In April 2020, the opening hours moved from 8:30am-6:30pm to 9:00am-5:00pm Monday to Friday. A new telephone service was put in place facilitating remote working without any break in the telephone service itself. To ensure that all RTB customers could get the information they needed quickly, the RTB also encouraged them to access the website to see if they could find what they were looking for there and to prioritise use of WebChat where possible.

The phone service attempted to prioritise more difficult and complex calls, and calls from vulnerable customers.

In 2020, the RTB’s customer service team answered a total of 100,591 phone calls. While this was a significant reduction from 2019, when the RTB answered 160,793 calls, it reflected a continued migration to the mode of choice for many RTB customers through enhanced WebChat services and is part of the continued journey for the RTB to enhance the provision of digital services, improve information available to the public, and invest in prioritising phone services for customers with more complex needs. Additionally, the RTB continued to offer Irish language service availability to customers.

Figure 2

Top 10 Reasons People Called the RTB in 2020



- Dispute Case Information
- Registration Update
- Registration - Online Support
- Notice of Termination
- Confirmation Letter
- Obligations of Landlords
- Dispute Application
- Obligations of Tenants
- Setting Rent/RPZ Query
- Dispute Case Status Request

RTB Email Contacts

In 2020, the RTB received 96,343 emails, predominantly with respect to registrations and disputes, representing a 42% increase from 2019 (67,791).

Through the delivery of the new RTB360 registration portal in 2021, the RTB expects this high level of email contact by customers to reduce. A more customer-focused and robust website portal will re-shape how business is transacted with customers, allowing them to become more self-sufficient which will in turn reduce requests for assistance in online transactions and also ensure that when support is needed that that support can be activated more effectively.

Customer Complaints

The RTB's Customer Charter is published on the website and sets out its commitment to customers and the process for making a complaint when the customer is not satisfied with the RTB's service. The Customer Complaints team within the RTB receives complaints via customer.service@rtb.ie, by post, or over the phone. All formal complaints received are acknowledged within two days of reaching the RTB. Often the complaints are very detailed and require significant engagement across the organisation to address all elements of the complaint and provide a full and complete answer.

Whilst the RTB cannot address any complaints relating to ongoing dispute resolution cases or the outcome of such cases, the RTB will respond to any other issues raised within an appropriate timeframe. It examines all complaints carefully, and where the standards that the organisation sets for its service are not met, the RTB will remediate the issue through staff training, communications collateral, or changes to business processes. Hearing directly from the customer, no matter what the experience, is a key source for the RTB to learn and improve its services.

Up to the end of March 2020, the Customer Complaints team was working to provide a full response to the complainant within 14 days. As the RTB moved into its Business Continuity Plan for Covid-19, the timeline for responding to cases was extended to 28 days. This was a temporary measure, reflecting the demands on the business to maintain overall service levels under the challenges of the Covid-19 pandemic.

In 2020, the RTB received 109 formal complaints, which is a decrease on the 117 received in 2019. Of the complaints received in 2020, 46 related to various aspects of the Dispute Resolution Service, and 24 related to registrations, mainly on the matter of online registration issues.

Overall, 82% (89) of complaints were responded to on time in 2020.

In 2020, the RTB received
96,343 emails representing a
42% increase from 2019 (67,791).

Table 1**Breakdown of Complaints the RTB Received in 2020 by Complaint Type**

Complaint Type	Description	Total
Registrations	Complaint regarding Registrations (e.g., online registration issues, late registration fees, portal issues etc.).	24
Dispute Resolution Service	Customer unsatisfied with the service provided. (e.g., case timelines, case scheduling, granting of adjournments, complaints regarding correspondence received etc.	20
Dispute Resolution Outcome	Customer unsatisfied with the outcome of a dispute hearing, procedure, etc.	13
Tribunals/Appeals	Customer unsatisfied with the Tenancy Tribunal appeal hearing/case timelines, case scheduling/outcomes.	9
Customer Service (calls/ WebChat/emails, etc.)	Customer unsatisfied with the service.	9
Dispute Resolution Other	Complaints relating to Paper Based Adjudication, jurisdiction and appeal fees.	7
Sanctions/Legal/Legislation	Complaints include those about legislative change/legal and/or the Investigations and Sanctions unit.	7
Communications	Complaints received pertain to information, terminology and language provided on the RTB website.	6
Order Enforcement	Customers unsatisfied with the RTB's Order Enforcement unit process for legal assistance to fund the enforcement of RTB Determination Orders on behalf of a case party through the courts.	6
Dispute Resolution Process	Customers unsatisfied with how the Mediator/Adjudicator/Tribunal member conducted the hearing.	5
Dispute Resolution & Third Parties	Complaints received from parties are those who are directly and adversely affected by neighbouring tenants and so have the right to bring a case against the landlord of those tenants.	1
Data Protection Related	Complaint regarding Data Protection.	1
Other Complaints	General Complaints.	1
TOTAL		109



RTB360:

Improving Delivery of Services

2020 was a year of continued significant work on the RTB's ongoing digital transformation project, RTB360. RTB360, is a new online portal which will improve how core RTB services are delivered to customers. The project is due to be delivered in 2021.

Apart from supporting the core functions of the organisation, RTB360 is also a key component to allow the RTB to:

- **Deliver on its expanding remit, including a necessary precursor to the successful delivery of legislative changes and improved service delivery.**
- **Assist in dealing with escalating demand for services.**
- **Provide more efficient and effective services by strongly focusing on supporting web-enabled and user-friendly services and maximising the opportunities for self-service by customers.**

RTB360 will allow the organisation to use new data structures and assist with understanding of the data collected through tenancy registration, dispute resolution, and other services. This will support the RTB to continue providing evidence-based policy advice on the rental sector.

Delays have occurred within the project stream reflective of the impact of Covid-19, the need to support significant legislative change and the scale and effort required from both the vendor and the RTB to deliver to the complexity of the required solution. During 2020, the Board conducted an interim review of the project and identified a number of elements to enhance project management and oversight and provide a new approach to system development in order to provide greater certainty of project success.

The Board also established a Board Committee to provide more direct oversight of the project and to help the Board to obtain further assurance that the project was proceeding in accordance with revised agreed timelines and budget and is delivering to the required quality standards.

A significant round of User Acceptance Testing took place in Q4 2020, with further rounds of testing due to take place throughout 2021. Testing that took place at the end of 2020 has greatly increased confidence in the trajectory of the project and the ability of RTB360 to go live to the customer in 2021.

The use of better business intelligence and advanced data collection and reporting capabilities will position the RTB as a more effective regulator. RTB360 will be a central solution for the organisation to leverage and build upon as the rental landscape changes and develops, allowing it to continue to support and develop a well-functioning rental sector.

Covid-19 highlighted the need for customers to be able to easily access RTB services online and the organisation has seen a significant increase in the volume of customers completing their business with the RTB through digital channels. In response to the pandemic, the RTB acted speedily to ensure core services were as minimally affected as possible for customers and stakeholders through the introduction of virtual hearings and continued support via WebChat.

The RTB aims to leverage the technology within RTB360 to accommodate new online services. RTB360 will also create operational efficiencies for RTB staff and the independent decision makers who are part of the Dispute Resolution Service.

Proactive Engagement with the Rental Sector:

Raising Awareness and Improving Understanding

A significant part of the RTB's role is to provide information about the rental sector to landlords, tenants and the wider public to help them to understand their rental rights and responsibilities, and to raise awareness of the RTB and the services it provides. The RTB does this in a variety of ways which is managed by the Communications and Research unit.

Some highlights of the communications activities managed by the RTB in 2020 included:

- **National and regional multi-channel campaigns to raise awareness of the 2020 changes in rental legislation as part of the Government's response to Covid-19;**
- **Increasing the RTB's stakeholder reach and engagement activity in a virtual environment, rather than face-to-face; and**
- **Improving and expanding the RTB's communications channels.**



Supporting Understanding of New Legislation

New legislation is ineffective if people are not aware of it. Therefore, a significant focus of the Communications and Research unit in 2020 was dedicated to raising awareness of the legislative changes introduced 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 several multi-channel communications campaigns to drive awareness of the changes across Ireland, which included:

- Four nationwide digital and radio advertising campaigns that called on the public to visit the RTB website to find out more about their new rights and responsibilities.
- The creation and distribution of Guidance documents and FAQs covering the three Acts to help the sector understand the legislation.
- A direct mail campaign to over 425,000 tenants and registered landlords informing them of the new rent arrears measures under the Residential Tenancies and Valuation Act 2020.
- The creation of new webpages and regular content updates on www.rtb.ie.
- Regular updates on the RTB Twitter account @RTBinfo.
- Regular email updates to stakeholders announcing any changes and providing support materials.
- Creation of two videos on the RTB YouTube Channel related to the emergency measures legislated at the onset of Covid-19 and rent arrears measures.
- Presenting information on the new changes at over 50 virtual stakeholder events and information sessions.
- Updating the Good Landlord Tenant Guide to reflect legislative changes, which is posted with tenancy confirmation letters to all registered landlords and tenants.



Other Campaigns

In 2020, there were seven Local Electoral Areas designated as Rent Pressure Zones (RPZ's). The RTB ran adverts in local newspapers and a digital regional advertising campaign when new RPZs were designated. This was to ensure people living in the RPZs were aware that the areas were designated as RPZs and to explain what that would mean for them. These campaigns were targeted to the affected Local Electoral Areas and were featured in outdoor spaces before the Covid-19 pandemic.

The RTB also delivered a digital advertising campaign in September 2020 aimed at students to inform them of their rental rights and responsibilities.

Figure 3

Images Used in Campaigns in 2020

Image used in RPZ campaign



Figure 4

Images used in Covid-19 Legislation campaigns



Continuing to Develop and Build Relationships with Stakeholders Virtually

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 help create a culture of sharing knowledge around rights and responsibilities in the rental sector.

In 2020, the Communications and Research unit organised and presented at over 50 virtual stakeholder events and information sessions. The team also built on the Stakeholder Forum structure which was introduced in 2018.

Four Stakeholder Forum sessions took place in 2020 which brought together representatives from landlord, tenant, Approved Housing Body (AHB) and property professional groups.

The RTB also established a closer relationship with the Money Advice and Budgeting Service (MABS) due to the 2020 legislative changes related to rent arrears. As part of this, there was regular engagement between the RTB and MABS on the subject of rent arrears throughout 2020.

In order to better understand how Covid-19 impacted our stakeholders, the Communications and Research team also organised monthly and quarterly meetings with representatives from landlords, tenants and Approved Housing Bodies. This helped the RTB to gain better insights into how these groups had been impacted by Covid-19 and the 2020 legislative changes.

The Communications and Research team also continued to issue regular updates throughout 2020 to its stakeholder mailing list whenever there was new information on legislative changes, RTB research, or relevant rental-related news.





Betterlet: RTB Accredited Landlord

The Betterlet Accreditation scheme provides training courses to landlords outlining best practice in how to manage a tenancy in order to become accredited with the RTB. Most landlords own one or two properties, and often manage the tenancy in conjunction with working full time. This scheme seeks to encourage and support more professional practices in the rental sector by informing landlords of the legislative framework and enabling them to comply. Due to Covid-19, the RTB had to review and reassess the strategy to deliver the Betterlet scheme to reflect the new environment. With a large amount of legislative change enacted in 2020, the RTB focused its efforts on engaging with the Betterlet accredited landlords via three Top up sessions on the legislative changes. A total of 81 Betterlet Accredited landlords attended a Top up session during 2020 out of a total of 177 Betterlet: RTB Accredited Landlords.

Feedback from Betterlet Accredited Landlords who attended the Top up sessions in 2020:

Thank you very much for this helpful Zoom meeting today. I appreciate the hard work of you and your team, and others in updating us on this complex legislation and making it easier to understand. I found the session very worthwhile and helpful.

Many thanks for organising these sessions. I find them very informative and always learn something new. They're very helpful.

Very useful session, I learned a thing or two... More of this please.

Improving RTB Communications Channels and Digital Presence

RTB Website

The RTB website is one of the most important communication channels the RTB uses to provide information to the rental sector.

Throughout 2020, the RTB continued to make the website more user-friendly and accessible and kept it current with relevant and useful content. Several major updates were made to the website when the legislative changes were introduced.

The RTB also carried out a large project to migrate to a new website to more effectively provide information on renting in Ireland to the sector. The transition to the new site was completed in the middle of 2020 and the new website has been in place since then. The RTB will continue to work on improving its website in 2021, ensuring that it is easy to use and accessible.

In 2020, the updated RTB website had a total of 573,131 unique visitors compared to 524,661 in 2019, an increase of 9%. The website also had a total of 2.94 million page views in 2020, a 3.2% increase on 2.84 million in 2019.

At the end of 2020, @RTBinfo had a total of **3,860 followers**, a **28% increase** on 3,003 followers at the end of 2019.

Twitter

The RTB Twitter account, @RTBinfo, was established in 2018. Since then, the RTB has continued to grow its social media presence and engagement. At the end of 2020, @RTBinfo had a total of 3,860 followers, a 28% increase on 3,003 followers at the end of 2019. The account also reached over 7.6 million people in 2020, an increase of over 85% on its 4.1 million reach in 2019.

YouTube

Building on the RTB's social media presence on Twitter, the RTB launched its YouTube channel in 2020. The RTB created four videos on the following topics:

- > Who are the RTB?
- > RTB Telephone Mediation Service
- > Rent arrears
- > Covid-19 Emergency Legislation

The four videos received a total of over 240,000 views in 2020. The RTB will continue to create more videos to help inform and educate the rental sector.

Figure 4

RTB's YouTube Videos



2

How the RTB Resolve Disputes



How the RTB Resolve Disputes

58%

of dispute resolution applications were made by tenants

39%
by landlords

3%
by third parties

The RTB received

5,178

applications for dispute resolution in 2020

27.6%

of dispute resolution applicants choose to solve their issues with free Telephone Mediation

1,794

Determination Orders were approved in 2020

19%

of dispute resolution cases were related to rent arrears or rent arrears and overholding

80%

of Telephone Mediation cases in 2020 ended with an agreement

In 2020, a total of

€1.38m

was awarded in rent arrears, with the average award at

€4,455

The average application processing times were:

9.1 weeks

for Telephone Mediation

and

19.6 weeks

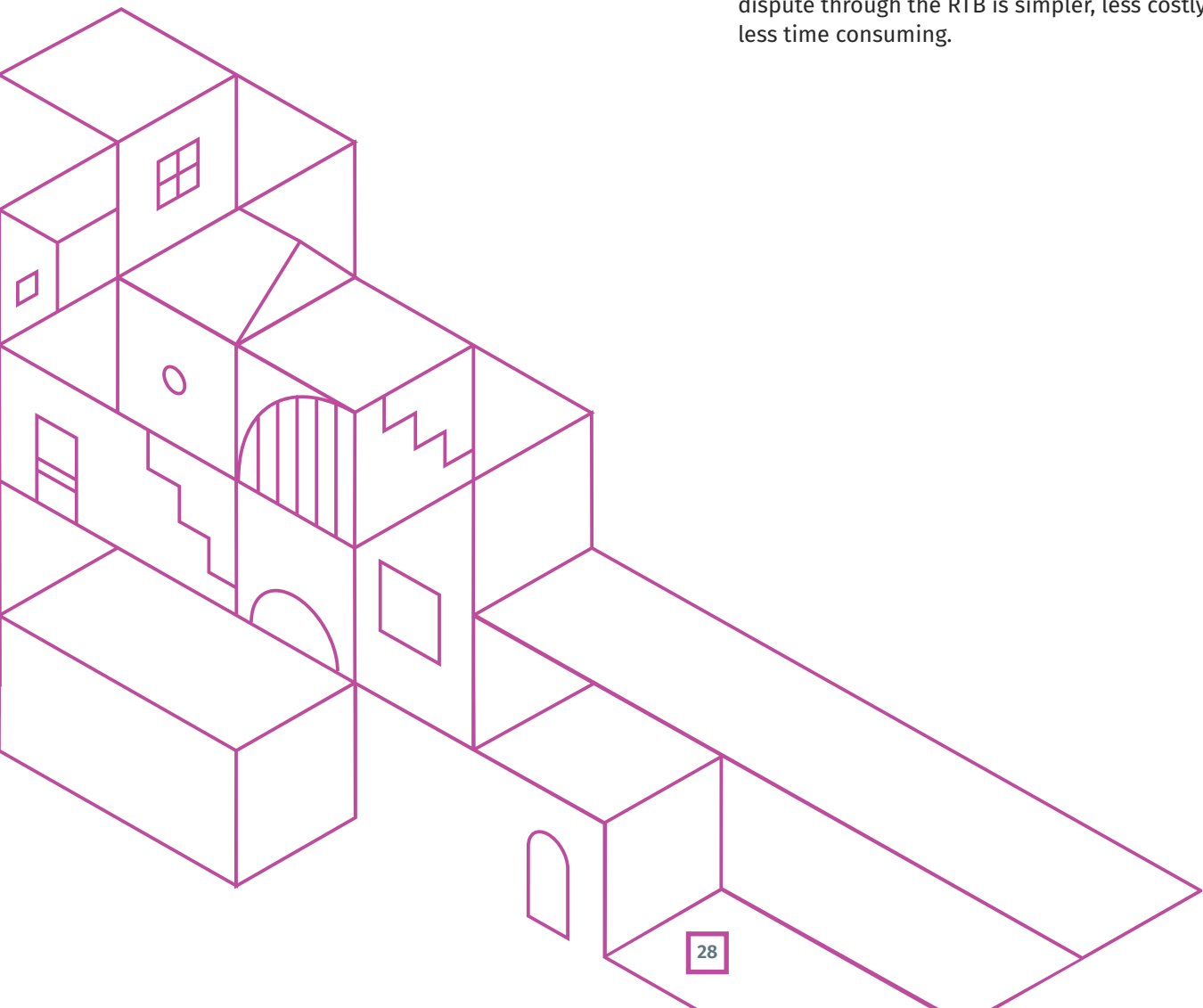
for Adjudication

Introduction

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.

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.

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, less costly and less time consuming.



Options for Dispute Resolution

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.

Adjudication

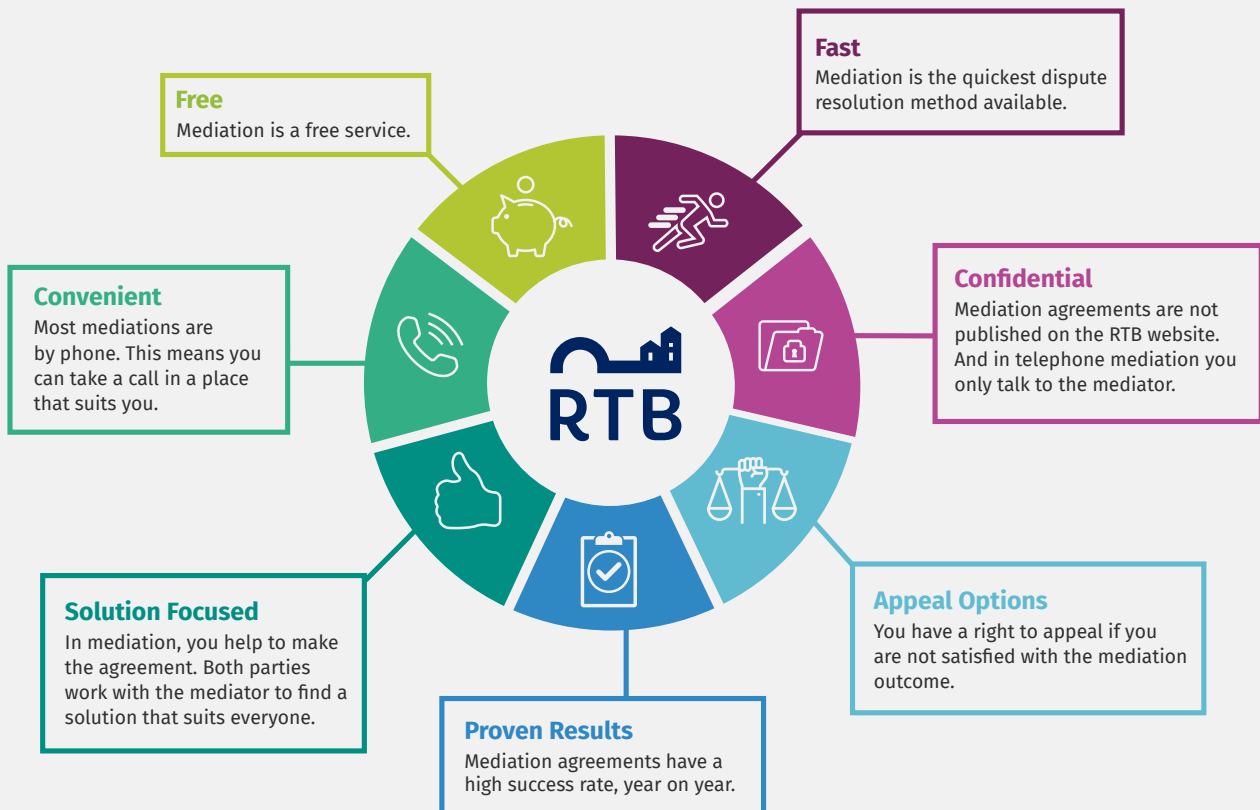
Adjudication is an evidence-based process which provides both sides with the opportunity to submit evidence to support their dispute resolution case before attending a hearing with an independent Adjudicator. The Adjudicator assesses the evidence and applies the law to decide how the dispute should be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

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

Benefits of Telephone Mediation

Mediation

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



RTB's Telephone Mediation Scheme: Influencing Other Jurisdictions

RTB's Telephone Mediation service was introduced in late 2013 with the aim to support landlords and tenants via a service that was:

- > **Free to access.**
- > **Conducted by telephone to ensure optimum convenience for customers.**
- > **Speedier than the existing dispute resolution mechanism of Adjudication.**
- > **Fair to all case parties, with a built-in appeal mechanism.**
- > **Fully confidential to the parties with no information published to the RTB website as is the case with other dispute resolution mechanisms at the RTB.**
- > **Solution-focused to ensure parties achieve speedy and satisfactory solutions.**

Telephone Mediation is now the fastest form of dispute resolution offered within the RTB. It has been highly successful with over 80% of cases resulting in an agreement. An agreement via Telephone Mediation is legally enforceable and all parties to the dispute receive a legally binding Determination Order. The RTB Telephone Mediation Service has shown that compliance is far greater where the parties control the outcome and the agreed terms. The RTB Enforcement statistics show that only 7% of Enforcement requests received in 2020 originated from a Telephone Mediation case.

