

# RTB Policy on Enforcement of Determination Orders

## Policy

The RTB may pursue court proceedings where parties fail to comply with its Orders. Decisions on whether to pursue legal enforcement are made on a case-by-case basis, taking into account the Board's own limited resources, the cost of taking legal proceedings and the likely success of achieving a favourable outcome for the requester.

## Implementation

Enforcement is an important function of the Residential Tenancies Board. When landlords, tenants and third parties bring disputes to the RTB through mediation, adjudication or tribunal, they receive a legally binding Determination Order. The majority of these are complied with but where they are not, the RTB takes non-compliance with Determination Orders very seriously. The RTB endeavours to secure compliance initially by non-judicial means by writing to the non-compliant parties to remind them of the terms of the Order and requiring them to make arrangements to comply.

If this approach is unsuccessful, then the RTB will consider, on request from the party seeking compliance of the Order, whether to provide legal assistance to enforce the Order. **The Board of the RTB has set out the following policy and criteria in line with available budgets.**

### **The RTB will provide legal assistance for the following cases;**

- ▶ Overholding / Overholding with Rent Arrears.
- ▶ Rent Arrears that are equal to or over €3,000 or 3 months' rent of the respective tenancy, whichever is less. Where the tenant is overholding, there is no requirement for a minimum of €3000 rent arrears to be outstanding.
- ▶ Deposit Retention greater than or equal to 50% of full deposit.
- ▶ Unlawful termination of tenancies including cases determined to be an abuse of the termination process.
- ▶ Overpaid rent in Rent Pressure Zone cases: where rent increases are more than 4% in a Rent Pressure Zone.
- ▶ Third-party cases with anti-social behaviour where damages are awarded.
- ▶ Cases where the non-compliant Party has a history of breaching the Residential Tenancies Act.

### **Criteria where cases may not be awarded legal assistance from the RTB include;**

- ▶ Value for Money threshold criteria - A minimum threshold of €400 (apart from deposit retention cases, although the sum to be enforced must represent 50% or over of the actual deposit)
- ▶ Where the RTB is satisfied that there are insurmountable service difficulties.
- ▶ Where there are terms of an agreement that are unenforceable in the Courts and/or are in contradiction of the Residential Tenancies Act.
- ▶ Where the landlord seeking compliance has not registered the tenancy with the RTB.

- ▶ If the applicant has not completed all the mandatory information in the Order Enforcement Application form.
- ▶ If the applicant has exceeded the maximum of 5 order enforcement cases per year where the applicant is in receipt of legal assistance for enforcement.
- ▶ If an agreement is reached in contravention with the Rent Pressure Zone criteria.
- ▶ If the requesting party has outstanding Determination Orders that s/he has not complied with.
- ▶ If settlement is agreed and subsequently complied with, then the case for legal assistance will not go forward and/or will be withdrawn.

The RTB may take a percentage of cases that fall outside of the definitive criteria where hardship or other extenuating circumstances warrant consideration. These will be considered on a case-by-case basis where there is funding available within the RTB budget.

## **RTB and Legal Assistance for Enforcement – Our Strategy**

The RTB will take a large amount of the requested enforcement cases, but it does not have the budget to take them all forward. To provide legal assistance to people enforcing Determination Orders in the District Court, the RTB established a panel of Solicitors, local to each District Court, who have agreed to enforce orders on their behalf.

The RTB has an annual budget to provide legal assistance to those seeking to enforce its Orders. The RTB assists as many as possible within this budget but cannot provide legal assistance to all who request it. While the budget for RTB activities is still limited, it is expected that by reducing the cost of enforcement proceedings, the RTB will be able to provide legal assistance in a higher number of cases, based on the prioritisation of cases as set out in this policy document.

## **Enforcing your own Determination Order – Self-enforcement**

Parties can take their own enforcement cases directly to the courts. A very useful Guide to Enforcement in the District Court is available on our website,

**[https://onestopshop.rtb.ie/images/uploads/general/RTB\\_Guide\\_to\\_taking\\_Enforcement\\_Proceedings\\_A5\\_FINAL\\_VERSION.pdf](https://onestopshop.rtb.ie/images/uploads/general/RTB_Guide_to_taking_Enforcement_Proceedings_A5_FINAL_VERSION.pdf)**.

The RTB is here to help you with self-enforcement and our staff will provide all possible assistance to a party that wishes to pursue their own enforcement case to the Court including providing, where possible the necessary documentation and proofs required by the courts.

**The compliance period in the Determination Order must have ended before enforcement can be taken.**

If you wish to request the RTB assist you to pursue enforcement, you can:

email **[enforceorder@rtb.ie](mailto:enforceorder@rtb.ie)** or call our helpline on **0818 30 30 37** or lo call **01 7028100** between 8.30 am to 6.30 pm to speak to our customer care team.

**The RTB respects your privacy and is committed to complying with Data Protection law. For information on how the RTB handle your personal data, please refer to the RTB Privacy Statement at <https://onestopshop.rtb.ie/privacy-statement>**