

Application for Dispute Resolution Services - Adjudication

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://www.rtb.ie/privacy-statement>

1 Adjudication

An application for adjudication costs €30. An adjudication hearing will be arranged and an independent Adjudicator will be appointed by the RTB to enquire fully into the dispute. An adjudication hearing is based on the evidence and facts of a case and the adjudicator will decide the outcome. Having considered all the evidence the Adjudicator will prepare a report which will include a determination on the issue(s) in dispute. The decision of the Adjudicator will be sent by post to all parties as soon as possible after the hearing. An Adjudication hearing is private to the parties concerned, however, the outcome is not confidential and the Determination Order which follows will be published on the website of the RTB.

Note: Mediation cases will be prioritised and adjudication cases will take longer than mediations, except in exceptional cases.

2 Do you require an interpreter/translator?

Yes No *(insert tick in appropriate box)*

Note: Please be aware that a translator cannot advise or assist with your dispute.

If **Yes**, please state what language

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3 Please indicate what type of Applicant you are:

(insert tick in appropriate box and insert details at relevant sections below)

Tenant(s) Private Landlord(s) Third Party Approved Housing Body (AHB)

Agent/Representative

Note: 'Landlord' and 'Tenant' includes the former Landlord and Tenant of a terminated tenancy.

Note: A third-party is a person other than a tenant, landlord or agent and is not directly connected to the tenancy, e.g. a neighbour affected by a tenant's behaviour.

Note: Approved Housing Bodies, (also known as housing associations) are not-for-profit organisations whose purpose is the provision and management of housing for households in housing need. Approved Housing Bodies provide housing for low income families and individuals, elderly, people with disabilities and homeless people.

4 Applicant Details:

(Please read the accompanying notes before completing this form. Use CAPITAL LETTERS.
Write clearly and accurately within boxes. Do not join your writing)

First Name

Surname

If a Company, insert Company Name (ensure the full and correct Company Name is inserted)

Current Address

Eircode

Telephone

Mobile

Email

Tenancy End Date / /

PPSN (Personal Public Service Number)

5 Second Applicant details*: *(if any)*

First Name

Surname

If a Company, insert Company Name *(ensure the full and correct Company Name is inserted)*

<input type="text"/>
<input type="text"/>

Current Address

Eircode

Telephone

Mobile

Email

Tenancy End Date / /

PPSN (Personal Public Service Number)

*If more than two Applicants, please photocopy this page and attach to application.

6 Respondent Details*:

First Name

Surname

If a Company, insert Company Name (*ensure the full and correct Company Name is inserted*)

Current Address

Eircode

Telephone

Mobile

Email

PPSN (*Personal Public Service Number*)

OR CRO (*Company Registration Number*)

*if more than two respondents, please photocopy this page and attach to application.

7 Agent/Receiver Details: *(Agent refers to Letting Agent representing a Landlord)*

I confirm I have the authority to act on behalf of the applicant(s) and my clients have full knowledge of an application being made on their behalf

Note: Where an application is lodged on behalf of another party **without** their knowledge and consent they make seek to take further legal action against the party purporting to act on their behalf.

First Name

Surname

If a Company, insert Company Name *(ensure the full and correct Company Name is inserted)*

<input type="text"/>
<input type="text"/>

Current Address

Eircode

Telephone

Mobile

Email

CRO (Company Registration Number)

8 Representative Details: *(if the Tenant/Landlord is being represented by another individual)*

I confirm I have the authority to act on behalf of the applicant(s) and my clients have full knowledge of an application being made on their behalf

Note: Where an application is lodged on behalf of another party **without** their knowledge and consent they may seek to take further legal action against the party purporting to act on their behalf.

First Name

Surname

If a Company, insert Company Name *(ensure the full and correct Company Name is inserted)*

Current Address

Eircode

Telephone

Mobile

Email

11 Reason for Dispute: (insert tick in one or more boxes)

Rent Arrears <input type="checkbox"/>	Validity of notice of termination (if you are disputing the validity of a termination notice issued) <input type="checkbox"/>	Rent more than market rate <input type="checkbox"/>
Overholding (where a tenant did not vacate after valid Notice of Termination) <input type="checkbox"/>	Unlawful Termination of Tenancy (illegal eviction) <input type="checkbox"/>	Validity of notice of rent review <input type="checkbox"/>
Damage in excess of normal Wear and Tear <input type="checkbox"/>	Deposit retention <input type="checkbox"/>	Rent review not in line with Rent pressure zone <input type="checkbox"/>
Breach of Fixed Term Lease <input type="checkbox"/>	Standard and maintenance of dwelling <input type="checkbox"/>	Anti-Social Behaviour <input type="checkbox"/>
Breach of Tenant obligations <input type="checkbox"/>	Breach of Landlord obligations <input type="checkbox"/>	Other <input type="checkbox"/>

Please provide further details concerning your dispute which may assist your case:

12 Please insert tick in appropriate boxes if enclosing any of the following documentation:

Note: All relevant documentation received in respect of this case will be copied to the other party.

When submitting a case for validity of notice of termination or validity of notice of rent review, a copy of the notice must be sent to the RTB in order for the application to proceed. When sending in evidence for a case, unless you are satisfied that the personal data can be shared, you must black out personal data in the materials submitted, such as bank account numbers, personal telephone numbers, addresses, witness contact details, etc.