Housing Rights in Northern Ireland contacted the RTB in 2019 as they understood the success of Telephone Mediation within the RTB and wished to adopt it across Northern Ireland. Housing Rights worked with the RTB to understand the approach and processes used which have garnered such success.

Housing Rights have now launched Northern Ireland's first pilot housing mediation service for the private rented sector. The Housing Mediation Service in Northern Ireland is free and is open to:

- > **Tenants**
- > **Registered Landlords**
- > **Letting agents**
- > **Housing associations operating in the sector**

Like the RTB's service, the free scheme provides an independent mediator with specialist housing knowledge to help the parties to discuss their dispute and come to a solution that is mutually acceptable.

An RTB representative now sits on the Northern Ireland Mediation Service Advisory Group.

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 to 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.

Impact of Covid-19 on service provision

2020 was a challenging year for the RTB Dispute Resolution section as services such as face to face Adjudication and Tribunal hearings had to be suspended to ensure the safety of RTB customers and staff. The RTB adapted speedily and implemented many changes to RTB processes to maintain services during the Covid-19 crisis. The service continued to support tenants and landlords in resolving their disputes in a timely manner.

Adapting to the remote environment

In March 2020, with the introduction of the first lockdown in Ireland, new processes were developed to support hearings in accordance with the provisions of the Emergency Measures in the Public Interest (Covid-19) Act 2020.

They include:

- Paper Based Adjudications (PBA) commenced in April 2020. Parties to a case did not have to attend a face-to-face hearing and instead were provided with adequate time to compile and submit their evidence upon which the Adjudicator made their decision.
- Fully virtual hearings went live in September 2020. Virtual hearings are conducted by audio-visual means, where cases are progressed without the need for participants to attend hearings in person. Virtual hearings have proven to be a great success and will continue beyond the Covid-19 emergency as an option and preference of choice for many.
- New processes were implemented to enable Tribunal hearings to be conducted through telephone conferencing in June 2020.
- The RTB Telephone Mediation service was able to continue throughout the year as the cases are resolved via telephone. The service to the customer including speedy processing times were not impacted and were maintained.

Adjudication and Telephone Mediation Processing Timelines (Weeks), by Percentages in 2020

The RTB Telephone Mediation service has consistently been the fastest method available for RTB customers for dispute resolution. Despite the Covid-19 pandemic, more than 60% of all mediation cases were resolved within eight weeks.

As set out on above the RTB adapted speedily to amend the RTB Adjudication processes to ensure the safety of customers and staff. Timelines were impacted a little, yet over 50% of applications were closed within the timelines achieved in 2019.

Figure 5

Processing timelines for mediation cases*

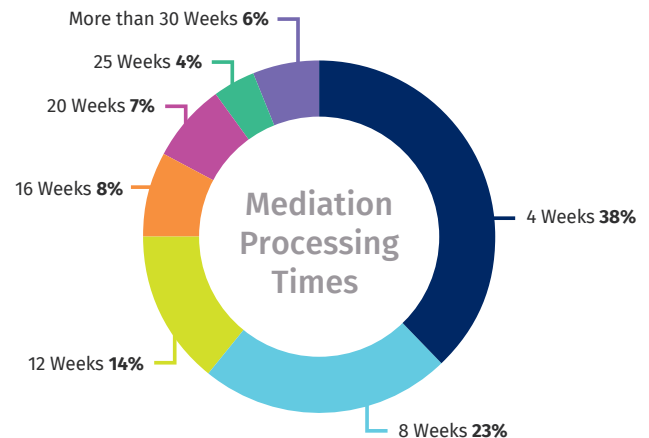
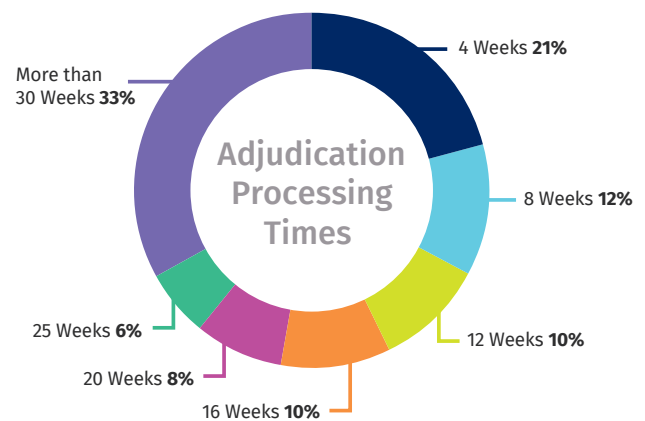


Figure 6

Processing timelines for adjudication cases*



* In 2020 these timelines were impacted by Covid-19, the necessary postponement of hearings and need to introduce new mechanisms to hear disputes.

Dispute Trends in 2020

Dispute applications decreased

In 2020, the RTB received 5,178 applications for dispute resolution, representing a 16.2% decrease on applications received in 2019, a reduction fully reflective of the impact of the Covid-19 pandemic. Legislative change took place with the aim to reduce the movement of people. The temporary pause on Notices of Termination and notices relating to the review and setting rents led to a particularly significant reduction in these types of disputes.

Application Statistics

In 2020, of the 5,178 dispute resolution applications received by the RTB, 58% were taken by tenants and 39% by landlords. Third party cases accounted for 3% of applications. This is similar to 2019 when tenants lodged the majority of disputes representing 57% of all the cases taken. In 2020, the largest dispute type taken by tenants was for deposit retention with 26% of cases citing this reason. For Landlords, rent arrears and overholding (61%) was the highest dispute type.

Reduction in Number of Hearings

In 2020, a total of 2,732 Telephone Mediation and Adjudication hearings took place. This is a significant decrease of 41.3 % compared to 2019 which saw 4,655 hearings being held. This was due to the impact of Covid-19 and the Adjudication process being put on hold and impacted for a number of months while new processes were being introduced. There was also a high number of case withdrawals, with 30% of complete applications withdrawn before the hearing took place, the high level also partially impacted by the pandemic.

Reasons for Rental Disputes in 2020

The top 3 Dispute Types reflect the changes in the rental sector in 2020 and the impact of Covid-19; Rent Arrears remained the highest dispute type in 2020 with 1,599 (31%) cases taken. However, this was followed by Deposit retention (27%) and Breach of Landlord obligations (20%), both of which increased in percentage terms from 2019 levels.

2020 saw a very significant decline in Validity of Notice of Termination cases with 14% of cases listing this as a dispute type compared to 22% in 2019. This reflects the emergency provisions which were in place from the 27 March 2020 to 01 August 2020. The Emergency Measures in the Public Interest (Covid-19) Act 2020 restricted the serving of a Notice of Termination, which resulted in very few notices being served while those measures were in effect.

Rent Arrears remained the **highest dispute type in 2020 with 1,599 (31%)** cases taken

The largest dispute type taken by tenants was **for deposit retention with 26% of cases** citing this reason

Table 2

Breakdown of Dispute Resolution Applications the RTB received in 2020 by Dispute Types, Frequencies, and Percentage of Cases*

Dispute Type (All cases) Q2 2020-Q1 2021	2019 Count	2019 (% cases**)	2020 Count	2020 (% cases**)
Rent arrears/Rent arrears and overholding	1,702	(28%)	1,599	(31%)
Deposit retention	1,264	(20%)	1,410	(27%)
Breach of landlord obligations**	1,090	(18%)	1,011	(20%)
Validity of notice of termination (disputing the validity of a termination notice)	1,345	(22%)	728	(14%)
Other***	943	(15%)	672	(13%)
Standard and maintenance of dwelling	577	(9%)	536	(10%)
Breach of tenant obligations	635	(10%)	503	(10%)
Anti-social behaviour	372	(6%)	447	(9%)
Unlawful termination of tenancy (illegal eviction)	459	(7%)	373	(7%)
Overholding	704	(11%)	446	(9%)
Damage in excess of normal wear and tear	317	(5%)	286	(6%)
Breach of fixed term lease	223	(4%)	201	(4%)
Rent review not in line with Rent Pressure Zone	263	(4%)	180	(3%)
Validity of notice of rent review	254	(4%)	176	(3%)
Rent more than market rate (not applicable to Approved Housing Body Tenancies)	168	(3%)	123	(2%)
TOTAL	10,316 (6,185)		8,691 (5,178)	

* 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 read the Good Landlord Tenant Guide on the RTB website at www.rtb.ie

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

Figure 7a

Landlord Top 3 Applications by Dispute Type 2020

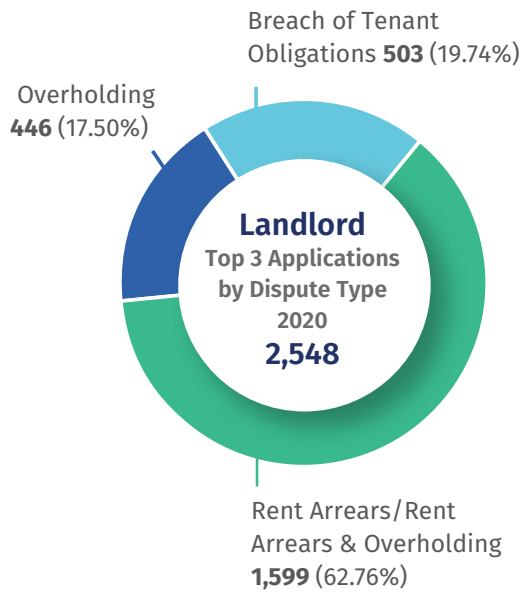
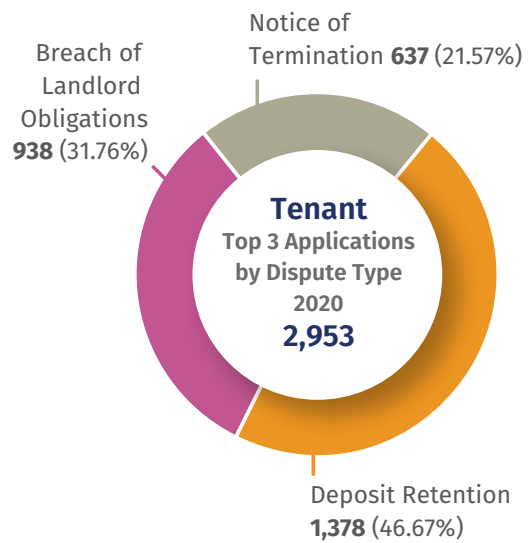


Figure 7b

Tenant Top 3 Applications by Dispute Type 2020



Withdrawals and Settlements

Withdrawals before a Hearing

During the initial application assessment stage, RTB staff work with parties to provide information on the legislation in relation to their case. Increased awareness of both parties' rights, responsibilities and obligations at the initial stages of a dispute can mitigate the need to continue to a formal hearing. As a result of engaging with the RTB and becoming more aware of the rights and responsibilities of landlords and tenants, many case parties come to their own resolution without the need for any further intervention from the RTB.

30% of all applications received for dispute resolution in 2020 were either withdrawn or settled before a hearing took place.

This is a 2.5% increase on 2019 which saw 27.5% of all applications for dispute resolution being withdrawn or settled before a hearing was scheduled.

Withdrawals before a Final Determination Order

During dispute resolution, a case party may withdraw the application at any time in the process. Often, after a hearing has taken place, where the parties have engaged and a solution has been found, many cases are withdrawn before the final Determination Order is issued. In 2020 10.9% of all hearings scheduled were withdrawn before the Determination Order was issued.

Table 3

Reasons for Withdrawal of Applications 2020

Reason for Withdrawal	Numbers Withdrawn
Number of cases withdrawn before hearing scheduled following early RTB intervention	1587
Applications assessed as incomplete/RTB has no jurisdiction/tenancy is unregistered	931
Hearing scheduled but case withdrawn before Determination Order issued	568
TOTAL	3,086

Most common dispute types

Rent Arrears/Rent Arrears and Overholding

Overholding occurs when a tenant fails to leave the rented property by the date listed on 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. This does not imply recognition of a continuing tenancy however.

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, and can put the property and tenancy at risk, so the RTB prioritises these applications.

Rent arrears or rent arrears and overholding remained the most common case dispute types in 2020, which is consistent with the preceding eight years (2013-2020). They accounted for 31% of applications in 2020.

Rent Arrears Awarded in 2020

In 2020, 412 (27%) of the Determination Orders issued following a Telephone Mediation or Adjudication hearing related to rent arrears.

A total of just over €1.3m in rent arrears was awarded to landlords. This was a marked decrease of over 28% in comparison to the €2.1m figure awarded in 2019. It is important to remember that the RTB has jurisdiction to award a maximum of €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).

When a tenant falls into rent arrears early intervention is advised to prevent further arrears becoming unmanageable. The enactment of new legislation in 2020* saw additional steps introduced for landlords and tenants dealing with rent arrears due to Covid-19. The permanent changes concerning rent arrears include:

- A 28-day rent arrears warning notice to be served on the tenant(s). A copy of same must also be served to the RTB.
- If a follow up Notice of Termination is served, a copy must also be sent to the RTB on the same day it is issued to the tenant.
- In circumstances where there are rent arrears the tenant also has a responsibility to engage with the landlord and to engage with MABS (the Money Advice and Budget Service).

In 2020, the highest single award of rent arrears was €31,549. The average award was €4,455 which was a slight increase from the 2019 figure of €4,274. If a landlord and tenant fail to agree on a rent arrears payment plan informally, a landlord submits an application for dispute resolution to the RTB.

** Applications for dispute resolution and appeals were greatly reduced in 2020 due to the impact of the pandemic. Application numbers fell sharply in Q2 2020 due to the impact of the pandemic and the RTB's capacity to process cases was impacted for a short period, resulting in backlogs during Q2.*

Table 4

Total numbers of Dispute and Appeal Applications and Hearings 2016-2020

Dispute & Appeal Applications and Hearings	2016	2017	2018	2019	2020
Adjudication and Mediation Applications	4,837	5,823	6,398	6,185	5,178
Adjudication and Mediation Hearings	3,324	4,638	4,757	4,655	2,732
Applications Withdrawn or closed	2,026	2,527	2,878	3,120	3,086
Appeal Applications (Tribunals)	630	627	691	739	478
Appeal Hearings (Tribunals)	513	457	618	533	206

Table 5

Number of Cases Awarded a Rent Arrears Amount Were and the Minimum, Maximum, Average, and Total Rent Arrears Awarded(€) in 2020

Number of Cases	Lowest Award	Highest Award	Average Award	Total Rent Awarded
412	€39	€31,549	€4,455	€1,385,532

Deposit Retention

A deposit retention case is submitted when a tenant believes that all or part of their deposit has been unlawfully retained by the landlord after they vacate the property. The deposit is usually paid at the commencement of a tenancy and should be returned to the tenant promptly unless lawfully withheld.

A landlord can deduct any rent arrears, outstanding bills, or the cost of damage to the property in excess of normal wear and tear or any costs incurred if a tenant terminates a tenancy invalidly. In these cases, the burden of proof lies with the landlord to prove that the significant deterioration/rent arrears or additional costs have taken place in order to retain part or all of the deposit.

27% (1,410) of all dispute resolution cases taken in 2020 were in relation to deposit retention. This was an increase of 11.5% compared to 1,264 cases taken in 2019. This remains a significant issue for tenancies with the incidence of these cases increasing from 2019 levels becoming the second most common dispute type in 2020.

A reason for the increase in deposit retention cases may be as a direct result of tenants leaving their rented accommodation and returning home during periods of extended lockdown. This was particularly true in relation to students.

Of the 1,503 cases where a Determination order issued, 91 referred to deposit retention, where a Determination Order issued, 44% deposits were returned fully, 43% were returned partially and 13% were retained by the landlord.

Breach of obligations

Where a landlord or a tenant fails to adhere to their tenancy obligations: a written notice should be served outlining the breach and allowing them reasonable time to rectify same. If the breach is not resolved, the Landlord/Tenant can proceed to serve a 28-day notice of termination.

Breaches of landlord obligations include entering the property without prior tenant approval, failure to carry out repairs promptly, failure to allow peaceful and exclusive occupation or failure to provide contact details.

Breaches of tenant obligations include not paying rent in its entirety and on time, failure to notify the landlord of maintenance required in the dwelling, not agreeing to provide access to the landlord for inspection or behaving in an anti-social manner.

A tenant is obliged not to behave within a dwelling, or in the vicinity of it, in a way that is anti-social. A tenant is also responsible for the behaviour of their guests.

Generally, if a tenant breaches their obligations in respect of anti-social behaviour under the Act, then a warning notice followed by a 28-day notice should be given.

Where the behaviour is very severe i.e., threatens the fabric of the dwelling/affects well-being of others, a 7-day notice of termination may be served without a warning notice.

Table 6

Number of Deposit Retention Cases and Breakdown of Deposits Fully Returned, Partially Returned or Retained by Landlord

Number of deposit retention cases	Fully returned	Partially returned	Retained
91	40 (44%)	39 (43%)	12 (13%)

It is important to note where a landlord is seeking to terminate a tenancy by providing a period of 7 days' notice, a high burden of evidentiary proof will be required to show it is appropriate.

The total number of applications in 2020 for breach of obligations has seen a decrease of 12% in comparison to 2019. Of the total of 1415 applications for breach of obligations in 2020, 33% related to a breach of landlord obligations and 66% related to breach of tenant obligations.

Notices of Termination

A Notice of Termination is the official document which ends a tenancy.

If a Notice of Termination is to be considered valid there are a number of rules in place which must be followed. Notice periods which stipulate the amount of notice to be provided by a tenant or landlord must be adhered to. If the tenancy has no end date and lasts more than 6 months a landlord can only terminate that tenancy under seven grounds.

A landlord/tenant wishing to serve a Notice of Termination during a fixed term tenancy where a lease is in place for a specific amount of time can only do so if there has been a breach of obligations or if a breach clause exists in the tenancy agreement.

The RTB provides sample notices of termination and warning letter templates on its website along with notice periods and information on serving a valid Notice of Termination. Visit the RTB website at www.rtb.ie for further information.

The RTB provides **sample notices of termination and warning letter templates on its website** along with notice periods and information on serving a valid Notice of Termination

New procedures have been put in place specifically for Notice of Termination's issued for rent arrears. A copy of the Notice of Termination for rent arrears must also be served on the RTB on the same day it is served on a tenant. All other types of Notice of Termination must be sent to the RTB within 28 days of the termination date of the tenancy.

For the last five years, Validity of Notice of Termination applications was the second most common dispute type cited within dispute resolution applications. However in 2020 it reduced significantly, becoming the fourth most common dispute type cited with just 14% of all dispute resolution applications received in 2020 relating to this. This would appear to reflect the effect of the legislation that was introduced at various points throughout the year suspending the service of Notices of Termination in response to Covid-19.

Determination Orders issued for Notice of Termination cases.

Of the 1,503 cases where a Determination Order issued following an adjudication hearing in 2020, 394 (22.5%) related specifically to the validity of Notice of Termination.

Table 7

Breakdown of the Validity of Notices of Termination (Valid/Invalid) Related to 2020 Determinations Orders by Frequencies and Percentages

Invalid	Valid	Total
161 (41%)	233 (59%)	394

In 2020 the most common reason for issuing a Notice of Termination was for rent arrears (45%) followed by intention to sell (20%) and for own or family use (7%).

Within a Rent Pressure Zone, the most common reason for issuing a Notice of Termination was for rent arrears (42%), followed by an intention to sell (21%) and 7-day notice for anti-social behaviour (10%). In 69% of dispute cases regarding the Validity of Notice of Terminations, the tenancies were located in a Rent Pressure Zone.

Table 8

Breakdown of Notices of Termination Related to 2020 Determination Orders, by Frequencies of Types of Notice Served, Percentage of Notices Served that Valid /Invalid per Type of Notice Served, and Overall Types of Notices Served by Percentage of Cases

Not Types	Invalid	Valid	Total	Total %
Termination for rent arrears	52	124	176	45%
Termination for when landlord intends to sell the dwelling	31	48	79	20%
Termination for when landlord requires dwelling for own or family use	15	11	26	7%
7 Day Notice of Termination for anti-social behaviour	13	10	23	6%
Termination for breach of tenant obligations	9	12	20	5%
Termination for when landlord intends to substantially refurbish or renovate	13	3	16	4%
Terminating a tenancy in the first six months (not applicable to a fixed term lease)	4	10	14	4%
Terminating a tenancy before a further Part 4 tenancy commences	3	12	15	4%
28 Day Notice of Termination for anti social behaviour	6	3	9	2%
Reason for Notice of Termination not specified.	6	0	6	2%
Termination by tenant - no reason required	5	0	5	1%
Termination The dwelling is no longer suitable to the accommodation needs of the Tenant	2	0	2	1%
Termination for breach of landlord obligations	1	0	1	0%
Termination for sub-let or assignment of fixed term tenancy	1	0	1	0%
Total	161	233	394	100%

Reason Notice is Invalid (All Notices)

In 2020, as with 2018 and 2019, the top three reasons the notices of termination were found to be invalid remained the same.

- Warning letter was insufficient. (19%)
- Incorrect notice period. (14%)
- Statutory Declaration was insufficient in some respect. (13.5%)

Table 9

Breakdown of Invalid Notices of Termination Related to 2020 Determination Orders, Reason Deemed Invalid, by Frequencies and Percentage of Total Reasons

Reason	Frequency	Percentage
Warning letter was insufficient in some respect	43	(19.46%)
Did not give adequate notice period	31	(14.03%)
Statement/statutory declaration was insufficient in some respect	30	(13.57%)
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	19	(8.60%)
Did not state that the tenant has the whole of the 24 hours of this date to vacate possession	12	(5.43%)
ASB breach of obligations unfounded	12	(5.43%)
Other Breach of obligations unfounded	12	(5.43%)
Not in writing (an email will not suffice)	11	(4.98%)
Was not accompanied by a statement/statutory declaration where required	10	(4.52%)
Fixed term tenancy in place	9	(4.07%)
Did not specify the date of service/incorrect date of service	9	(4.07%)
Did not state the grounds for termination	6	(2.71%)
Warning period unreasonable	6	(2.71%)
Did not specify the termination date	5	(2.26%)
Was not deemed to be substantial refurbishment	3	(1.36%)
Not updated to Notice of Termination	2	(0.90%)
Not signed by the landlord or his or her authorised agent or, as appropriate, the tenant	1	(0.45%)
Total	221	100.00%

Notices of Rent Review

Landlords are entitled to review the rental income for their properties. Rent reviews can take place once every 12 months within a Rent Pressure Zone (“RPZ”) or every 24 months if located outside an RPZ.

When reviewing the rent, a landlord must provide 90 days’ notice to their tenant of any proposed change in the rent and must use a prescribed Rent Review Form when issuing a notice of rent review. A Notice of Rent Review prescribed form is available on the RTB’s website (www.rtb.ie).

In certain instances, a landlord in an RPZ may apply for an exemption from the 4% cap which then entitles the landlord to set the rent to current market levels based on three comparable properties. The exemptions a landlord can rely on can be found on the RTB website (www.rtb.ie).

There was a slight change in the top 3 reasons as to why a rent review was found to be invalid in 2020. In 2019 the top reason was that the rental amount being asked was higher than the 4% RPZ formula. This did not present as a reason in 2020.

The top three reasons in 2020 are listed below:

- > The landlord not presenting 3 comparable properties.
- > A minimum of 90 days’ notice not provided.
- > The Notice not referencing that the tenant has 28 days to lodge a case to the RTB.

Of the 65 cases determining on a rent review, 66% concerned a dwelling situated in an RPZ of which 26% were deemed valid and 74% invalid.

Also of the 1,503 cases where a Determination Order issued following an Adjudication, 65 (4%) dealt specifically with validity of Notice of Rent Review.

Table 10

Breakdown of the Validity of Notices of Rent Review (Valid/Invalid) Related to 2020 Determination Orders, by Frequencies and Percentages

Invalid	Valid	Total
52 (80%)	13 (20%)	65

Table 11

Breakdown of the Validity of Notices of Rent Review in Rent Pressure Zones (Valid /Invalid) Related to 2020 Determination Orders, by Frequencies and Percentages

Invalid	Valid	Total
32 (74%)	11 (26%)	43

Rent reviews can take place once every 12 months within a Rent Pressure Zone (“RPZ”) or every 24 months if located outside an RPZ

In 2020, 74% of Notices determined on where found to be invalid

Table 12

Breakdown of Invalid Notices of Rent Review Related to 2020 Determination Orders by Reason Deemed Invalid, by Frequencies and Percentage of Total Reasons

Reason Notice of Rent Review Deemed Invalid	Frequency	Percentage **
Did not show the rent for three properties of a similar size, type and character in a comparable area	19	*59.38%
Minimum of 90 days' notice was not provided	15	46.88%
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	14	43.75%
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	11	34.38%
Did not include calculations with regards to the Rent Pressure Zone formula	7	21.88%
Amount being sought higher than permitted under Rent Pressure Zone formula	6	18.75%
Not deemed substantial refurbishment	4	12.50%
Landlord not legally entitled to serve the notice	2	6.25%
Did not have the date on which the notice is signed	1	3.13%
Did not state the new rent on the property	1	3.13%
Did not state date when the new rent starts	1	3.13%
Total	88	

*Some Notices of Rent Review may have had multiple reasons for being invalid.

** % of Invalid Notices

Damages

Damages are a monetary amount awarded to a case party as a result of a Determination Order being issued. Decision makers have discretion to award damages up to and including €20,000.

Damages may be awarded to a tenant or a landlord and generally relate to losses and inconvenience suffered during a tenancy. The decision-makers do not have the power to award punitive damages. Damages awarded may relate to many different circumstances such as damage in excess of normal wear and tear, unlawfully retaining a deposit, failure to pay rent arrears or not maintaining a property or permitting an inspection.

Of the 1,503 cases where a Determination Order issued following an adjudication hearing in 2020, 288 cases (15%) received an award of damages. This is in line with 2019 which also saw 15% of Determination Orders make an award of damages.

57% of the total amount of damages awarded in 2020 were awarded to tenants, 42% were awarded to landlords and 1% awarded to a third party.

Table 13**Data on Damages Awarded (€) in 2020**

Damages Awarded To	Lowest	Highest	Total	Number of Cases
Landlord	€15.00	€10,000.00	€100,121.47	95 (42%)
Tenant	€39.24	€15,196.00	€164,982.48	130 (57%)
Third Party	€500.00	€3,900.00	€5,400.00	3 (1%)

Lowest Damages	Highest Damages	Average Damages	Total Damages
€15.00	€15,196.00	€1,184.95	€271,352.35

Tribunals

If a party to a dispute is not satisfied with the outcome of a mediation or adjudication hearing they can appeal or refer the case to a tenancy tribunal. A Tribunal hearing consists of three independent decision makers who will hear the case again with both parties being given an opportunity to re-present their case. A Determination Order will be issued at the end of the process along with the final report. Both of these documents are published on the RTB website.

Due to the impact of Covid-19, and in order to protect RTB customers and staff, Tribunal hearings were suspended in March 2020. The RTB Dispute Resolution section initiated new processes afterwards and by June 2020 Telephone Tribunals had launched. The initial suspension of face-to-face Tribunal hearings had a direct impact on the number of hearings which took place during the year.

The number of appeal applications received by the RTB was down by 25% in 2020; the number of applications fell from 643 in 2019 to 478 in 2020. 86% of appeal applications were approved.

The number of hearings scheduled also reduced by 61% compared with 2019 due to the changes in the Tribunals process allowing for the adaption to Covid-19 restrictions.

Table 14**Appeals to Tenancy Tribunal by Applicant Type in 2020**

Invalid	Total
Landlord	238
Tenant	236
3rd party	4
Total	478

Table 15**Appeals Handled in 2020**

Appeal Applications Received	476
Appeals approved	412
Appeals refused	55
- Refused for reason of being late	25
- Refused for reason of missing fee	27
- Refused for reason of being late and missing fee	3
Cases withdrawn before hearing scheduled	9
Appeal hearings heard/scheduled	206
Cases withdrawn after hearing scheduled	26

Processing Times of Tribunals

Tribunals timelines were greatly impacted in 2020 due to the severe restrictions that were put in place particularly during the early months of the Covid-19 pandemic. The necessary postponement of cases, the inability to schedule physical hearings and the need for staff to work remotely, all caused significant backlogs in the processing of tribunal cases.

Unlike adjudications, tribunals could not be progressed as paper based decisions, so until virtual mechanisms to hold hearings were established, no Tribunal hearings were possible for a 3 month period from the end of March until the end of June.

As such, the average processing time for tribunals, from appeal initial application to Determination Order being issued, increased significantly from 24 weeks in 2019 to 39.35 weeks in 2020, an increase of 15.35 weeks.

The RTB worked diligently since the start of the crisis to minimise the impact on case parties from these disruptions and restore service to pre-pandemic levels. Multiple mechanisms for dispute hearings were established to allow cases to fully resume and backlogs were contained early and had been reduced significantly by year end.

Determination Orders concerning validity of Notice of Terminations in Tribunal cases

Of the 291 cases where a Determination Order issued following a Tribunal, 132 (45%) dealt specifically with validity of notice of termination - a slight decrease from 2019 where 276 (46%) of tribunal determinations issued dealt with validity of Notice of Termination. Of these 132 determinations 58% were found to be valid and 42% deemed to be invalid. The top three reasons why a Notice of Termination in Tribunal cases was deemed invalid were for the following:

- The Statutory Declaration being insufficient in some respect.
- The Warning letter being insufficient in some respect.
- The Statutory Declaration was missing.

Notices of Termination in Appeals cases

The most common reason for a Notice of Termination being served in a Tribunal case was for rent arrears (25.7%) with the second most common reason being for an intention to sell the dwelling (24.2%) However, there was a change in third most common reason from substantial refurbishment to the requirement of dwelling for own or family use (13.6%) in 2020.

Table 16

Breakdown of the validity of Notices of Termination where a determination order was issued and specifically dealt with the validity of notice of termination.

Invalid	Valid	Total
55 (42%)	77 (58%)	132

Tribunals timelines were greatly impacted in 2020 due to the severe restrictions required for Covid-19, particularly during the early months of the pandemic

The RTB worked diligently since the start of the crisis to minimise the impact on case parties

Table 17

Breakdown of Notices of Termination Related to 2020 Determination Orders, by Frequencies Types of Notice Served that were Valid/ Invalid per Type of Notice Served and Overall Types of Notices Served by Percentages of Cases

Type of Notice of Termination Served	Valid	%	Invalid	%	Total
Termination for rent arrears	23	30.26%	11	20.00%	34
Termination for when landlord intends to sell the dwelling	21	27.63%	11	20.00%	32
Termination for when landlord requires dwelling for own of family use	9	11.84%	9	16.36%	18
Termination for when landlord intends to substantially refurbish or renovate	3	3.95%	9	16.36%	12
Termination for breach of tenant obligations	5	6.58%	4	7.27%	9
7 Day Notice of Termination for Anti-Social Behaviour	4	5.26%	3	5.45%	7
Terminating a tenancy before a Further Part 4 tenancy commences	5	6.58%	1	1.82%	6
28 Day Notice of Termination for further anti-social behaviour	4	5.26%	1	1.82%	5
Reason for Notice of Termination not specified	0	0.00%	3	5.45%	3
Terminating a tenancy in the first six months (not applicable to a fixed term lease)	1	1.32%	2	3.64%	3
Terminating a tenancy as the dwelling is no longer suitable to the accommodation needs of the tenant	0	0.00%	1	1.82%	1
Termination by tenant - no reason required	1	1.32%	0	0.00%	1
Total	76	100.00%	55	100.00%	131

Table 18

Breakdown of Invalid Notices of Termination Related to 2020 Tribunal Decisions by Reason Deemed Invalid, by Frequencies and Percentages of Cases

Reason	Freq	%
Statement / Statutory Declaration was insufficient in some respect	15	23.44%
Warning letter was insufficient in some respect	9	14.06%
Was not accompanied by a statement/Statutory Declaration where required	6	9.38%
Other breach of obligations unfounded	6	9.38%
Did not give adequate notice period	5	7.81%
ASB breach of obligations unfounded	4	6.25%
Did not state that the tenant has the whole of the 24 hours of this date to vacate possession	4	6.25%
Fixed term tenancy in place	3	4.69%
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	3	4.69%
Not signed by the landlord or his or her authorised agent or, as appropriate, the tenant	2	3.13%
Did not specify the date of service/ incorrect date of service	2	3.13%
Did not specify the termination date	2	3.13%
Was not deemed to be substantial refurbishment	2	3.13%
Warning period unreasonable	1	1.56%
Total	64	100.00%

* There can be one or multiple reasons why the total will not add up to 100%.

Notices of Rent Review

Of the 291 cases where a Determination Order issued following a Tribunal hearing, 17 (6%) dealt specifically with validity of Notice of Rent Review.

The three most common reasons for a Notice of rent review being deemed invalid are

- Amount being sought is higher than legally permitted.
- Did not show details of three comparable properties.
- Did not include calculations regarding the rent pressure zone formula.

Table 19

Breakdown of all Tribunal Determination Orders Which Dealt with the Validity of a Notice of Rent Review and Whether They Were Deemed Valid or Invalid

Invalid	Valid	Total
15	2	17

Table 20

Breakdown of all Tribunal Determination Orders Which Dealt with Notices of Rent Review in a Rent Pressure Zone and Whether they were Deemed Valid or Invalid

Invalid	Valid	Total
11	7	13

Approved Housing Bodies Dispute Cases in 2020

Approved Housing Bodies (AHBs) or not for profit housing providers have been under the remit of the RTB since 2016. In 2020, the RTB received 513 dispute resolution applications from an AHB. This was a significant increase of 53% on 2019 where 238 applications were received from AHBs.

Rent Arrears was a significant issue for the AHB sector in 2020 with 74% of cases taken for this dispute type. Anti-social Behaviour was the second highest dispute type with 11% of cases listing this dispute type.

Table 21

Breakdown of Invalid Notices of Rent Review Related to 2020 Determination Order by Reason Deemed Invalid by Frequency and Percentage of Total Reasons

Reason Notice of Rent Review Deemed Invalid	Freq*	%
Amount being sought higher than permitted under Rent Pressure Zone formula	5	19.23%
Did not show the rent for three properties of a similar size, type and character in a comparable area	5	19.23%
Did not include calculations with regards to the Rent Pressure Zone formula	4	15.38%
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	2	7.69%
Did not have the date on which the notice is signed	2	7.69%
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	2	7.69%
Did not state the new rent on the property	2	7.69%
Minimum of 90 days' notice was not provided	2	7.69%
Not Deemed Substantial Refurbishment	1	3.85%
Landlord not legally entitled to serve the notice	1	3.85%
Total	26	100.00%

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

Table 22

Breakdown of AHB Dispute Resolution Applications the RTB Received in 2019 and 2020 by Dispute Types, by Frequencies and Percentage of Cases

Dispute Type*	2019 Count of Reasons	2019 (% cases*)	2020 Count of Reasons	2020 (% cases*)
Rent arrears/rent arrears and overholding	177	74.37%	381	74.27%
Anti-social behaviour	20	8.04%	56	10.92%
Breach of tenant obligations	22	9.24%	42	8.19%
Overholding	43	18.07%	33	6.43%
Breach of landlord obligations	5	2.10%	19	3.70%
Other**	0	0.00%	12	2.34%
Standard and maintenance of dwelling	4	1.68%	11	2.14%
Damage in excess of normal wear and tear	3	1.26%	10	1.95%
Validity of Notice of Termination	4	1.683%	9	1.75%
Deposit retention	0	0.00%	5	0.97%
Unlawful termination of tenancy (Illegal eviction)	2	0.84%%	5	0.97%
Rent not set accordingly	0	0.00%	3	0.58%
Breach of fixed term lease	0	0.00%	0	0.00%
Total Cases	280	238	586	513

Tribunals Rent Arrears was a significant issue for the AHB sector in 2020 with 74% of cases taken for this dispute type

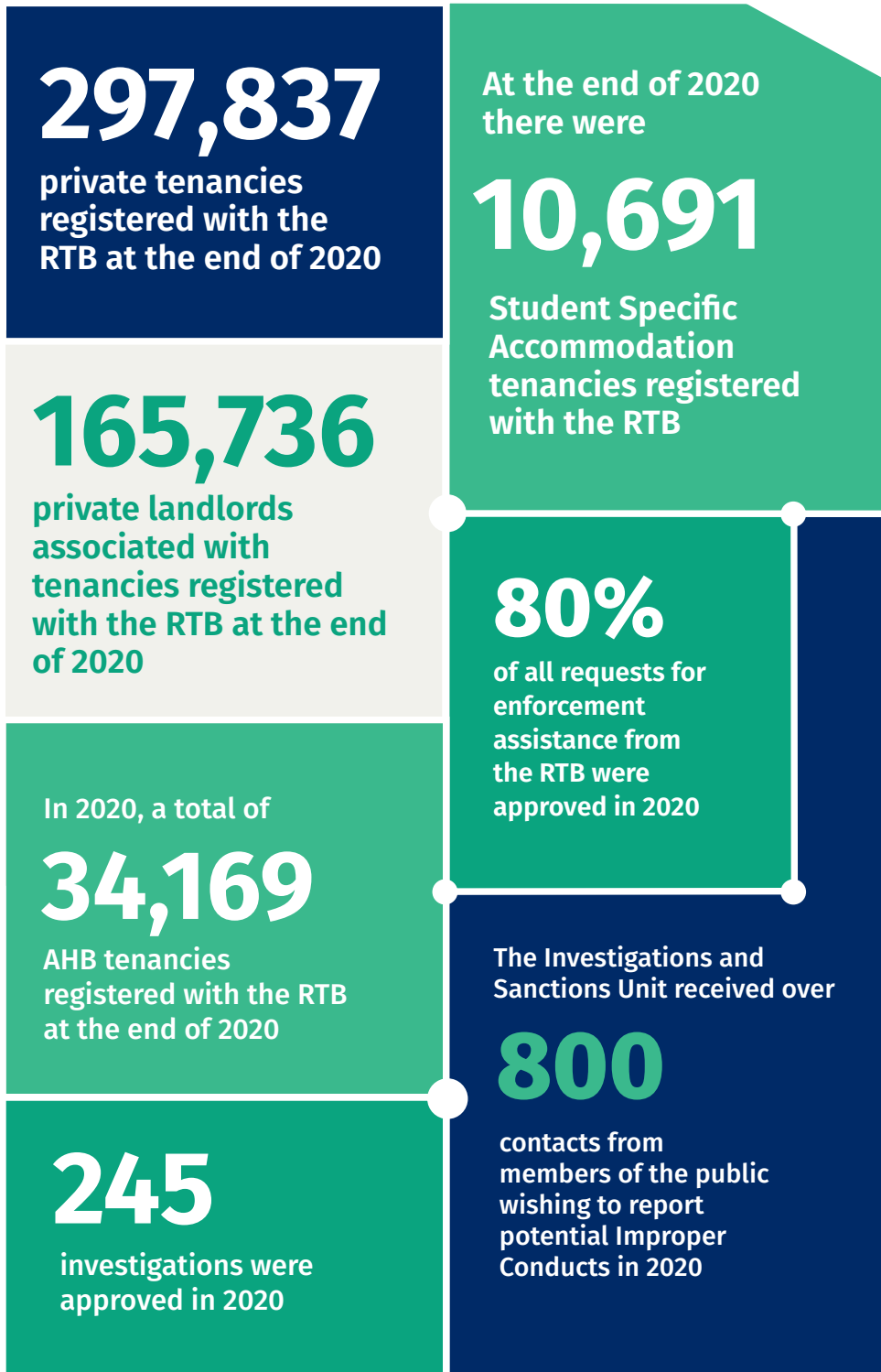
Anti-social Behaviour was the second highest dispute type with 11% of cases listing this dispute type

3

How the RTB Regulate the Rental Sector



How the RTB Regulate the Rental Sector



How the RTB Regulate the Rental Sector

As the 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 and where disputes arise, that there is an effective Dispute Resolution Service and robust enforcement powers, which the RTB provides.

There is a legal obligation on landlords to register their tenancies with the RTB. The RTB's Registration Enforcement section aims to ensure that all rented tenancies are registered. The RTB supports landlords at each stage to ensure they register on time, comply with their obligations, and do not incur late fees. Failure to register can result in a conviction for landlords. The RTB also has the power to enforce its orders from dispute resolution cases when they are not being adhered to. The RTB can also support those who wish to take their own order enforcement proceedings to the Courts.

Since 2019 the RTB has had the power to proactively monitor the rental sector for potential breaches of rental law, using new powers to investigate and sanction breaches of rental law where they are found to have occurred. These changes have been designed to provide greater security of tenure and rent certainty for tenants since they came into force.

The Residential Tenancies Act (2004, as amended) underpins the work of the RTB and how it regulates the sector. During 2020, in response to the Covid-19 pandemic, the Government introduced three new Acts which have changed the rights and obligations for landlords and tenants due to the effects of the pandemic. The three Acts are described at the outset of this Annual Report.