- Notice of Termination (**mandatory submission for validity of notice of termination cases**)
- Statement outlining why dwelling is no longer suitable for the needs of the tenants
- Statutory Declaration declaring intention to sell the dwelling
- Statutory Declaration declaring the landlord requires the dwelling for personal occupation or occupation of a family member
- Notice of rent arrears (28 day minimum) (**mandatory submission for rent arrears cases**)
- Notice of rent review (90 day notice) (**mandatory submission for applications disputing rent review**)
- Market rent quotes for three similar dwellings
- Form of notification of new rent to tenant
- Signed statement by tenant confirming they have been made aware of their rights
- Lease
- Rent book
- Rent receipts, bank statements
- Letter of authority to act on behalf of party (if Applicant is Agent/Representative)
- Receipts
- Gas bills, electricity bills, other utility bills
- Photographs
- Deed of Appointment
- Other documents

Note: The onus is on the party submitting evidence in the form of DVD, CD and MP3, etc. to ensure it is accessible. Please note, for security reasons, the RTB are unable to accept data sent to us via a link to a cloud storage platform such as iCloud, Dropbox, WeTransfer, OneDrive, etc. You must attach your evidence as documents to an email or send them via post.

13 Please indicate if any alternative legal remedy was already sought in respect of this matter:

Yes No (insert tick in appropriate box)

If **Yes**, please give details:

14 Please indicate if the tenancy in question is or has been the subject of a previous dispute with the RTB:

Yes No (insert tick in appropriate box)

If **Yes**, please give the dispute reference number:

15 Signature of Applicant(s): (ensure you have read all the notes on **page 13** - failure to sign the form will result in the application form and fee being returned)

Signature(s) Date / /

Signature(s) Date / /

Signature(s) Date / /

Signature(s) Date / /

Note: If applicant(s) do not sign this application form, it will be **deemed invalid** and **returned**.

16 Please indicate how you are paying the application fee of €30 *(insert tick in appropriate box)*

Cheque *(made payable to RTB)* Postal Order Bank Draft

For security purposes, the RTB cannot accept payment by cash.

Note: Please attach payment to this form. If the fee is not included the application will be deemed invalid and may be returned.

Due to the implementation of the EU Payment Services Directive (PSD2) and the additional checks that are required to authenticate credit/debit card payments, the RTB is unable to accept written credit/debit card details on application forms anymore from 1st January 2021. Should you wish to pay by card, please tick here and an agent will call you to take payment over the phone.

NOTES ON APPLICATION FOR DISPUTE RESOLUTION SERVICE

Background

The Residential Tenancies Board provides a Dispute Resolution Service for Landlords, Tenants and Third Parties who are in dispute in relation to a residential tenancy. Landlords, Tenants and Third Parties may choose to have their dispute dealt with via mediation or adjudication. Mediation is offered via telephone or oral hearing and a trained mediator facilitates the parties involved to come to an agreement.

Adjudication is where an independent adjudicator reviews the evidence of the parties and makes a determination on the issues in dispute. Mediation is the preferred option of dispute resolution due to its speedy and satisfactory outcomes.

Questions 4 – 10

Please complete all questions where appropriate and provide details on the location of the dwelling in question, the addresses and contact details for the Applicant, Respondent, Agents, Representatives and Third Party, so the RTB can contact all the relevant parties.

Please note that copies of all documentation received by the RTB in relation to the dispute, will be made available to the other party(ies) involved. While further redaction of certain sensitive information may occur, the onus is on the person submitting evidence or documents to ensure that any information they do not wish to be circulated is redacted.

Where a case party is a company please note that a Director of a Company cannot represent the Company in a case before the RTB without having a signed authority from the Company Board/Company Secretary as a company is deemed to be a legal entity in its own right.

Question 9 – Third Party Disputes

Where a person is affected by the failure of a Landlord to enforce their Tenant's obligations under the Residential Tenancies Act 2004 a Third Party may take a case to the RTB. This could arise where the behaviour of Tenants causes a nuisance to a neighbour of the Tenant in question. A Third Party must take all reasonable steps to resolve the matter with the parties before referring the dispute and details of these steps should be supplied at question 9.

Question 10 – Amount of the Rent

The amount of your current rent and how frequently it is paid is requested at question 10. You should include the amount of new rent only if an increase in the rent is being sought. Where a case concerns a review of rent you are required to submit the rent review notice.

Question 11

If your dispute is in relation to Validity of Notice of Termination your application must be submitted to the RTB within 28 days. If your dispute is in relation to Validity of Notice of Rent Review / Rent More than Market Rate your application must be submitted within 28 days or prior to a rent review taking effect (whichever is later). If your application is outside of these timeframes you must indicate why this is the case.

Where a case concerns the validity of a notice of termination / validity of rent review you are required to submit the notice.

Questions 15 and 16 – Applicant Signature(s) & Application Fee

The RTB will not deal with the dispute until the application fee has been paid and the applicants signature is included on the application form. The fee may be paid by cheque, postal order, or bank draft Due to the implementation of the EU Payment Services Directive (PSD2) and the additional checks that are required to authenticate credit/debit card payments, the RTB is unable to accept written credit/debit card details on applications anymore from 1st January 2021. Should you wish to pay by card, please tick here and an agent will call you to take payment over the phone.

Return of Application Form

Having completed all relevant sections of the form and attached any relevant documentation, cheque/postal order/bank draft proof, please return to:

The Dispute Resolution Section, Residential Tenancies Board, PO Box 47, Clonakilty, Co Cork