This chapter provides the key highlights in 2020 across the RTB's regulatory functions. It also includes a snapshot of the number of Notices of Termination, Rent Pressure Zone exemption forms and rent arrears warning notices and received by the RTB in 2020, which assists the RTB in regulating the sector and monitoring trends.

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

and where disputes arise, that there is an effective Dispute Resolution Service and robust enforcement powers, which the RTB provides.



Registration of Tenancies

All private landlords, Approved Housing Bodies (AHBs) and 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 creates transparency across the rental sector through the national 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 data such as on how long tenancies are in effect and the rental amounts being charged in tenancies. This information helps the RTB to regulate the sector and enables the RTB to monitor trends, provide important analysis and insights, and produce the RTB Quarterly Rent Index.

Additionally, through the tenancy registration process, the RTB provides support to the sector by making landlords and tenants 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 the landlord and the tenant.

Confirmation letters are sometimes the first opportunity for many landlords and tenants to learn about their rights and responsibilities and to learn about the RTB and its services, allow for a useful opportunity for engagement with the RTB at the start of or 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 tenancy registration. The RTB provides a full online service, supported by WebChat, RTB phone lines and email contact to support the registration process.



Table 23

The Number of Tenancy Registration Applications Received by the RTB Each Year 2016-2020

	2015	2016	2017	2018	2019	2020
Private rental tenancies registration applications received by the RTB each year (new & renewal)	105,566	106,177	101,640	98,362	95,245	95,646
AHB tenancies registration applications received by the RTB each year (new & renewal)	-	5,452	23,092	3,738	3,878	21,587
Student Specific Accommodation tenancies registered with the RTB	-	-	-	-	28,414	12,784
Total number of tenancy registration applications received	105,566	111,629	124,732	102,100	127,537	130,017

Student Specific Accommodation Registrations

All providers of Student Specific Accommodation must register their student tenancies with the RTB.

At the end of 2020, there were 10,691 Student Specific Accommodation tenancies registered with the RTB. These registered tenancies were found across 109 Student Specific Accommodation developments, 11 of which were managed by higher educational institutions, such as universities, and 98 were private developments.

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 Student Specific Accommodation 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.

At the end of
2020, there
were **10,691**
**Student Specific
Accommodation
tenancies**
registered with
the RTB



Registration Compliance

The RTB's Registration Enforcement unit works with landlords and partner organisations to support registration compliance. Landlords will be supported through education and information within each step of the enforcement process on their legal obligations and the RTB Dispute Resolution Services available to them upon registering.

The RTB makes every effort to inform landlords of their obligations to register and legal action is taken as a last resort, however the RTB has registration enforcement powers to pursue landlords who have not complied. 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.

As part of the RTB's investigatory and sanctioning powers, the RTB can also investigate a landlord's failure to register their tenancy within a month of a tenancy commencing. Non-compliance with tenancy registration requirements could result in a sanction through the Investigations and Sanctions powers of the RTB.

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 2020, see page 57.

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 Social Protection (DSP); and
- > Housing Assistance Payment (HAP) scheme;
- > Internal information gathered as a result of a dispute resolution application.

Referrals from Members of the Public

In 2020, members of the public referred 1,010 alleged unregistered tenancies to the RTB compared with 1,249 in 2019, which was a 19% decrease on 2019 figures.

Department of Social Protection & Local Authorities

In 2020, the RTB received 7,540 records in relation to tenancies receiving the Rent Supplement Allowance from the Department of Social Protection (DSP). The process of reviewing and checking with RTB records of those receiving Rent Supplement Allowance has been greatly delayed as a result of issues related to Covid-19.

If a match on the Register is found the Registration Enforcement file is closed and the process ends. If there is not a corresponding match a legal notice is issued and the Registration Enforcement process commences.

Compliance is usually very high with HAP referrals as most Landlords understand that when they sign up to the HAP scheme they are required to register the tenancy.

The HAP and DSP files are the biggest source of these referrals for the RTB. The RTB received 16,630 records in relation to tenancies in receipt of the HAP payment. The tenancies were followed up on by the RTB, with a total of 1,778 correspondence letters sent and contacts made to landlords.

The Local Authorities referred 289 alleged unregistered tenancies to the RTB in 2020 from their inspections of rental properties. This is a decrease on the 1,344 referrals made in 2019. These referrals are on foot of dwelling inspections which were greatly impacted due to Covid-19 restrictions in 2020.

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.

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 majority of landlords are fully compliant, however in a small number of cases formal Notices and Solicitors’ letters must be issued. Most landlords who receive Notices comply with their obligation to register early which halts any requirement for the formal enforcement process.

In 2020, as Table 24 shows, 1,282 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 2020 was 148. If a 2nd Notice letter goes unanswered, the RTB will proceed to issue a Solicitor’s letter, with 197 1st Solicitors’ letters being issued in 2020, and 73 2nd Solicitors’ letters issued.

The RTB decided to suspend the issue of Notices for a significant period in 2020 and staff did not have access to the office as a result of Covid-19 restrictions, which meant a large decrease in Notices issued compared to previous years.

Failing to register a tenancy 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 the Courts. During 2020, as a result of Covid-19, all of these cases in the Courts were necessarily adjourned due to the pandemic. Therefore no registration enforcement cases were resolved in the Courts in 2021. The RTB expects the Courts to recommence this activity during 2021 when restrictions allow.

Table 24

Issued Registration Enforcement Notices and Letters*

Year	1st Notice	2nd Notice	1st Solicitor Letter	2nd Solicitor Letter	Other*	Total
2018	4,651	2,384	748	253	363	8,399
2019	6,013	1,823	540	188	111	8,675
2020	1,282	148	167	73	108	1,778

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

Enforcement of Determination Orders

Determination Orders and Compliance

When landlords and tenants resolve their rental dispute using the RTB Dispute Resolution Service they receive a legally binding Determination Order. The Determination Order is the final decision or outcome of a dispute resolution case that is issued to all parties involved in a 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 must 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 vast majority of Determination Orders are complied with. However, there are instances when 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.

As with registration enforcement, the RTB's first course of action is to see if the matter can be resolved without legal action in the Courts. 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 a case by case basis or whether to provide legal assistance to enforce the Order.

In 2020, 1,794 Determination Orders were issued (this includes a small number of Orders for cases heard in 2019). In most of these cases, landlords and tenants comply with the terms outlined in the Determination Order. When a party to a case 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 be at risk at defaulting on their mortgage, putting the tenancy and property at risk.

In 2020, **1,794**
Determination
Orders were issued

Supporting Enforcement

In 2020, the demand for Determination Order Enforcement services was significantly reduced as the number of Orders was reduced because of the pandemic. As seen in Table 25, the RTB received 294 requests for assistance to pursue enforcement proceedings, which is a decrease of 216 cases, or 42.3%, from 2019. Of the 294 requests, the RTB facilitated full compliance or settlement agreements in 29 cases without recourse to legal action. The RTB was able to facilitate settlements in 9.8% of all received requests through early engagement with the parties before we needed to issue formal legal letters. There were a further 10 instances (approximately 3.4%) where matters were withdrawn or not pursued following initial engagement by the RTB.

Table 25

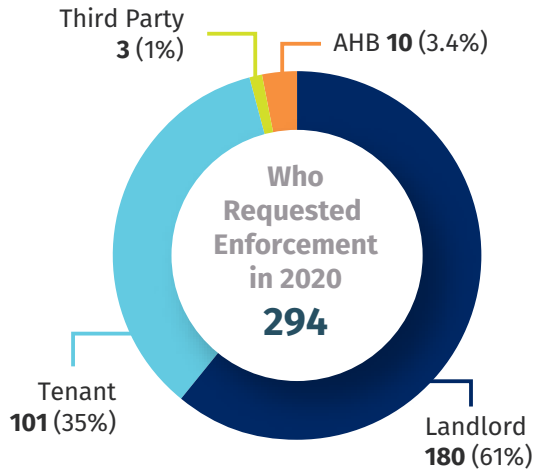
Requests to Pursue Enforcement 2012-2020

2012	2013	2014	2015	2016	2017	2018	2019	2020
346	405	535	633	359	347	348	510	294

Figure 8

Who Requested Enforcement in 2020*?

In 2020, the RTB received 294 requests for enforcement.



In 2020, out of the 180 enforcement requests received from landlords, overholding and rent arrears remained the top dispute type leading to requests for enforcement, with 94.2% of all landlord requests for enforcement relating to these issues. Deposit retention was the most common cause of tenant requests, with 55.4% of all tenants' requests for enforcement relating to these issues.

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

Figure 9

Landlord Requests by Dispute Type 2019+2020

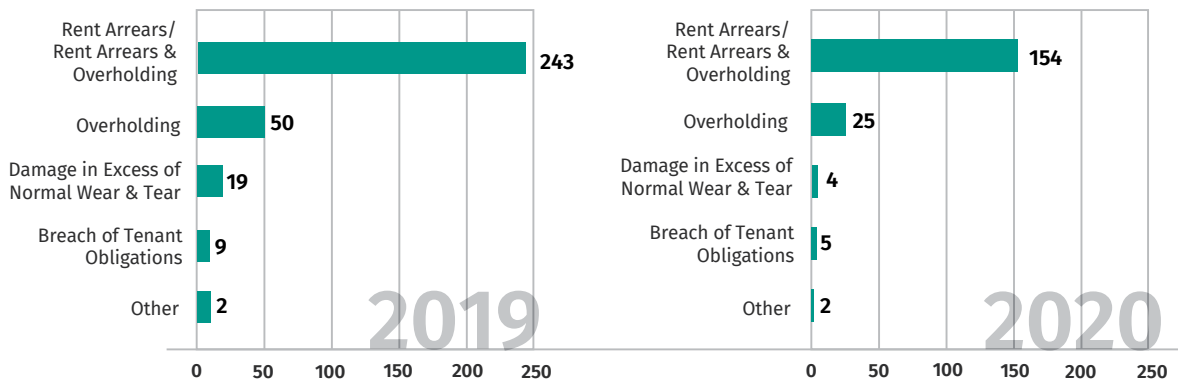
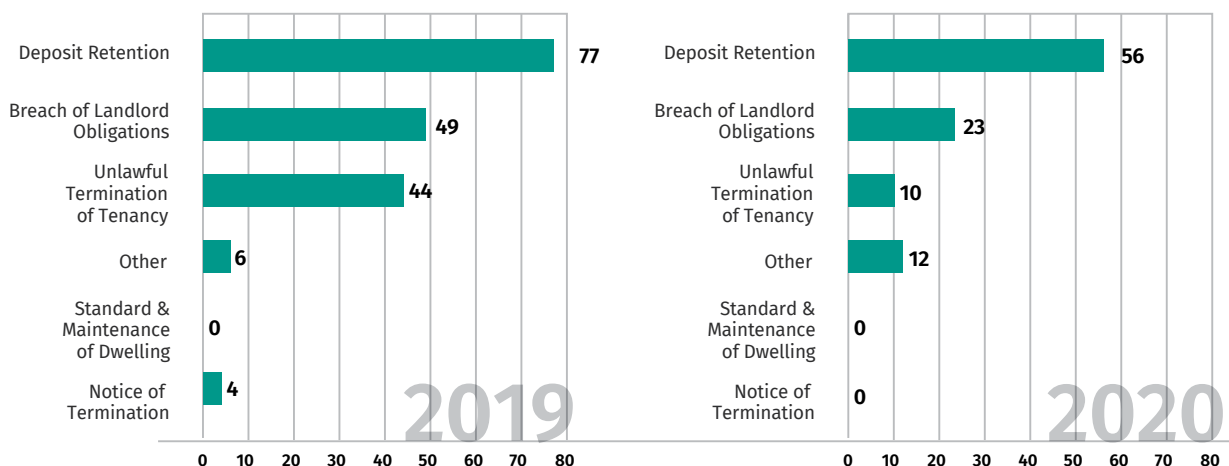


Figure 10

Tenant Requests by Dispute Type 2019+2020



Of the 294 requests received to pursue enforcement, 241 cases were approved for RTB legal assistance. This means that the RTB approved 80.3% of the Determination Order enforcement requests in 2020. Of the 241 cases approved for legal assistance, 29 were settled prior to a solicitor having to be engaged. A total of 381 cases were closed in 2020 (this blended figure includes cases opened in previous years

Parties can also take their own enforcement cases directly to the District Court. 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 2020, the RTB provided 55 parties with the necessary documentation and materials required by the Courts to take their own enforcement cases.

In 2020, the RTB sought to respond rapidly to a changing rental market which was facing the unprecedented impact of Covid-19 and public health restrictions. Access to the Courts was restricted with many Districts adjourning civil matters over the duration of the level 4 and 5 restrictions. Not all enforcement matters were adjourned, with the RTB Panel Solicitors reporting 123 Court Orders obtained nationally. It is anticipated that as public-health restrictions ease, demand for Order Enforcement will continue to grow into 2021.

Enforcement Activity 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 123 Court Orders in 2020, down from 153 in 2019. This reduction of Court Orders was as a result of many District (and Circuit) Courts hearing cases only on the basis that it was deemed the life of the applicant or another party was at risk or if they were in imminent risk of physical harm otherwise a case was adjourned. Notwithstanding these restrictions, the RTB Solicitors Panel secured the number of Court Orders as it did. 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 can enter into a settlement plan before the case is brought before the Courts. Panel Solicitors report that in 2020, 17 cases, in addition to the 123 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.

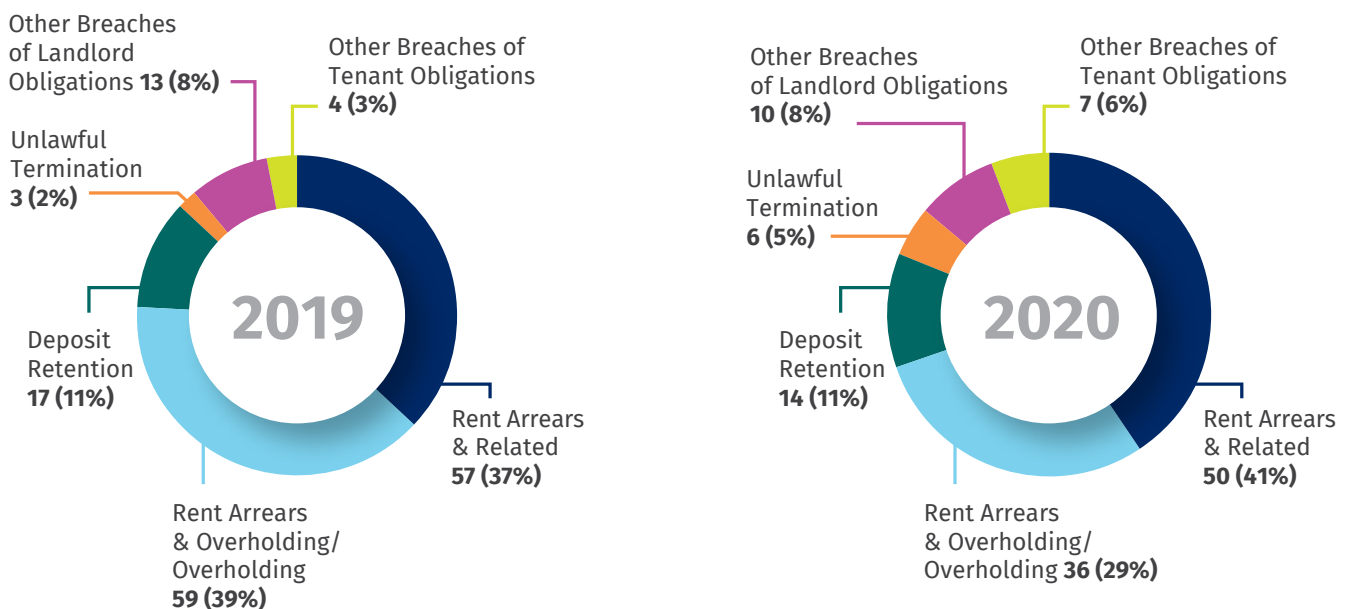
Table 26

Court Orders obtained by the RTB on behalf of case parties (2011-2020)

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
42	91	140	158	302	204	107	108	153	123

Figure 11

Breakdown of District and Circuit Court Orders Obtained 2019-2020



High Court Proceedings

A case can be brought to the High Court where a person believes the law has been applied incorrectly. These requests to appeal the Tribunal decision of the RTB are based on a point of law i.e. an issue with how the law was applied in reaching the decision.

In 2020, there were 10 cases that were appealed to the High Court.

Judicial Review

If it is believed that a Dispute Resolution hearing or Investigations and Sanctions Process with the RTB was not conducted fairly or that there has been a jurisdictional error, relief may be sought from the High Court by way of Judicial review. Judicial review is not an appeal of the decision of the RTB but is a review that focuses on the process by which decisions were made rather than the decision itself. Granting of this remedy is at the discretion of the High Court. There was one case taken against the RTB for Judicial Review in 2020

Investigations and Sanctions

On 1 July 2019, the Residential Tenancies (Amendment) Act 2019 expanded the role of the RTB to allow it to investigate and sanction landlords who engage in certain breaches of the law, defined as Improper Conducts. These include:

- failure to comply with RPZ requirements;
- failure to register a tenancy;
- a reason given on a Notice of Termination that is known to be false or misleading; and
- failure to offer a tenant their tenancy back when certain conditions have been met.

This brought about a fundamental change in the operation of the RTB by expanding its regulatory remit and enabling the RTB to commence investigations either arising from formal written complaints, or, proactively by the RTB analysing data available to it, and from informal contacts from members of the public.

By commencing investigations on its own volition, the RTB aims to investigate and sanction Improper Conducts which may not otherwise have been identified and to encourage compliance with rental law throughout the sector. This will help level the playing field for the majority of landlords who are compliant with rental law and prevent tenants and landlords from being unfairly disadvantaged by unlawfully heightened rent and unlawful practices which artificially inflate market rent and disrupt the protection of tenure set out in the Residential Tenancies Act.

2020 was the first full year of operation of the RTB Investigations and Sanctions unit. The main focus in 2020 was to establish roles and responsibilities within the team and develop the processes, policies and templates to support the operation of the unit in accordance with the legislation. Throughout 2020, the Investigations and Sanctions team were actively engaged in the following key activities:

- Communication of information and guidance on the Investigations and Sanctions processes to stakeholders and the public through the creation of new publications and content for the RTB website.

- Assessment of information received from members of the public (including formal written complaints) as well as information identified by the Unit using open-source data and data available to the RTB.
- Investigating potential Improper Conducts. Investigations are carried out by specially appointed Authorised Officers (AOs). Once appointed to an investigation, the Authorised Officers have specific, wide-ranging and significant investigative powers provided for under the legislation including the power to inspect premises, the power to seize evidence, and the power to compel persons to assist with the investigation by producing documents or attending an interview or oral hearing.
- Independent Decision Makers consider the acknowledgements of a breach(es) by landlords or the AOs' investigation reports and decide whether an Improper Conduct has occurred and whether or not to impose a sanction and the amount of any sanctions.
- Confirmation of sanctions by the Circuit Court.
- Preparing for the publication of sanctions on the RTB website.
- Preparing for the receipt of payments of sanctions.

RTB Sources of Information for Investigation

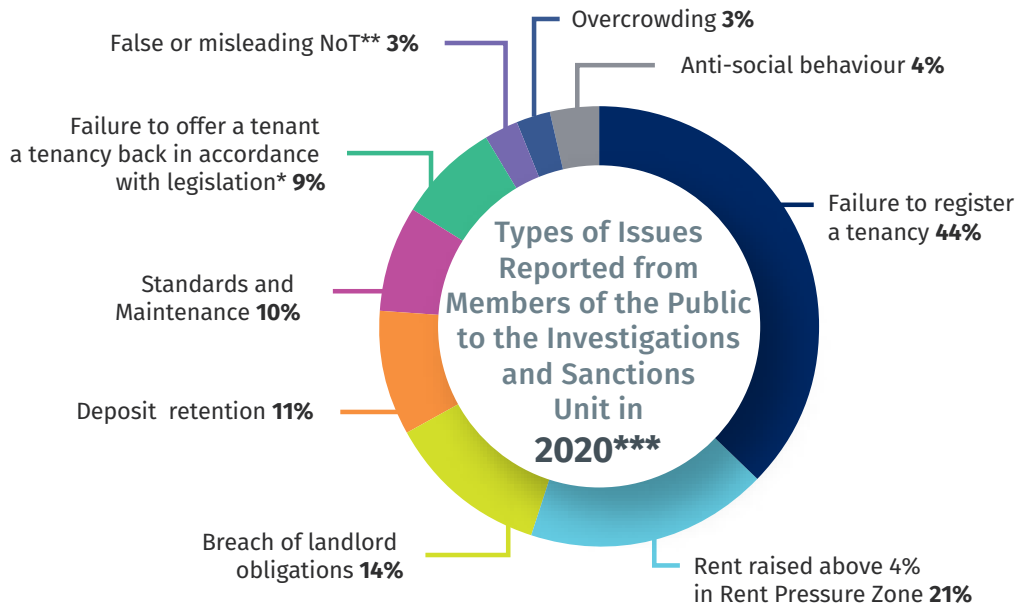
A key role of the Investigation and Sanctions unit is to assess and verify information and determine if a potential breach can be brought forward for investigation. The following is a summary of where the RTB sources its information to start investigations along with the overview of what information was received by the unit in 2020.

Reports from Members of the Public

The RTB received over 800 contacts from members of the public wishing to report potential Improper Conducts in 2020. Broken down, 13.3% of these contacts were formal written complaints and 86.7% were phone calls and emails.

Figure 12

The Types of Issues Reported from Members of the Public to the Investigations and Sanctions Unit in 2020***



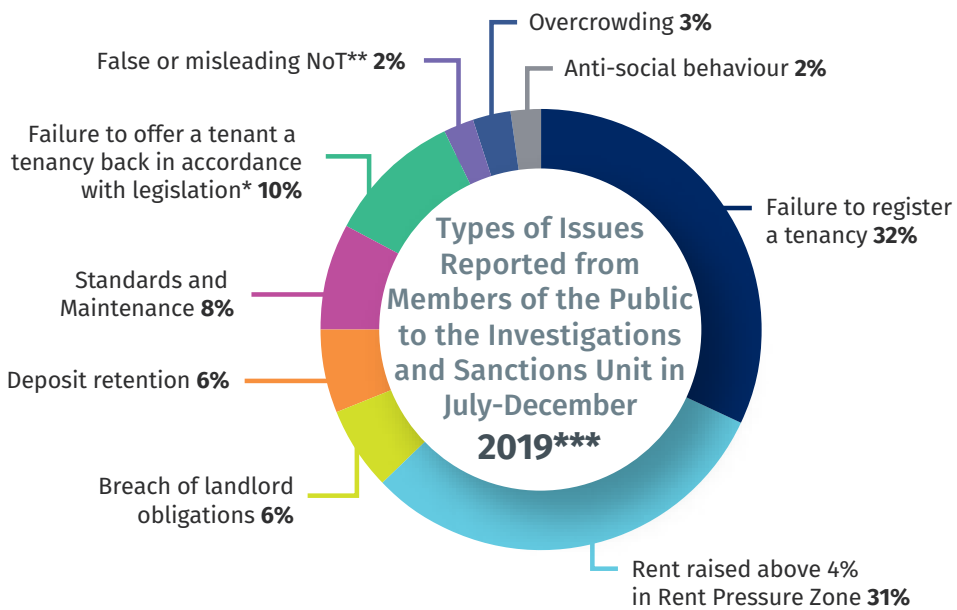
* This figure combines figures for failure to offer a tenant their tenancy back after a NoT was issued for sale of property, substantial renovation and own or family member occupation.

** NoT stands for Notice of Termination.

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

Figure 13

Types of Issues Reported from Members of the Public to the Investigations and Sanctions Team July-December 2019***



*This figure combines figures for failure to offer a tenant their tenancy back after a NoT was issued for sale of property, substantial renovation and own or family member occupation.

** NoT stands for Notice of Termination.

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

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.

Approved Investigations

In 2020, 245 investigations into alleged Improper Conduct were approved by the RTB, which is an increase on the 51 investigations approved in 2019. An investigation may cover more than one allegation of Improper Conduct. In 2020 84% of investigations were based on information that the Investigations and Sanctions unit had gathered from proactively monitoring the market, 12.6% were based on a formal written complaint, and 3.26% were based on receiving a phone call or email.

The breakdown of the types of investigations that were approved in 2020 can be seen in Figure 14.

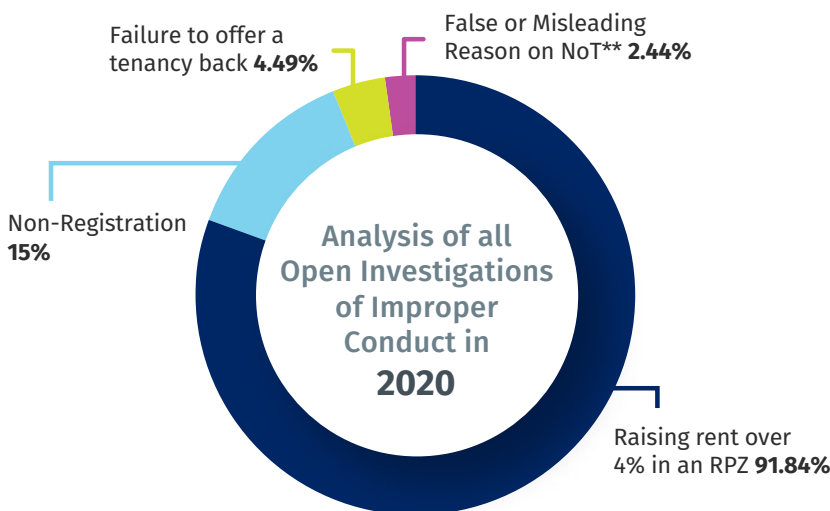
Sanctions

By the end of 2020, 70 cases had been submitted to the Decision Makers for decision on a sanction. The RTB issued 30 decisions to the relevant landlords and no appeals were lodged. This figure includes investigations that were started in 2019.

The decision to impose a sanction must be confirmed in the Circuit Court. In collaboration with the Courts Service, the confirmation process was successfully trialled at the end of 2020. Particulars of cases confirmed in the Circuit Court will be published on the RTB’s website once the process is completed in its entirety and all relevant appeal periods have ended.

Figure 14

Analysis of all Open Investigations of Improper Conduct in 2020*



Notice of Termination and RPZ Exemptions

Along with the registration data the RTB collects and analyses, the RTB is now receiving information from landlords which is providing useful data and is contributing to how the RTB is able to regulate the sector. The changes to the legislation that were introduced in 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.

Reasons Landlords Ended Tenancies in 2020

Between January and December 2020, the RTB received 1,902 Notices of Termination from landlords. Of the 1,902 Notices received, 47% stated that the landlord ended the tenancy in order to sell their rental property. A further 25% of the Notices cited a landlord's requirement to move back into the property or to have their family member move in. In 2019, 667 Notices of Termination were received by the RTB as the requirement to do so only came into place in June 2019.

Landlords are required to send a copy of a Notice of Termination to the RTB, within 28 days of the tenant leaving the property. The requirements regarding ending of a tenancy due to rent arrears have changed in 2020 and are explained elsewhere in this report.

Table 27

Type of Notices of Termination Received in 2020

Type of Notice of Termination	2019		2020	
	Number	%	Number	%
Landlord intends on selling the property within 9 months of the termination date	367	54%	897	47%
Landlord or family member intends on moving back into rental property	134	20%	481	25%
Breach of tenant obligations	130	19%	348	18%
Ending a tenancy before a Further Part 4 tenancy commences	17	3%	62	3%
Landlord intends to substantially refurbish the rental property which requires the dwelling to be vacated	11	2%	51	2%
Rental property is no longer suitable to the accommodation needs of the tenants	7	1%	33	1%
Landlord intends to change the use of the rental property	4	1%	10	0.5%
Blank	7	1%	20	1%
Total Notices of Termination's Received	677*		1,902	

* The process of collecting this information by RTB only began on 25th June 2019 prior to this there was no requirement. This figure is lower when compared to subsequent quarters as a result

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, often 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.

In 2020, the RTB received 596 notifications that landlords were relying on an RPZ exemption. Of the 596 notifications received, 84.73% cited Exemption 1 and 14.93% cited Exemption 2.

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

Table 28

RPZ Exemption Notifications Received by RTB in 2020

Total RPZ Exemptions 2019 - 2020				
	Exemption 1	Exemption 2	Exemption not stated	Total
2019 (Q3-Q4) Total Number Received	154 (80%)	34 (18%)	4 (2%)	192 (100%)
2020 Total Number Received	505 (84.73%)	89 (14.93 %)	2 (0.34%)	596 (100%)

4

How the RTB Manages the Rent Tribunal



How the RTB Manage the Rent Tribunal

The Rent Tribunal, established in August 1983, was the arbitrating body in the determination of rent and other terms of tenancy of dwellings which were formerly rent controlled under the Rent Restrictions Acts 1960–1981.

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

In 2020 there was one case determined with the new rent being set at €295.00 per week.

Membership

All board members of the RTB are members of the Rent Tribunal.

Members in 2020 were:

- > Tom Dunne (Chairperson)
- > Paddy Gray
- > Justin O'Brien
- > Mary O'Donovan
- > Audry Deane
- > Paul White
- > Colin Potts
- > James Doorley
- > Julia Carmichael
- > Patricia O'Sullivan Lacy

Number of Applications Made

During 2020, one application was made to the RTB. This compared with no applications in 2019.

Hearings

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

Number of Hearings

There were no hearings in 2020. The one application received was determined by written determination.

Determinations

In 2020, the Rent Tribunal determined one application which related to a dwelling in Dublin and to a review of rent previously set.

Rents determined

The rent set by the Tribunal in the one case in 2020 was €295 per week whereas rent set in 2019 was €140 per week.

Rent Allowance

In cases where tenants would suffer hardship by virtue of an increase in the rent arising from a Rent Tribunal determination, a rent allowance may be paid by the Department of Social Protection. At the end of 2020, the total number of tenants whose terms of tenancy had been determined by the Rent Tribunal and who were in receipt of the rent allowance was 47 compared to 56 in 2019.



5

How the RTB Monitors Trends



How We Monitor Trends

The RTB helps promote a better understanding of the rental sector through the examination of tenancy data, the production of the RTB Quarterly Rent Index and through the RTB Research programme.

This in turn allows the RTB to be an authoritative, independent and trusted voice in the rental sector in Ireland. The RTB collects information on the private rented sector primarily through the registration of tenancies and through the usage of the services that it provides.



A Profile of the Rental Sector in 2020

The data in this section is based on information included in tenancy registration forms submitted to the RTB. At the end of 2020, there were 297,837 private tenancies registered with the RTB.

Table 29

Private, Approved Housing Body and Student Specific Accommodation Tenancies 2017-2020*

Private, Approved Housing Body and Student Specific Accommodation Tenancies	2017	2018	2019	2020
Total number of tenancies registered (AHB, Private & SSA)	339,447	336,890	364,099	342,697
Number of AHB tenancies	26,445	29,542	32,662	34,169
Number of Student Specific Accommodation tenancies	-	-	28,414	10,691
Number of private rented tenancies	313,002	307,348	303,023	297,837

*Point in time information taken from the RTBs databases.

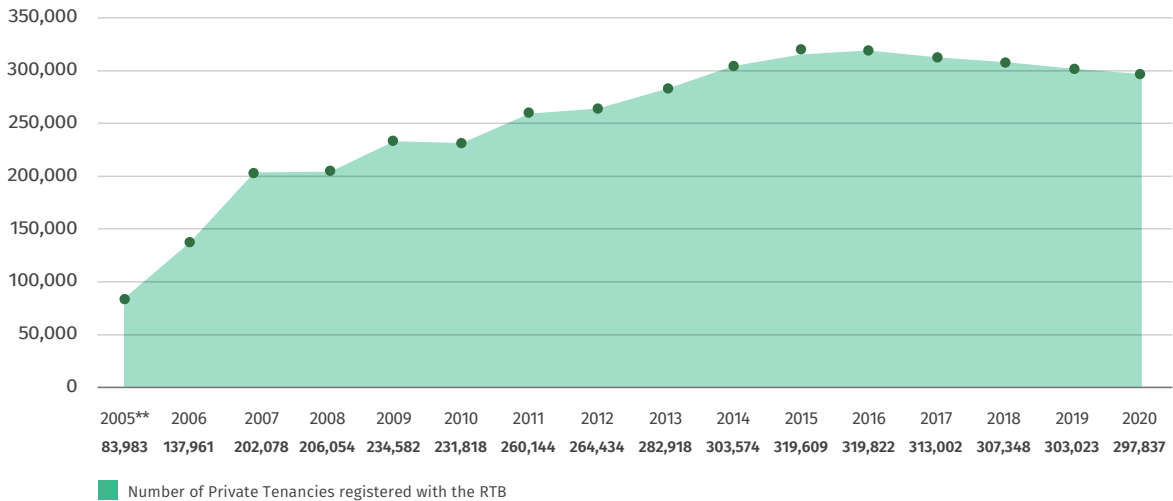
As set out in Table 29, this is the third consecutive year that there has been a reduction in the total number of private tenancies registered with the RTB. The overall decline of 15,165 between the end of 2017 and the end of 2020 brings the total number of private rented tenancies registered with the RTB close to the level last recorded at the end of 2014. This is a significant reduction, particularly in the context of the wider issues in the sector. This reduction 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 was undertaken in 2020 to establish the drivers of this emerging trend through interviews with landlords who have left the sector and tenants living in the sector. This will be published in 2021 and will provide better context as to what is driving the reduction in these numbers.

Figure 15

Total Number of Private Tenancies Registered with the RTB*



*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.

Landlord Profile

At the end of 2020, there were 165,736 private landlords associated with the 297,837 private tenancies in the sector. As outlined in Figure 15, this is the fourth 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), similarly to how a single landlord can have multiple rental properties and therefore multiple tenancies.

In 2020, consistent with previous years, most landlords in the sector (86.6%) have just one or two tenancies. These smaller landlords manage roughly 53.3% of all private tenancy stock registered with the RTB. Larger landlords associated with 10 or more tenancies, manage roughly 20.5% of all private tenancy stock registered.

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 2020 were private individuals, and the remaining ones (4%) were companies. This is the same breakdown of landlords as in 2019. However the geographic spread across the country is not uniform with urban areas having a

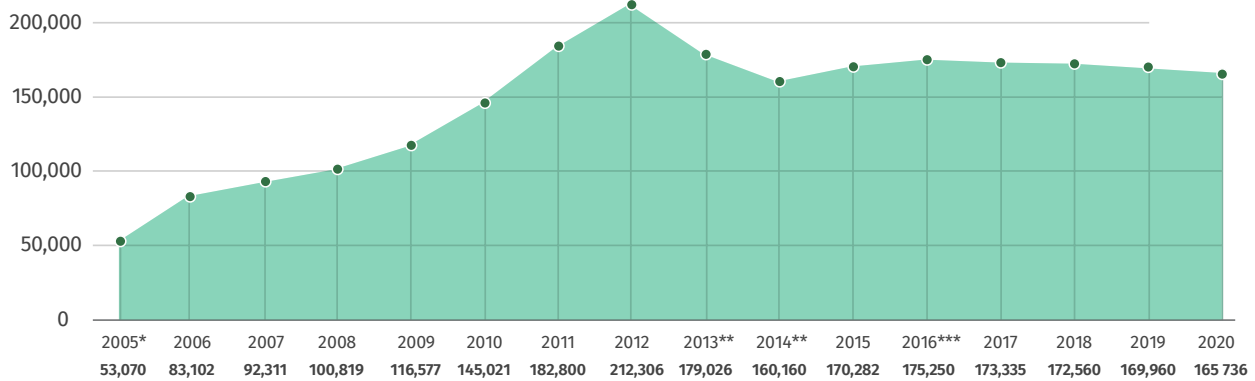
higher concentration of company landlords. From an analysis of all 31 Local Electoral Areas (LEAs) in Dublin at the end of 2020, it was determined that in 14 LEAs at least 20% of registered tenancies had a landlord that was registered as a company.

The presence of larger scale investors is continuing to grow in the private rental sector in Ireland. This is particularly evident in urban areas, and as they expand their market share, they are having a more significant impact, 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.

86.6% of landlords manage just one or two tenancies

Figure 16

The Total Number of Landlords Associated with Registered Tenancies 2005-2020



* 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.

Approved Housing Bodies Snapshot

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

An AHB tenancy renewal process was ongoing throughout 2020. At the end of 2020 there were 34,169 AHB tenancies registered with the RTB. This represents an annual increase in AHB tenancy registrations of 4.6% or 1,507 tenancies, from 32,662 at the end of 2019.

Student Specific Accommodation Snapshot

All providers of Student Specific Accommodation must register their student tenancies with the RTB. At the end of 2020, there were 10,691 Student Specific Accommodation tenancies registered with the RTB. These registered tenancies were found across 109 Student Specific Accommodation developments, 11 of which were managed by higher educational institutions, such as universities, and 98 were private developments. The number of student specific accommodation tenancies registered fell in 2020 as a result of a move to online learning caused by the impact of the Covid-19 pandemic.

An annual increase in the number of AHB tenancies registered with the RTB of 4.6%

Rental Price Trends in 2020

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 the RTB Quarterly Rent Index which tracks rent developments in the Irish private rental sector. Data from the RTB Quarterly Rent Index is available from 2007 to 2020 via the RTB's Research and Data Hub.

At the end of 2020, the economic developments remained tied to the spread of Covid-19, the associated restrictions and the changes in behaviour of households in reaction to the Covid-19 pandemic. This section provides an overview of the rental price trends that emerged in the private rental sector in 2020 in the backdrop of the Covid-19 pandemic.

The information is based on the Q4 2020 RTB Quarterly Rent Index. The 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 2020, the Covid-19 pandemic impacted the private rental market in Ireland in many ways, the annual growth in rent levels moderated nationally and in some areas fell. There was also a notable reduction in the number of private tenancies registered with the RTB at the beginning of the Covid-19 pandemic in Q2, however registration levels returned to normal in Q3 and Q4.

At the end of 2020, the RTB Quarterly Rent Index showed that rents continued to rise moderately across the country. Between Q4 2019 and Q4 2020, the national standardised average rent increased by €33.46 (2.74%), from €1,222.69 per month in Q4 2019 to €1,256.15 per month in Q4 2020. While the national standardised average rent increased by 2.74% annually, the pace of growth slowed towards the end of the year. This is evidenced by no change (0.0%) quarter on quarter in the national standardised average rent between Q3 2020 and Q4 2020.

In Figure 17, the national standardised average rent in each quarter from 2007 (Q3) to 2020 (Q4) is displayed. This data was extracted from the RTB Q4 2020 Rent Index. It shows that the national standardised average rent has increased by 27% in the 13 years from the previous peak in Q4 2007 to the end of 2020.

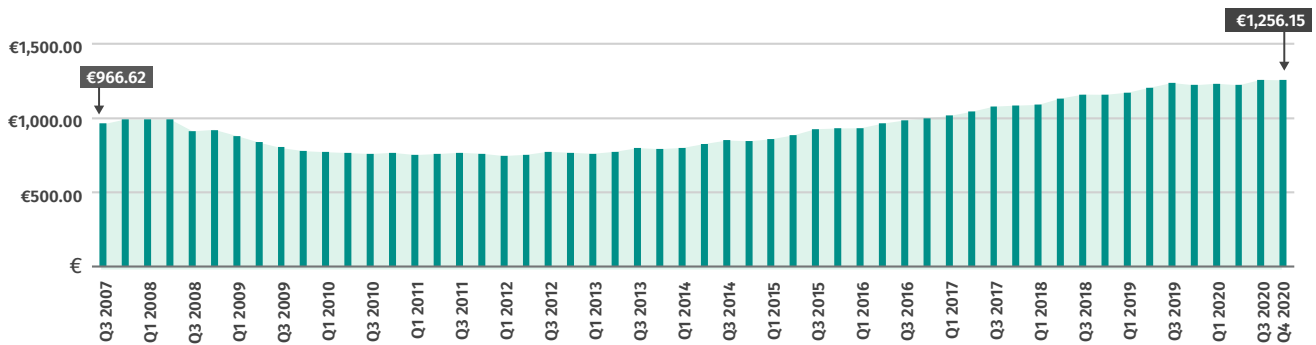
Dublin

The Dublin rental market is the largest and has the highest standardised average rent in the country. How Dublin develops over time has a considerable impact on the national standardised average rent levels. At the end of 2020 (Q4), the standardised average rent in Dublin was €1,745.26, which represented an annual increase of 2.12% compared to the same quarter in 2019.

In Figure 18, the standardised average rent for Dublin in each quarter from 2007 (Q3) to 2020 (Q4) is displayed. This data was extracted from the Q4 2020 Rent Index and shows that the standardised average rent in Dublin has increased by 40% in the 13 years between the previous peak in Q4 2007 and the end of 2020 (Q4).

Figure 17

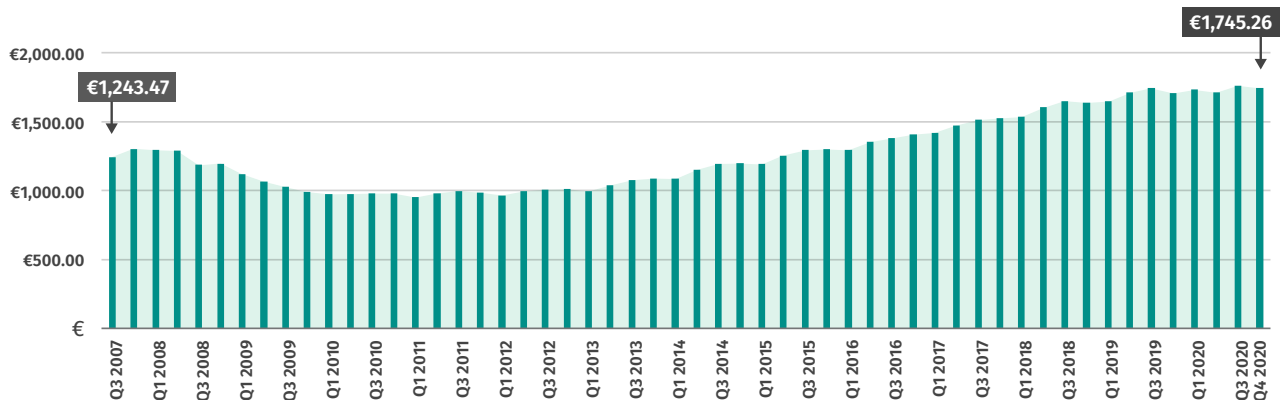
National Standardised Average Rent



Source: RTB Rent Index Q4 2020.

Figure 18

The Standardised Average Rent in Dublin



Source: RTB Rent Index Q4 2020.

Greater Dublin Area Excluding Dublin

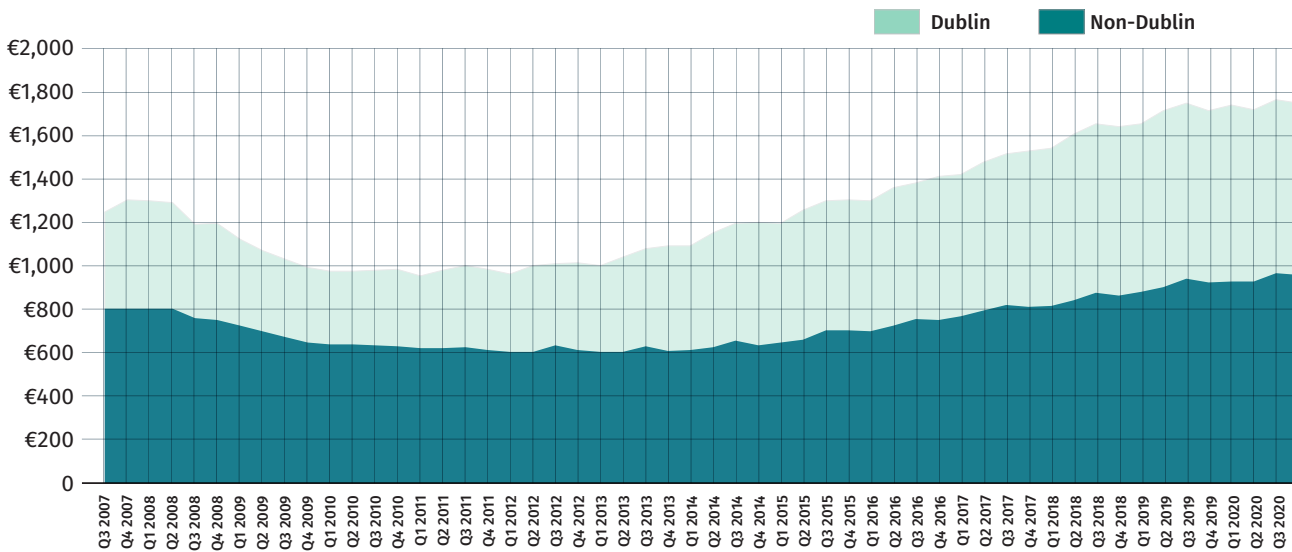
The Greater Dublin Area (GDA) excluding Dublin in this context refers to counties Kildare, Meath and Wicklow. At the end of 2020, the standardised average rent in the GDA (excluding Dublin) stood at €1,306.91 up 5% from €1,244.41 in Q4 2019. This is 31% higher than the previous peak in Q4 2007. The proximity to Dublin has meant that housing demand can be considerable in the surrounding counties.

Ireland Excluding the Greater Dublin Area

The standardised average rent outside the GDA was €904.47 at the end of 2020 (Q4), up from €872.00 at the end of 2019. This represents an annual increase of 3.36% at the end of 2020. The standardised average rent in Dublin was 93% higher than outside of the GDA, suggesting that there are significant rent level differences across the country.

Figure 19

The Standardised Average Rent in Dublin and Outside Dublin



Source: RTB Rent Index Q4 2020.

Ireland Excluding Dublin

At the end of 2020 (Q4), the standardised average rent for Ireland excluding Dublin was €954.80 up 3.67% annually from €921.03 at the end of 2019.

Figure 19 shows that the gap between the standardised average rent in Dublin and for outside Dublin. This gap has widened steadily in recent years, but in 2020 it reduced slightly, which suggests that the particular set of market conditions in Dublin that had been driving this divide were not as significant in 2020. The introduction of remote working for large cohorts in 2020 may have alleviated slightly the demand properties in Dublin, as proximity to place of employment became less of a driver for some.

Rent Pressure Zones

At the end of 2016, legislation came into effect which introduced Rent Pressure Zones (RPZs). A RPZ is an area of the country where rents are highest and rising, and where tenants have the greatest difficulty finding affordable accommodation. Rent increases are limited to a maximum of 4% per annum in these areas. RPZs are intended to moderate the increase in rents in these areas and create a stable and sustainable rental market that allows landlords and tenants to plan with greater financial certainty.

In 2020, seven areas experiencing high rent inflation were designated as RPZs. They were:

- > **Mallow LEA, Co. Cork**
- > **Killarney LEA, Co. Kerry**
- > **Athy LEA, Co. Kildare**
- > **Tullamore LEA, Co. Offaly**
- > **Mullingar LEA, Co. Westmeath**
- > **Bandon-Kinsale LEA, Co. Cork**
- > **Kildare County Council (administrative area)**

With the addition of these seven areas, at the end of 2020 73.67% of registered tenancies in the country were located in RPZs. A full timeline of RPZ designations can be seen in Figure 20, and map showing their location can be seen in Figure 21.

At the end of 2020 (Q4), the standardised average rent for Ireland excluding Dublin was €954.80 up 3.67 % annually from €921.03 at the end of 2019.

Figure 20

Rent Pressure Zone Designation Timeline 2017-2020

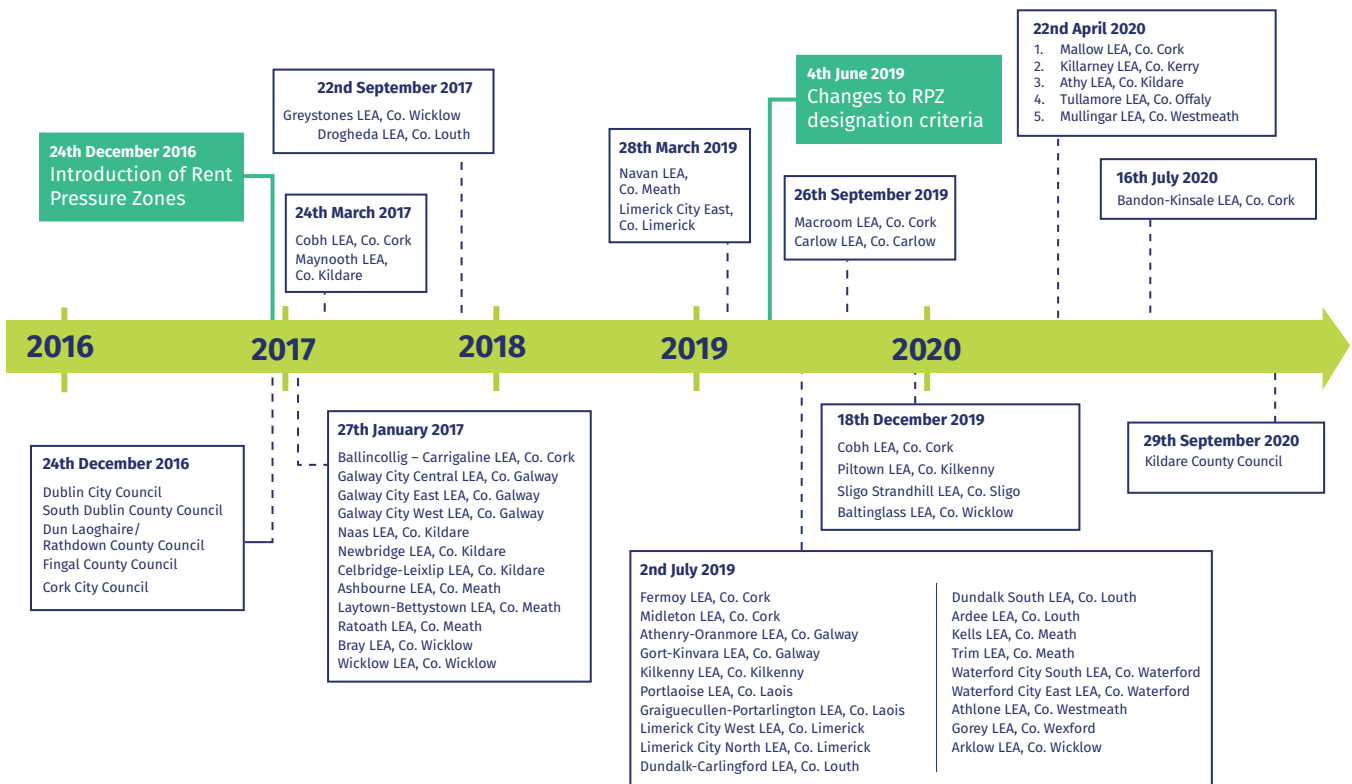
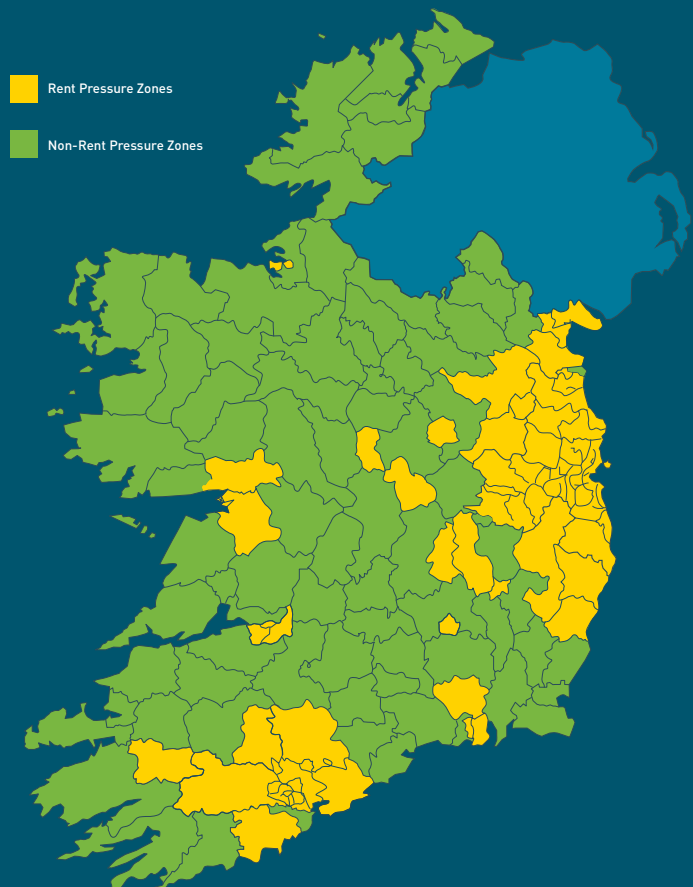


Figure 21

Map of Rent Pressure Zone Areas Designated between 2016-2020



RTB Research Programme Highlights

In 2020, an ongoing strategic priority for the RTB has been to use data and research to foster a better understanding of the rental sector, monitor trends in the sector, and to inform policy. The key components of the RTB's Research Programme in 2020 were:

- 1 The production and development of the RTB Quarterly Rent Index;**
- 2 Undertaking surveys of landlords, tenants and letting agents; and**
- 3 Development of the Research and Data hub, an interactive tool which provides the public with easy access to information collected by the RTB**

The RTB also undertook a number of internal research projects in 2020, including an examination of data on the Notices of Termination issued to tenants who subsequently became homeless. This research was conducted in collaboration with a number of Local Authorities and focused on the examination of the Notices of Terminations issued to families who later entered emergency accommodation between April - December 2019.

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 2021 the RTB expects the commencement of a system of annual registration of tenancies, which will fundamentally enhance the data available and facilitate 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, and therefore for the first time it will be possible to identify and report on rental trends based on all new and existing tenancies each year.

A further additional source of information in the future will be the RTB Survey of Landlords and Tenants. This primary research, due to be published in 2021, 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 and landlords. 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 will continue to expand the data available to help support a well-functioning rental sector.



6

How the RTB Ensure Good Governance

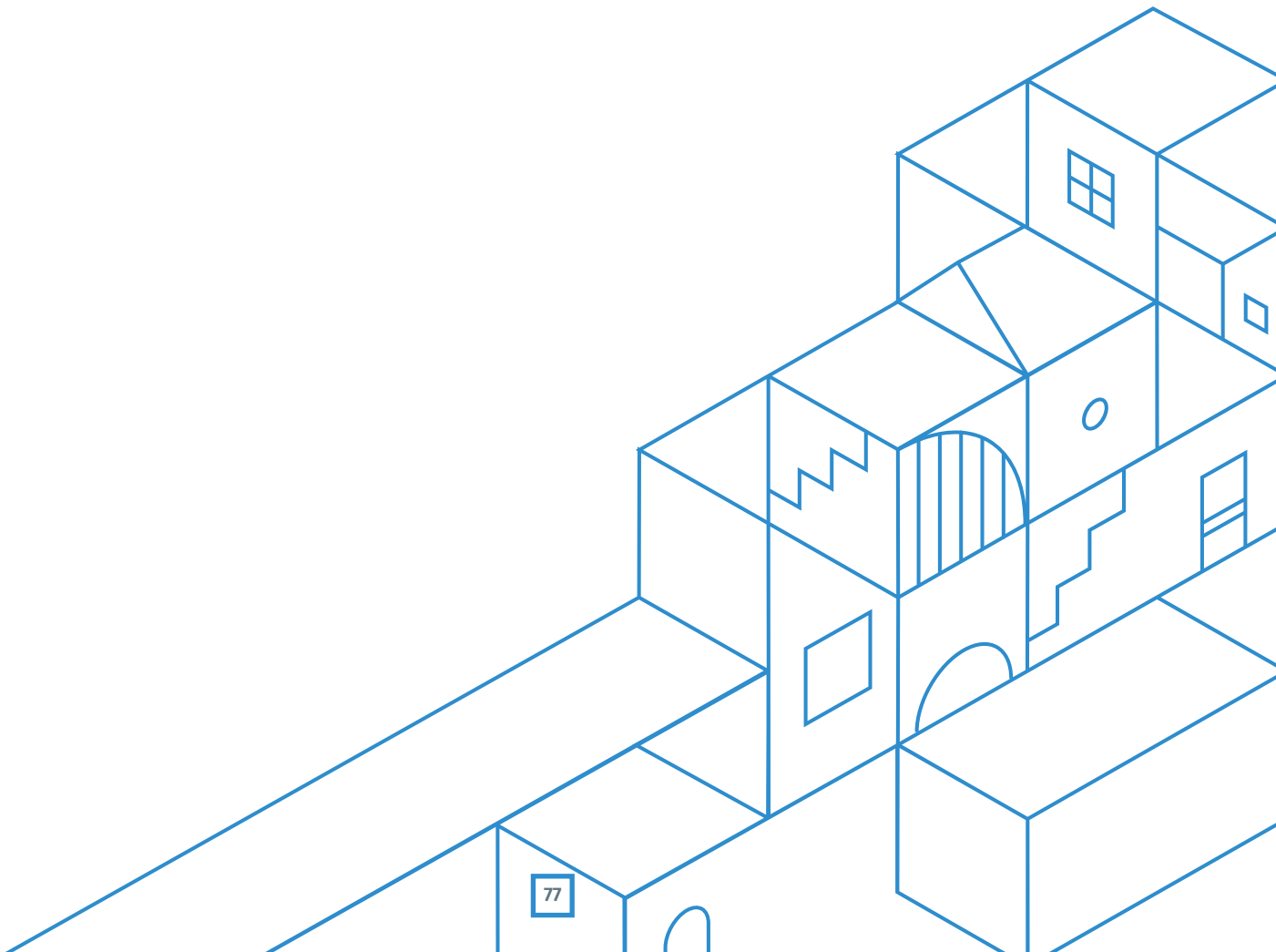


Introduction

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 2020. 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, Fellow of the Society of Chartered Surveyors Ireland and former Head of the School of Surveying & Construction Management, TU Dublin.



John Fitzgerald*
Property Professional



Paddy Gray OBE
Professor Emeritus of Housing, Ulster University and former President of the Chartered Institute of Housing UK and Hong Kong



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 of Finance and
Operations, The Bar of Ireland



Paul White

Director and Principal,
Governance Ireland Ltd.

* John Fitzgerald ended his term as board member on 15th July 2020.

** Mary O'Donovan was reappointed by the Minister to a second term on the Board which will end on 30 June 2024.

Organisational Structure and Staffing

The RTB Director is responsible for the leadership, strategic direction and management of the organisation. The RTB Interim Director, Pádraig McGoldrick*, leads the organisation's senior management team which is comprised of nine Assistant Directors, each of whom heads up one of the organisation's nine operational directorates.

Directorate	2020
Registrations, Outsourcing & Customer Service	Clodagh Memery
Dispute Resolution Services	Emer Morrissey (Acting)
Enforcement & Legal Affairs	Janette Fogarty
HR, Corporate Services & Compliance	Carmel Diskin
ICT	Brinsley Sheridan
Strategic Projects & Procurement	Claire Diggin
Communications & Research	Caren Gallagher
Finance, Governance & Risk Management	Bryan Kelly
Investigations & Sanctions	Lucia Crimin

* The Board approved the appointment of Pádraig McGoldrick as Interim Director of the RTB following the resignation of the organisation's former Director, Rosalind Carroll, on 1st March 2020. The role of RTB Director will be filled on an interim basis until a new Director is recruited.

Over the past number of years, the RTB has experienced considerable change and expansion as an organisation and has continued to adapt to meet the needs of its stakeholders. In 2020, the RTB received approval to recruit thirteen new posts. Two recruitment campaigns took place in 2020 – one at Higher Executive Officer level and the other at Executive Officer level.

By the end of 2020, most existing staff vacancies were filled and new staff were successfully onboarded into the organisation. The RTB aims through its recruitment and training mechanisms to have a dynamic workforce across all sections of the organisation who have a wide variety of skills and experience from both within the housing sector and outside of it.

In addition to staff recruitment conducted in 2020, the RTB continued with its recruitment campaign for a panel of Adjudicators and Mediators who are appointed under the Residential Tenancies Acts. Adjudicators and Mediators are independent contractors who provide dispute resolution services to the RTB as and when required.

Training

In order for the RTB to achieve its strategic objectives, it is vital that the organisation has a highly skilled and engaged workforce. The training and development of RTB staff is therefore a priority of the organisation. The RTB uses the Performance Management Development System (PMDS) which is a formal process for evaluation of work objectives and performance and for identifying development needs. Support is provided to staff undertaking formal education in subjects relevant to their work through our Refund of Fees Scheme and additional training initiatives. Due to Covid-19 restrictions, most of the RTB's staff were working remotely during 2020. Training and development initiatives were therefore modified so that staff could access these online.

A wide variety of training courses were undertaken by staff as outlined below:

Covid-19 Induction Training, Freedom of Information (FOI) Training for Data Stewards, General Data Steward Training for Data Protection Requests, Data Privacy Impact Assessment Training for projects team, FOI Internal Reviewer/Decision Making Training, Certificate in GDPR and Data Protection, How to Conduct a Data Protection Audit, Public Service Innovation Training, Strategic Project and Program Management Training, Health & Safety Training, MS Excel Training and HEO/Line Manager Training.

Senior Management Team



Pádraig McGoldrick

Interim Director



Lucia Crimin

Head of Investigations and Sanctions



Claire Diggin

Head of Strategic Projects and Procurement



Carmel Diskin

Head of HR and Corporate Services & Compliance



Janette Fogarty

Head of Enforcement and Legal Affairs



Caren Gallagher

Head of Communications and Research



Bryan Kelly

Head of Finance, Governance & Risk Management



Clodagh Memery

Head of Registrations, Outsourcing and Customer Services



Emer Morrissey

Acting Head of Dispute Resolution Services



Brinsley Sheridan

Head of ICT

Some of the staff of the RTB also attended the following (virtual) seminars and conferences which included:

Annual HR Conference, National Housing Conference, Housing Agency Webinar, Social Media Masterclass, Effective Communication Munch & Learn, Stress Management/Work Life Balance Munch & Learn, Building Exclusive Healthy Workplace Cultures, Public Sector Energy Conference, France Ireland Chamber of Commerce – Planning for the Next Normal, Public Sector Tendering & Procurement Conference, HR Learning & Development Webinar, Employment Law Masterclass Series - Covid-19: an update on Trends and Challenges in Managing the Return to the Workplace, Workshop in Housing Law, Private Rented Sector 2020: Future-Proofing Private Renting, Legal issues and Trends in HR, Public Spending Code and Whistleblowing and Protected Disclosures - Preparing for the EU Whistleblowing Directive.

Wellness

The RTB is committed to encouraging work/life balance and well-being amongst its staff. In 2020, the impact of Covid-19 on work practices led the RTB to place a significant focus on the support and promotion of staff well-being. Initiatives undertaken included the roll out of information and live webinars on areas such as physical wellness, self-awareness, time management, self-care, effective communication, personal wellbeing, stress management, work life balance and personal financial management. Additionally, the RTB funds an Employee Assistance Programme for staff providing access to counselling and information.

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 2020, no protected disclosures were made by any RTB employee under the terms of this legislation.

Public Sector Equality and Human Rights Duty

The Irish Human Rights and Equality Commission Act 2014 requires all public bodies to promote equality, prevent discrimination and protect the human rights of its staff and customers alike. This responsibility is known as the Public Sector Equality and Human Rights Duty and is a legal obligation.

The RTB is committed to upholding its Public Sector Equality and Human Rights Duty to ensure that equality and human rights are considered in its day-to-day operations.

The Public-Sector Duty requires public bodies to move beyond a reactive approach to equality and human rights issues and to pursue a proactive approach, with the aim of avoiding workplace discrimination and human rights issues to a greater extent. In 2020, the RTB set out a roadmap for how the RTB is approaching and addressing the Public Sector Duty. This project is underway, with stage 1 of 4 completed in 2020.

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 our services. The RTB's Access Officer received 11 such requests in 2020.

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 there are 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 2020 the RTB paid €161 in interest and penalties relating to late paid invoices. The RTB also has procedures in place to ensure it adheres to all relevant aspects of the Public Spending Code.

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 RTB's Procurement Unit continued to support the needs and objectives of the organisation in 2020.

The RTB focused on delivering and improving its capacity for procurement and contract management in 2020. 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 eight contracts for the following services:

- > The Provision of Eircodes and Related Services,
- > The Provision of Records Management Services,
- > The Provision of Accounting Services,
- > The Provision of Business Consultancy Services to Support the Award of a Replacement Contract for Outsourced Contact and Document Management Services,
- > The Provision of Project Implementation Review Services of RTB360
- > The Provision of ICT Hardware,
- > The Provision of Design and Print Services, and
- > The Provision of Managed Print Services.

Oireachtas Members' Queries 2020

The RTB has a designated inbox for Oireachtas members. In 2020 the RTB received 86 queries, over double the number received in 2019. Queries ranged from data requests, Covid-19 legislation queries and case updates on behalf of constituents.

Table 30

Oireachtas queries 2018-2020

2018	2019	2020
35	42	86

Data Protection and GDPR

As a data controller dealing with large volumes of data, the RTB takes the privacy of its service users, staff and stakeholders very seriously. There are several procedures and policies in place to ensure that the rights of data subjects are upheld. These policies are under continuous review.

One major component of the organisation's privacy activities in 2020, was to ensure the implementation of 'Data Protection by Design' across all new activities. Several strategic Data Privacy Impact Assessments (DPIAs) were conducted in 2020, these include the RTB360 project and the implementation of legislative change. DPIAs assess privacy risks and aim to ensure compliance is integrated into all new processing activities.

In response to the Covid-19 pandemic, a number of changes to the RTB's work and means of accessing our services were introduced. The Data Protection unit supported the organisation in ensuring that access to the RTB's services remained secure and confidential throughout the changes. The RTB conducted a DPIA in relation to the impact of Covid-19 Emergency Measures, as well as a separate DPIA regarding the implementation of Remote Hearings for dispute resolution. Staff awareness activities also increased as part of the Covid-19 response plan, particularly in relation to data breach prevention and the importance of data protection while working remotely.

Data protection training is also an essential component of the data protection programme. The training of existing staff is an ongoing commitment to ensure sustained privacy awareness. All existing staff undertook refresher data protection training in 2020 and all new staff also undertook the training as part of the onboarding programme.

In 2020, 109 data protection queries were received by the data protection unit of the RTB, including 35 Subject Access Requests for copies of personal data.

Freedom of Information and Access to Information on the Environment

During 2020, the RTB reviewed and published the Freedom of Information Publication Scheme on its website. The scheme enables public access to information relating to the RTB's services, policies, finances, procurement and other information. 54 Freedom of Information requests were handled by the RTB in 2020.

No requests under the Access to Information on the Environment regulations were received in 2020.

Covid-19 (Coronavirus)

Since March 2020 and throughout the Covid-19 (Coronavirus) pandemic almost all staff of the RTB worked remotely with most functions operating unimpeded. The arrangements are bedded in and continue to operate well. As the RTB 'enables the administration of justice', it is considered an essential service which remained open throughout the Covid-19 pandemic. However, minimal staff were present in the office each day. Strict access controls were in place with numbers of staff present monitored daily and kept to an absolute minimum.

RTB introduced many Covid-19 safety measures including training for all staff, requirement of return-to-work forms, visitor/contractor declarations, designation of an 'isolation area', hand sanitising stations throughout the office as well as introducing many new rules that will impact on behaviour when present in the office e.g. distancing rules, new seating policies, meeting room policies, canteen use policies, etc. All of the changes introduced were guided by public health advice and documented in the RTB Covid-19 Response Plan. The health and safety of RTB staff and visitors continues to be of paramount importance.

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, Local Government & Heritage 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 his senior management team. The Director and his 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 he 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 2020, the Board met on 37 occasions (39 in 2019), 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 24 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, Local Government & Heritage 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 2020 the Board evaluated the RTB's performance against budget and received regular reports from the Executive management team on each department's performance against the business plan. The final financial outturn and performance against the 2020 business plan was formally reviewed by the Board at its meeting on 8 April 2021.

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 2020.

Board Structure

The Board consists of a Chairperson and up to 11 ordinary members who are appointed by the Minister for Housing, Local Government & Heritage. The members of the Board were appointed for varying periods and meet on a monthly basis. The table on the following page details the appointment information for Board members during calendar year 2020. John FitzGerald resigned from the Board with effect from 15 July 2020. Mary O'Donovan was reappointed by the Minister to a second term on the Board which will end on 30 June 2024.

As at 31 December 2020, the Board had four (40%) female and six (60%) male members, with two positions vacant. The Board therefore meets the Government target of a minimum of 40% representation of each gender in the membership of State Boards.

The following measures are planned to maintain and support gender balance on the Board:

- The Minister's attention will be drawn to the Government target to achieve 40% representation of each gender in the membership of all State Boards when submissions are made for appointments and reappointments to the Board.
- The Minister's attention will be drawn to the current gender composition of the Board when submissions are made for appointments and re-appointments to the Board.

The composition of the Board and members' terms of appointment are shown on the table on the following page.

On 14 January 2021, the Board performed an annual evaluation of its own effectiveness during 2020 and it will conduct an external review and evaluation during 2021 in compliance with the Code of Practice for the Governance of State Bodies (2016) ("2016 Code").

Board member	Role	Board term
Tom Dunne	Chairperson	01 September 2019 – 31 August 2024
John FitzGerald	Member	01 April 2013 – 15 July 2020
Mary O'Donovan	Member	01 July 2016 – 30 June 2024
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 – 30 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 it 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 2020 the Board had the following Board Committees in place:

- > Audit & Risk Committee
- > Legislative Committee
- > Research Committee
- > RTB360 Project Assurance 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 four meetings during 2020.

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 2020 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 2020 is on the following table.

Committee member	Meetings attended
Meetings Held	4
Julia Carmichael – Board	4
Mary O'Donovan – Board	4
Paul White – Board	4
Colin Potts – Board	4
Shane O' Keeffe – external	4
Paul Dunne – external	3

Legislative Committee

The Legislative Committee is charged with assisting the Board in its consideration of legal and legislative matters. The Committee held no meetings in 2020. During the year, the Board commenced a review of the role of this Committee and how it can best contribute to the work of the Board.

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 2020. Committee members as of 31 December 2020 were Board members Paddy Gray (Chairperson), Justin O'Brien, Audry Deane and James Doorley, and external members Lorcan Sirr, Christine Whitehead and John McCartney.

Committee member	Meetings attended
Meetings Held	3
Paddy Gray – Board	3
John FitzGerald – Board (term ended on 15 July 2020)	1
Justin O'Brien - Board	3
Audry Deane - Board	3
James Doorley – Board (term began 08 October 2020)	0
Lorcan Sirr - external	3
Christine Whitehead - external	3
John McCartney – external	3

RTB360 Project Assurance Committee

The RTB360 Project Assurance Committee was set up by the Board during 2020 to provide the Board with assurance about the progress of the RTB360 project which is a major initiative by the RTB to develop a new customer relationship management system for the organisation. The Committee was established on 22 October 2020 and met twice during 2020. Committee members as of 31 December 2020 were Board members Paul White (Chairperson), Justin O'Brien, and Mary O'Donovan, and external members Ken Jordan and Aidan Keogh.

Committee member	Meetings attended
Meetings Held	2
Paul White - Board	2
Justin O'Brien - Board	2
Mary O'Donovan - Board	1
Ken Jordan - external	2
Aidan Keogh - external	2

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 2020. Board members' attendance at the Section 189 Committee is set out in the table titled Board Members' Meeting Attendance and Fees & Expenses in 2020 later in this Governance Statement.

Schedule of Board Members' Fees, Attendance and Expenses

During 2020 Board members were paid €112,625 (€106,080 in 2019) 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, Local Government & Heritage. 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 2020 and Board members' attendance at meetings during the year.

Board Member Fees & Expenses 2020

Board Member	Board Work	Travel & Subsistence (T&S)	Total (Fees & Expenses)
Tom Dunne	€16,678	€0	€16,678
John FitzGerald	€6,067	€0	€6,067
Mary O'Donovan	€11,235	€0	€11,235
Justin O'Brien	€11,235	€0	€11,235
Paul White	€11,235	€0	€11,235
Paddy Gray	€11,235	€319	€11,554
Julia Carmichael	€0	€0	€0
Audry Deane	€11,235	€0	€11,235
James Doorley	€11,235	€0	€11,235
Patricia O'Sullivan Lacy	€11,235	€0	€11,235
Colin Potts	€11,235	€0	€11,235
Total	€112,625	€319	€112,944

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 €319 for travel and subsistence incurred for attendance at meetings and training.

Board Members' Meeting Attendance and Fees and Expenses in 2020

Board Member	Board Meeting	Board Disputes Meeting	Section 189 Committee Meeting	Rent Tribunal	Audit & Risk Committee	Legislative Committee	Research Committee	RTB360 Assurance Committee	Total (Fees & Expenses)
Meetings Held	13	24	1	1	4	0	3	2	
Tom Dunne	13	23	1	1	-	-	-	-	€16,678
John FitzGerald ¹	5	8	-	-	-	-	1	-	€6,067
Mary O'Donovan	11	15	-	1	4	-	-	1	€11,235
Justin O'Brien	13	17	1	-	-	-	3	2	€11,235
Paul White	13	17	-	-	4	-	-	2	€11,235
Paddy Gray	13	23	1	-	-	-	3	-	€11,554
Julia Carmichael	9	4	1	-	4	-	-	-	€0
Audry Deane	11	21	-	1	-	-	3	-	€11,235
James Doorley	12	19	-	-	-	-	-	-	€11,235
Patricia O'Sullivan Lacy	13	24	1	-	-	-	-	-	€11,235
Colin Potts	13	23	-	-	4	-	-	-	€11,235
Total Fees									€112,944

¹ The term of John FitzGerald as Board member ended on 15 July 2020.

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 206 Tribunal hearings in 2020. Hearings are allocated by an automatic scheduler to available members on the panel, who may accept or decline the hearing. The table below shows payments to Tribunal members for 2020.

Tribunal Member Fees 2020

Panel Member	Fees	Training	Total
Andrew Nugent	€10,906	€196	€11,102
Anne Leech	€8,847	€196	€9,043
Brian Murray	€9,003	€196	€9,199
Ciara Doyle	€8,521	€196	€8,717
Claire Millrine	€6,804	€196	€7,000
Dairine MacFadden	€10,039	€196	€10,235
Dervla Quinn	€16,675	€196	€16,871
Donald Menzies	€9,700	€196	€9,896
Elizabeth Maguire	€11,751	€196	€11,947
Eoin Byrne	€17,898	€196	€18,094
Finian Matthews	€10,735	€196	€10,931
Fintan McNamara	€3,242	€196	€3,438
Healy Hynes	€11,218	€0	€11,218
Helen Claire O'Hanlon	€13,608	€196	€13,804
Hugh Markey	€8,167	€196	€8,363
Jack Nicholas	€1,693	€0	€1,693
James Egan	€9,875	€196	€10,071
John Keane	€15,313	€196	€15,509
John Keaney	€10,880	€196	€11,076
Karen Ruddy	€8,357	€196	€8,553
Kevin Baneham	€15,328	€196	€15,524
Louise Moloney	€12,098	€196	€12,294
Mary Doyle	€8,863	€196	€9,059
Maureen Cronin	€10,731	€196	€10,927
Mervyn Hickey	€4,597	€196	€4,793
Michael Vallyelly	€8,174	€196	€8,370
Michelle O'Gorman	€9,369	€196	€9,565
Monica Brennan	€2,390	€0	€2,390
Nesta Kelly	€4,939	€196	€5,135
Niall Buckley	€2,382	€0	€2,382
Owen Donnelly	€1,701	€0	€1,701
Peter Shanley	€12,090	€0	€12,090

Panel Member	Fees	Training	Total
Roderick Maguire	€13,783	€0	€13,783
Rosemary Healy Rae	€10,393	€196	€10,589
Siobhan Phelan	€2,888	€196	€3,084
Suzy Quirke	€11,393	€196	€11,589
Total	€334,351	€5,684	€340,035

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 our 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. Hearings are allocated by an automatic scheduler to available members on the panel, who may accept or decline the hearing. The table below shows payments made to Adjudicators/Mediators for 2020.

Adjudicator/Mediator Payments 2020

Panel Member	Fees	Training	Total
Angela Becker	€36,960	€196	€37,156
Brian Whelan	€48,664	€196	€48,860
Catriona O'Connor	€30,800	€196	€30,996
Cynthia Lennon	€25,872	€196	€26,068
David Duncan	€62,216	€196	€62,412
Denis Kelliher	€1,232	€196	€1,428
Dermot Sheehan	€30,184	€196	€30,380
Eithne Corry	€6,776	€196	€6,972
Frank Brady	€54,208	€196	€54,404
Gerard N Murphy	€39,424	€196	€39,620
Lauren Tennyson	€32,648	€196	€32,844
Linda Brophy	€22,176	€0	€22,176
Louise Beirne	€30,800	€196	€30,996
Mark Kane	€46,816	€196	€47,012
Mema Byrne	€22,792	€196	€22,988
Sarah Brophy	€35,112	€196	€35,308
Shaun Smyth	€46,200	€196	€46,396
Simon Brady	€31,416	€0	€31,416
Steven Dixon	€52,976	€196	€53,172
Thomas Dowling	€19,712	€0	€19,712
Total	€676,984	€3,332	€680,316

Decision Makers Panel

On 1 July 2019 Part 7A of the Residential Tenancies (Amendment) Act 2019 commenced which expanded the role of the Residential Tenancies Board to allow for the investigation and sanction of landlords who engage in certain breaches of the law, defined in the Act as Improper Conduct. Investigations may be taken on foot of information from members of the public or on foot of information sourced by the RTB from data available to it under the Act. The investigation will result in either a report of the investigation or an acknowledgement of Improper Conduct being submitted by the landlord as a result of the investigation. The reports, or the acknowledgements, are sent to one of a panel of independent decision makers who undertake their function in an autonomous capacity. These decision makers examine the investigation reports or the landlord's acknowledgements and determine if an Improper Conduct has occurred, and, after considering the factors outlined in S148 AD of the Act, whether to impose a sanction and the quantum of any sanction to be imposed. The decisions of decision makers must be confirmed in the Circuit Court. Decision makers are paid a flat fee of €340 per decision and €340 per day if it is necessary for them to attend Court.

Decision Maker Fees 2020

Panel Member	Fees	Training	Total
Angela Becker	€0	€784	€784
Cynthia Lennon	€0	€980	€980
Kevin Lenahan	€6,800	€980	€7,780
Margaret Browne	€5,100	€980	€6,080
Susan Ahern	€9,180	€980	€10,160
Total	€21,080	€4,704	€25,784

Key Board and Personnel Changes

John FitzGerald resigned from the Board with effect from 15 July 2020. Mary O'Donovan was reappointed by the Minister to a second term on the Board which will end on 30 June 2024. There were no new appointments made to the Board during the year.

Pádraig McGoldrick was appointed Interim Director of the RTB effective 01 March 2020 upon the resignation of the previous Director effective 28 February 2020.

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

17 staff members were paid short-term benefits in excess of €60,000 each in 2020. These payments are analysed in Note 5a of the RTB's 2020 Financial Statements. For the purpose of this disclosure, employee short-term benefits during 2020 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	2020	2019
Legal Advice	€251,059	€293,435
Communications & Research	€0	€8,000
Procurement	€412,977	€0
Workforce Planning	€3,936	€9,840
Total	€667,972	€311,275

No consultancy costs were capitalised during 2020 or 2019.

Legal Costs and Settlements

The table below provides a breakdown of amounts recognised as legal expenditure in 2020. 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.

Legal Costs and Settlements	2020	2019
Judicial Review	€28,607	€47,403
Registration Enforcement	€73,455	€76,555
Order Enforcement	€683,289	€635,126
High Court Appeals	€264,720	€38,413
General Administration	€425,720	€493,843
Other Legal Support	€232,772	€400,851
Total	€1,708,563	€1,692,191

Travel and Subsistence Expenditure

Travel and subsistence expenditure is categorised below.

Travel & Subsistence	2020	2019
RTB Staff & Secondees	€7,520	€29,523
Board Members	€319	€11,005
Panel Members	€16,524	€51,785
Total	€24,363	€92,313

Of the current year travel and subsistence amount for RTB staff & secondees, €0 relates to foreign travel (2019: €3,364). There was no foreign travel for Board members or panel members in either year. All travel and subsistence expenditure is paid in compliance with Department of Public Expenditure & Reform guidelines.

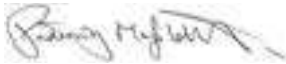
Hospitality Expenditure

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.

Hospitality Expenditure	2020	2019
Staff	€6,516	€1,094
Board & Other	€0	€1,155
Education and Awareness Events	€2,797	€6,922
Total	€9,313	€9,171

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 2020 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 2020.



Pádraig McGoldrick

RTB Director

Date: 13 May 2021



Tom Dunne

Chairperson

Date: 13 May 2021

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 2020 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 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 four times during 2020.

The Board has delegated executive authority to the Director who, along with his 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 2020 three internal audits were performed covering internal financial control, GDPR, and prior audit recommendations, each of which was considered in detail by the ARC. In addition, the ARC requested the audit firm to broaden the scope of and review the 2019 audit of Cyber Security. The Executive has an action plan in place to close out open audit items with oversight from the ARC. All audit recommendations arising from 2020 and prior audits will be tracked to completion by management and reviewed as a standing agenda item by the ARC.

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 had a Reserves Management policy in place during 2020 which aimed to ensure that the RTB had 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 was monitored regularly by the Director and reported periodically to the Board which had set the level of reserves to be maintained. The policy proved to be effective during 2020 as adhering to it meant that the RTB did not require to fully draw down its Exchequer funding allocation and was in a position to release funding for other important areas of State spending.

With respect to the effective management of

operational risk, the Director and the Executive management team ensured that appropriate procedures were in place during 2020 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 Covid-19 (Coronavirus) pandemic impacted the organisation in several ways during 2020. The Government's restrictions on travel and the mandate to work remotely and reduce social contact where possible affected volumes in the RTB's customer service centre and, in the early months, limited the ability to process tenancy dispute applications and hold disputes hearings. The Board closely monitored the effects of the pandemic on customer and disputes volumes throughout 2020. The Board also oversaw the work of the Executive in implementing various legislative provisions introduced by Government during the year which offered enhanced protections to tenants at risk from the health and economic impacts of Covid-19. In addition, the Board engaged closely with the Executive team to ensure that the health and wellbeing of RTB staff and contractors was being addressed, whether they worked onsite at the RTB's offices or worked remotely.

The Board expects that the effects of the pandemic on the RTB's operations, and the period of considerable change which the RTB has experienced over the past few years, will continue into 2021 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 effects of the pandemic and 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 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 codes 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 periodically by the Audit and Risk Committee and 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 2020 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 and procedures 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 he has organised the RTB's operations into nine directorates each headed by an Assistant Director. The directorates are: Dispute Resolution Service; Registration & Determination Order Enforcement; HR & Corporate Services; ICT; Registrations & Customer Services; Investigations & Sanctions, Strategic Projects & Procurement; Communications & Research; Finance, Governance, & Risk Management.

The Covid-19 (Coronavirus) pandemic affected the organisation in several ways during 2020. New legislation enacted during 2020 to mitigate the negative impacts of the pandemic on tenants broadened the remit of the RTB and added to some workloads. The Director re-allocated resources across business units to deal with the enhanced demands on the organisation and to better deliver services. Also, during 2020, the RTB received approval for and recruited thirteen new whole-time equivalent roles to fulfil the requirements of new legislation and deal with increased demand for services.

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 it by Government policy. The strategic plan was set with considerable Board input and was developed by the Director and the Executive team with the assistance of outside advisors. The Executive team and the Board performed a mid-term review of the strategy during 2020 and agreed the key areas to focus on for the remainder of the Strategic Plan term.

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 twice a year.

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 Executive 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 Executive 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 Executive 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 2020. Aside from the items outlined below, I confirm that there have been no material weaknesses identified in the internal controls in relation to 2020 that require disclosure in the financial statements.

Internal Control Issues

During 2020 the RTB spent €100,000 with two vendors on legacy services where the procedures employed did not comply with procurement guidelines. The service providers had been used by the RTB for a number of years and all of this spending has since been brought into compliance as of the date of this report.

In addition, the RTB incurred expenditure in respect of three contracts totaling €2,400,000 (Exc. VAT) without conducting a competitive process. These are the same three contracts that were declared in this section of the 2019 Statement on Internal Control. Each contract is 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 €1,900,000 million was extended until November 2021 without a competitive process because the level of risk involved in simultaneously delivering a new tenancy management system 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 €500,000 were awarded for proprietary data analytics and legacy ICT system support because the providers were considered sole suppliers.

A special review of the delivery of the new Tenancy Management System for the RTB was undertaken by the board due to concerns about ongoing delays and increasing costs. The review identified the need to enhance project management and oversight and to provide a new approach to system development to deliver greater certainty of project success.

The Board established a Board Committee to provide more direct oversight of the project and to provide further assurance to the Board that the project is proceeding in accordance with the revised timelines and budget and is delivering to the required quality standards. The project is now expected to 'go live' during the summer of 2021, which is eighteen months later than originally planned when the project commenced in March 2018.

While the principal systems development contract was for a fixed price and will be completed substantially within the contracted cost, the RTB has incurred substantial additional costs for contractors and other project support to remediate the project. These increased costs are reflective of increased timelines, the impact of Covid-19, the need to support significant legislative change which expanded the scope during system development, and an underestimation of effort by both the vendor and the RTB to deliver to the scale and complexity of the required solution.

The total cost of the project is expected to be €5.2 million, approximately €1.9 million higher than originally budgeted. In addition, due to the delay in RTB360 delivery, a competitive procurement process to identify a new provider of business processing services for the RTB was abandoned because the tendered solution supported by the new tenancy management system would not be in place.

As a result of the actions taken by the Board in response to the special review, the project is now on a firm trajectory for delivery. The Board, the Director, and the Executive team remain committed to successfully implementing the new tenancy management system which will underpin the work of the RTB for many years to come.



Tom Dunne

Chairperson

Date: 13 May 2021

Report of the Comptroller and Auditor General

Opinion on the financial statements

I have audited the financial statements of the Residential Tenancies Board for the year ended 31 December 2020 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 2020 and of its income and expenditure for 2020 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.

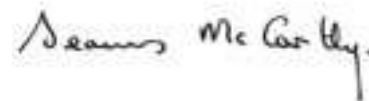
I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

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.

Delivery of a new management system for tenancy registrations and disputes

In March 2018, the Board commenced a project to develop a new management system for tenancy registrations and disputes. The statement on internal control discloses that, due to concerns about delays in delivery and increases in the expected cost, the Board undertook a review of the development project. The Board subsequently enhanced its project oversight, and has stated that it expects to bring the new management system into use during the summer of 2021.



Seamus McCarthy

For and on behalf of the Comptroller and Auditor General

15 June 2021

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.

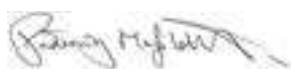
I also report by exception if, in my opinion,

- > 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

	Notes	Year Ended 31 December 2020 €	Year Ended 31 December 2019 €
Income			
Registration fees	2	11,654,588	11,507,126
Disputes fees		95,040	131,815
Other income	4	30,926	151,925
Exchequer funding (Vote 34, subhead A.24)	3	6,694,511	7,838,119
Deferred pension funding	12c	1,381,489	828,881
Transfer from/(to) capital account	10	(1,544,896)	(1,446,318)
Sub-total		<u>18,311,658</u>	<u>19,011,548</u>
Expenditure			
Staff costs	5a	5,106,243	4,350,857
Board and panel member costs	5b	1,175,923	2,054,278
Administrative costs	5c	10,182,623	10,020,690
Pension costs	12a	1,206,000	750,310
Depreciation	6	357,923	442,248
Sub-total		<u>18,028,712</u>	<u>17,618,383</u>
Surplus for the year		<u>282,946</u>	<u>1,393,165</u>
Accumulated Surplus 1 January		6,487,339	5,094,174
Accumulated Surplus 31 December		6,770,285	6,487,339

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



Pádraig McGoldrick

Director

Date: 13 May 2021



Tom Dunne

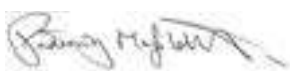
Chairperson

Date: 13 May 2021

Statement of Comprehensive Income

	Notes	Year Ended 31 December 2020 €	Year Ended 31 December 2019 €
Surplus/(deficit) for the year		282,946	1,393,165
Experience gain/(loss) on pension scheme liabilities	12d,e	742,000	(266,000)
Changes in assumptions underlying the present value of pension scheme liabilities	12d,e	(1,739,000)	(2,425,000)
Transfer of service from other public sector employers	12b	(0)	(7,200,000)
Actuarial gain/(loss) and past service cost recognised		(997,000)	(9,891,000)
Adjustment to deferred pension funding		997,000	9,891,000
Total recognised surplus/(deficit) for the year		<u>282,946</u>	<u>1,393,165</u>

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



Pádraig McGoldrick

Director

Date: 13 May 2021



Tom Dunne

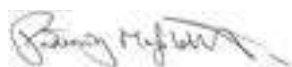
Chairperson

Date: 13 May 2021

Statement of Financial Position

	Notes	Year Ended 31 December 2020 €	Year Ended 31 December 2019 €
Fixed Assets			
Property, plant and equipment	6	6,178,926	4,634,030
Current Assets			
Receivables	7	983,982	919,423
Cash and cash equivalents		9,139,738	8,543,405
		10,123,720	9,462,828
Payables			
Amounts falling due within one year	8	(3,353,435)	(2,975,489)
Net Current Assets			
		6,770,285	6,487,339
Total Net Assets Before Pensions			
		12,949,211	11,121,369
Deferred pension funding	12b,c	19,243,000	16,865,000
Pension scheme liabilities	12b	(19,243,000)	(16,865,000)
Total Net Assets			
		12,949,211	11,121,369
Representing			
Accumulated surplus	9	6,770,285	6,487,339
Capital account	10	6,178,926	4,634,030
		12,949,211	11,121,369

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



Pádraig McGoldrick

Director

Date: 13 May 2021



Tom Dunne

Chairperson

Date: 13 May 2021

Statement of Cash Flows

		Year Ended 31 December 2020 €	Year Ended 31 December 2019 €
	Notes		
Reconciliation of Operating Surplus to Net Cash inflow from Operating Activities			
Operating surplus/(deficit) for year		282,946	1,393,165
Depreciation	6	357,923	442,248
Interest earned		(24,229)	(44,681)
Transfer (from)/to capital account	10	1,544,896	1,446,318
(Increase)/decrease in receivables		(64,559)	(539,782)
Increase/(decrease) in payables		<u>377,946</u>	<u>(948,443)</u>
Net cash inflow/(outflow) from operating activities		2,474,923	1,748,825
Cash Flow Statement			
Net cash inflow/(outflow) from operating activities		<u>2,474,923</u>	<u>1,748,825</u>
Returns on Investment and Servicing of Finance			
Interest received		24,229	44,681
Net Capital Expenditure			
Property, plant and equipment	6	<u>(1,902,819)</u>	<u>(1,888,566)</u>
Increase/(Decrease) in Cash and Cash Equivalents		<u>596,333</u>	<u>(95,060)</u>

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 (“the Act”) 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 accommodation and Approved Housing Bodies
- 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 or other laws passed by the Oireachtas.

b) Statement of Compliance

The financial statements of the Residential Tenancies Board for the year ended 31 December 2020 have been prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council, 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 which are measured at fair value as explained in the accounting policies below. The financial statements are in the form approved by the Minister for Housing, Local Government, & Heritage 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 the RTB.

e) Income*Registration Fees*

Revenue is generally recognised on an accrual basis, except for Exchequer Funding which is recognised on a cash received basis. Registration income is recognised on receipt of an application to register a tenancy, or when the RTB issues a request for payment for tenancies notified to us by a student specific accommodation provider or an Approved Housing Body. 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 paid.

Exchequer Funding

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 generally 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 its estimated useful life, 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 Environment, Community, & 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, Local Government, & Heritage. 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, Local Government, & Heritage.

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, Local Government, & Heritage.

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 have concluded that the asset lives and residual values are appropriate.

Provisions

The Residential Tenancies Board may make 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 2020, 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 €11,654,588 (2019: €11,507,126). These included €446,980 (2019: €538,580) for the registration of student-specific accommodation which came under the ambit of the RTB's registration requirements for the first time in 2019. The standard fee is €90 for private dwelling and Approved Housing Body registrations. The standard fee is €40 for student-specific accommodation registrations. Across all three sectors there are reductions available for relevant multiple registrations, and late fees apply across all sectors.

3 Exchequer Funding

The exchequer income was provided to the RTB by the Department of Housing, Local Government, & Heritage. For 2020 exchequer income represented €6,124,511 of funding provided for operating costs, net of €175,489 of employee pension contributions paid over to the exchequer (2019: €6,888,119, net of €121,881 pension contributions) and €570,000 of funding for capital expenditure (2019: €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 2021.

4 Other Income

	2020	2019
	€	€
Interest income	24,229	44,681
Sundry Income	29	92,518
Legal costs recovered	6,668	14,726
	<u>30,926</u>	<u>151,925</u>

5a Staff Costs

	2020	2019
	€	€
RTB staff and secondees' pay	4,328,713	3,230,840
Staff training	81,004	114,921
Social welfare costs	394,361	279,240
Other staff costs	302,165	725,856
	<u>5,106,243</u>	<u>4,350,857</u>

RTB staff & secondees' pay in 2020 includes €235,285 for employer pension contributions to the Single Public Service Pension Scheme (2019: €171,614). Other staff costs in 2020 include recruitment costs and agency costs incurred when staff vacancies arose in the year. There were 91 staff directly paid by the RTB at year end 2020 (2019: 88). In addition, one staff member was seconded to the RTB from another Government Department (2019: 1). No termination, post-employment, or other long-term benefits were paid to any employees during the year.

Additional Superannuation Contributions to the value of €80,696 were deducted and paid over to the Department of Housing, Local Government, & Heritage in 2020 (2019: €78,622).

Key management personnel	2020	2019
	€	€
Short-term benefits paid	769,942	713,806

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 his 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

	2020	2019
	€	€
RTB Director's remuneration	100,767	105,366

Mr. Pádraig McGoldrick was appointed Interim Director of the RTB effective 01 March 2020 upon the resignation of the previous Director effective 28 February 2020. The table above includes remuneration for both individuals who served as RTB Director during the year.

Both Directors' remuneration is included within Short-term benefits under Key management personnel. Neither Director was in receipt of any bonuses or benefit in kind in 2020 or 2019. The Directors' pension entitlements do not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

17 staff members received gross pay in excess of €60,000 in 2020 (2019: 10). These payments are analysed on the following table.

Range of Total Employee Benefits		Number of Employees	
From	To	2020	2019
€60,000	€69,999	10	6
€70,000	€79,999	5	2
€80,000	€89,999	1	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

	2020	2019
	€	€
Board members' fees	112,625	106,080
Tribunal members' fees	340,035	903,688
Adjudicators', mediators' & other fees	706,100	976,160
Travel & subsistence - Board	319	11,005
Travel & subsistence – panel members	16,524	51,785
Training – Board	320	3,800
Training – panel members	0	1,760
	<u>1,175,923</u>	<u>2,054,278</u>

5c Administrative Costs

	2020	2019
	€	€
Customer contacts ²	2,254,438	2,333,955
Legal fees	1,959,622	1,985,625
Professional fees	679,748	278,419
Communications & education	661,591	1,099,757
Rent index & research	347,602	293,179
Print & postage	1,000,922	867,715
Administration	325,167	296,767
Meeting Rooms	55,780	119,911
Rent & insurance	894,864	910,784
Premises	98,270	147,961
ICT Services	1,718,075	1,401,990
Subscriptions	3,188	16,555
Stenography	29,379	65,688
Translation	17,022	40,670
Initiatives & projects	129,435	132,191
Travel and subsistence - staff	7,520	29,523
	<u>10,182,623</u>	<u>10,020,690</u>

² 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 ³	Leasehold Improvements	Furniture & Fittings	Office Equipment	Total
Cost	€	€	€	€	€	€
Opening balance	2,741,776	2,999,151	2,107,422	423,160	84,328	8,355,837
Additions	62,037	1,811,095	9,324	20,363	-	1,902,819
At 31 December 2020	2,803,813	4,810,246	2,116,746	443,523	84,328	10,258,656
Depreciation						
Opening balance	2,333,019	-	1,069,700	234,760	84,328	3,721,807
Charge for the year	228,632	-	105,027	24,264	-	357,923
At 31 December 2020	2,561,651	-	1,174,727	259,024	84,328	4,079,730
Net Book Value						
At 31 December 2019	<u>408,757</u>	<u>2,999,151</u>	<u>1,037,722</u>	<u>188,400</u>	<u>0</u>	<u>4,634,030</u>
At 31 December 2020	<u>242,162</u>	<u>4,810,246</u>	<u>942,019</u>	<u>184,499</u>	<u>0</u>	<u>6,178,926</u>

³ 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.

Notes to the Financial Statements

7 Receivables

	2020	2019
	€	€
SSA & AHB registrations receivable	653,540	492,486
Prepaid expenses	297,776	380,952
Accrued income	29,290	31,512
Voluntary deductions	3,376	14,473
	<u>983,982</u>	<u>919,423</u>

SSA & AHB registrations receivable are amounts due at the end of 2020 from Student Specific Accommodation providers and Approved Housing Bodies for bulk registrations we processed and billed to them. The 2019 balance represents bulk registrations receivable from Student Specific Accommodation providers only. €15,000 of the 2019 SSA registrations receivable are still outstanding as of the end of 2020.

8 Amounts falling due within one year

	2020	2019
	€	€
Creditors and Accruals	3,353,435	2,975,489
Amounts due to Local Authorities	0	0
	<u>3,353,435</u>	<u>2,975,489</u>

Included in creditors and accruals is a provision in respect of 1,314 incomplete registrations with a value of €156,171 (2019: 1,347 applications, value €158,838).

Notes to the Financial Statements

9 Accumulated Surplus

The accumulated surplus of €6,770,285 at 31 December 2020 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 2020 and prior years. The Board has 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 (such as occurred during the Covid-19 pandemic) and to maintain reserves at an optimal level over the medium term. The Board, in consultation with the Department of Housing, Local Government, & Heritage, will keep the RTB's financial situation, in particular any surplus of funds, under review throughout the coming year.

10 Capital Account

	2020 €	2019 €
Opening balance	4,634,030	3,187,712
Transfer (to)/from Income and Expenditure Account		
Funding to acquire assets	1,902,819	1,888,566
Amortisation in line with asset depreciation	(357,923)	(442,248)
Release on disposal of fixed assets	0	0
	1,544,896	1,446,318
Closing balance	<u>6,178,926</u>	<u>4,634,030</u>

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 on 23 October 2027. The annual commitment under these leases at year end was €701,247.

At 31 December 2020 there were annual lease commitments under operating leases as follows:

Expiry date:	2020 €
Between 0 and 1 years	701,247
Between 1 and 5 years	2,804,988
Greater than 5 years	1,269,926
Total	<u>4,776,161</u>

Notes to the Financial Statements

12 Superannuation

a) Analysis of total pension costs charged to Expenditure

	2020	2019
	€	€
Current service cost ⁴	962,000	561,000
Interest on pension scheme liabilities	<u>244,000</u>	<u>146,000</u>
	1,206,000	707,000
Superannuation (Department of Housing staff)	0	43,310
Pension costs charged to expenditure	<u>1,206,000</u>	<u>750,310</u>

b) Movement in net pension liability during the financial year

	2020	2019
	€	€
Net pension liability at 1 January	(16,865,000)	(6,145,000)
Current cost	(1,137,000)	(683,000)
Transfer of service from other public sector employers ⁵	(0)	(7,200,000)
Interest costs	(244,000)	(146,000)
Actuarial Gain (Loss)	(997,000)	(2,691,000)
Pension deficit at end of year	<u>(19,243,000)</u>	<u>(16,865,000)</u>

c) Deferred Funding for Pensions

The RTB Superannuation Scheme was approved by the Minister for Environment, Community, & 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 sector pensions including contributions by employees and the annual estimates process.

⁴ 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 (2020) €175,489 and (2019) €121,881.

⁵ 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 (2020) €0 & (2019) €7,200,000 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:

	2020	2019
	€	€
Funding adjustment in respect of current year pension charge	1,206,000	707,000
Employee pension contributions	175,489	121,881
State Grant applied to pay pensions	0	0
	<u>1,381,489</u>	<u>828,881</u>

The deferred funding asset for pensions as at 31 December 2020 amounted to €19,243,000 (2019: €16,865,000).

d) History of defined benefit obligations

	2020	2019
	€	€
Defined Benefit Obligations	19,243,000	16,865,000
Experience Losses/(Gains) on Scheme Liabilities & Change in Assumptions	997,000	2,691,000
Percentage of Scheme Liabilities	5%	16%

e) General Description of the Scheme

The RTB 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. 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 56 members of the Single Scheme in 2020 (2019: 52).

The results set out above are based on an actuarial valuation of the liabilities in respect of the staff as at 31 December 2020. 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:

	2020	2019
Discount rate	1.00%	1.40%
Salary increase assumption	2.95%	3.00%
Pension increase assumption	2.45%	2.50%
Price inflation (CPI)	1.45%	1.50%

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. Late payment costs for the year ended 31 December 2020 were €161 (2019: €242).

14 Unresolved Cases

The Board had 753 dispute resolution cases awaiting hearing at 31 December 2020. 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 2020 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 any Board Members had a 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, Local Government, & Heritage.

16 Covid-19 (Coronavirus)

The Board has closely monitored the impact of the Covid-19 (Coronavirus) pandemic on the RTB since March 2020 and will continue to do so throughout the emergency period. Amongst the many risks the Board has considered are the risks to the RTB's income and expenditure. These financial risks include 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, and the economic impact on tenants and landlords in the residential tenancies sector.

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 accumulated surplus, the continual support of the Department of Housing, Local Government, & Heritage for the RTB's delivery of Government policy, and the expectation that the financial risks can be mitigated over time.

17 Approval of Financial Statements

The Financial Statements were approved by the Board on **13 May 2021**.

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.

Confirmation Letter: Once a tenancy registration has been fully processed by the RTB and fee paid in full by the landlord, both landlord and tenant(s) will receive a letter, confirming the tenancy has been registered. Letters of confirmation are issued by e-mail or post, depending on the preferred method of communication chosen by the landlord.

Coronavirus (Covid-19): Coronavirus disease (Covid-19) is an infectious disease caused by a newly discovered coronavirus.

Damages: Damages are a monetary amount that can be awarded to a case party depending on the outcome of a Determination Order.

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.

Emergency period: A temporary period of time where certain rental measures are in place as a result of Covid-19 legislation introduced by the Government.

Eviction moratorium: An eviction moratorium prohibits landlords from ending a tenancy for a certain period of time.

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.

Order Enforcement: When parties do not comply with the terms of a Determination Order, the RTB has an Order Enforcement Unit which helps secure compliance with the Determination Order through enforcement procedures. Further involvement by the RTB will only occur on receipt of a request to consider taking enforcement proceedings on behalf of a party, where the matter cannot be settled directly between parties.

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.

Paper Based Adjudications (PBA): The RTB had to move to Paper Based Adjudications from face-to-face hearings due to Covid-19. This process is based on case parties sharing evidence in paper format upon which the Adjudicator makes their decision instead of holding a hearing in person.

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.

Quasi-judicial Body: A quasi-judicial body is a non-judicial body which can interpret law. They are empowered by legislation to adjudicate issues and disputes in particular areas.

Substantial refurbishment: The definition of substantial refurbishment is set out in the Residential Tenancies Act and landlords must meet certain criteria if they would like to end a tenancy, for example, the proposed refurbishment or renovation works would pose a threat to the health and safety of the occupants of the dwelling. They should not proceed while the dwelling is occupied, and; such a risk is likely to exist for such period as is specified in the certificate which shall not be less than three weeks.

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 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).

Self-Declaration: If a tenant met specific criteria under the Residential Tenancies and Valuation Act 2020 (RTVA), they could fill in a Self-Declaration form confirming they meet the criteria. If a tenant does so, they availed of certain rental protections, such as not being made to leave their rental accommodation until after 10th January 2021 or seeing an increase in rent until after 10th January.

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.

Unlawful termination of tenancy: Also known as an illegal eviction, may occur where a landlord, through force, intimidation or otherwise (such as cutting off utilities, changing the locks etc.) denies a tenant from accessing a rented dwelling or removes the tenant's belongings from the dwelling.

Virtual hearings: The procedures for a virtual hearing are very similar to those for a face-to-face hearing, both are evidence-based processes, but a Virtual Hearing takes place via MS Teams. Case parties have a chance to speak directly to the Adjudicator and explain their issues.

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

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