



# About Us

## **We are a public body set up to support and develop a well functioning rental housing sector.**

Our role is to resolve cheaply and speedily disputes between landlords and tenants, maintain a national register of tenancies and supply data and advice on the sector. Our remit has recently been extended to the Approved Housing Body sector, and hence our name has now been changed from the Private Residential Tenancies Board (PRTB) to the Residential Tenancies Board (RTB) to reflect this broader remit within the rental sector.

## **The work of the RTB can be divided into three main areas;**



### **Registration:**

All private residential landlords and Approved Housing Bodies, who are not for profit housing providers, often referred to as Housing Associations, are obliged to register their tenancies with us. By 2015 year end, there were 319,609 tenancies registered with us, and we have a public register of tenancies available on our website. The registration of tenancies enables us to collect important data on the sector, but is also a key part of regulating the sector and ensuring landlords and tenants are aware of their rights and responsibilities.



### **Dispute Resolution:**

Since 2004, we have 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 – mediation or adjudication. By 2015 year end, we had received 4,023 applications for dispute resolution, our highest number to date.



### **Information and Advice:**

We provide high-quality information and advice to the public, tenants and landlords on rights and obligations, in terms both of living and providing accommodation in the rental sector. We also provide high-quality data on the rental sector, such as the rent index, which allows us to monitor trends in the rental sector, but also allows individuals to check and compare rents in particular locations.



# Contents

|           |  |    |
|-----------|--|----|
| <b>1</b>  | Chairperson and Director's Message                         | 3  |
| <b>2</b>  | 2015 at a glance   | 6  |
| <b>3</b>  | The Changing landscape – The evolving regulatory framework | 8  |
| <b>4</b>  | Registrations and Profile of the Sector                    | 10 |
| <b>5</b>  | Ensuring Registration Compliance                           | 14 |
| <b>6</b>  | Rental Trends  | 18 |
| <b>7</b>  | Dispute Resolution Activities 2015                         | 21 |
| <b>8</b>  | Promoting Awareness in the Sector                          | 36 |
| <b>9</b>  | Customer Service   | 39 |
| <b>10</b> | RTB Governance   | 42 |
| <b>11</b> | RTB Finances   | 52 |
|           | Appendix   | 74 |





# 1 Chairperson and Director's Message

**2015 was a challenging but effective year for the Residential Tenancies Board (RTB).**



Catriona Walsh  
*Chairperson*



Rosalind Carroll  
*Director*

The number of registered tenancies continued to grow, with over 319,000 tenancies registered at the end of the year, which is reflective of the continued growth of the rental sector and has led to additional demands for our services.

It is clear that renting is becoming an increasingly important tenure in Ireland, which means that the role that the RTB plays is becoming more and more important. However, this also means that our performance, and how we provide our services, impacts more and more people's lives. We are pleased to present this annual report, which provides not only details on how we delivered our services last year, but is also important in terms of providing a picture of what is happening in the rental sector.

For both tenants and landlords, 2015 has been a testing year. With a limited supply of rental accommodation available, we have seen rents increasing in much of the country. While, for the most of the country, rents are still below peak levels, affordability has become an increasing concern for many. At the same time, we still have many buy-to-let landlords in difficulties with their mortgages, which shows that while the market might be starting to recover, legacies from the recession still remain in the market. This can perhaps be evidenced in the changing nature of the landlord and tenant disputes that are referred to us. At the peak of the market, the majority of disputes referred to us related to deposits being withheld, while today they relate to rent arrears, notices of termination and households staying in accommodation past the dates of termination.

“ It is clear that renting is becoming an increasingly important tenure in Ireland, which means that **the role that the RTB plays is becoming more and more important.**”

However, this also means that our performance, and how we provide our services, impacts more and more people’s lives. ”

The objective of the RTB is to develop and support a well-regulated rental sector in Ireland, for the equal benefit of landlords, tenants and society at large. This is to be achieved through the provision of a national register of tenancies, timely and cost-effective dispute-resolution services and the provision of advice and information on the sector. To support the sector in this difficult operating environment, we have focused on continuing to improve service times in terms of resolving disputes, while also concentrating on creating more awareness of tenant and landlord rights and responsibilities, and providing front-line information to tenants and landlords on these areas.

Last year, we answered a record number of queries from the public to do with registrations, tenant and landlord rights, disputes and enforcement – 117,000 calls and 49,000 emails.

The advice and information provided in many instances has helped keep someone in their home, supported parties in resolving disputes themselves or simply provided an understanding to a tenant or landlord of what it means to be part of the rental sector in Ireland.

In terms of resolving disputes, despite over 4,000 dispute cases being referred to us in 2015 – compared to 3,300 in 2014 – we continued to improve our dispute-resolution service times.

The average time for an adjudication case, from application to determination order, was fourteen weeks. For cases where parties opted for our telephone mediation services, the average time was 7.5 weeks. The impact of our service times are extremely important, in the context of a tenant awaiting the return of a deposit or a landlord experiencing increasing rent arrears and still trying to meet the mortgage payments in respect of a property. Our telephone mediation services are proving to be particularly successful, not only because they are quicker, but also because they are non-adversarial and generally therefore lead to people being happier with the outcomes.

Enforcing compliance is also a hugely important part of the work of the RTB, be that in respect of our role as a regulator in ensuring that all landlords register their tenancies with us, or be it in respect of enforcing compliance, where we issue determination orders in respect of disputes cases. In 2015, we obtained 260 court orders in relation to the enforcement of determination orders. Most parties comply with our determination orders, but where they do not, the RTB has the discretion to pursue this through the courts, and we endeavour to take as many cases as we can within available resources. Many parties also initiate their own enforcement proceedings, and to support this, in 2015 we developed a guidance booklet to support parties in taking their own proceedings through the courts.



Registration of tenancies is an important part of regulating the sector, and ensures that both landlords and tenants can be made aware of their rights and responsibilities. Last year, we detected and contacted over 22,000 unregistered landlords. The majority of these landlords registered upon our contact, but for a small number, it has been necessary to prosecute them. The RTB successfully prepared 49 cases for prosecution in the courts in 2015, resulting in five criminal convictions and fourteen summons being issued, with a number of cases still to be heard.

One of our greatest achievements in 2015 was the launch of a national education and awareness campaign aimed at increasing landlords', tenants' and other stakeholders' understanding of the RTB, and of their rights and obligations. The campaign featured radio, newspaper and online advertising, and was delivered over three phases. As the sector has grown, and is becoming less of a transient tenure, but a home for many people and a long-term investment for many landlords, those involved need to be aware of their rights and responsibilities, and aware of the services that the RTB can offer. Education, awareness and empowerment through information will be an increasing focus of the RTB in the coming years.

2015 has also been a time of change. The latter part of the year saw a suite of changes being made to the legislation underpinning the regulation of the rental sector, aimed at both reforming and stabilising the rental sector. The Residential Tenancies Amendment Act, passed in December 2015, brought in some very important changes in the law, while further reform measures under that Act are being introduced on a phased basis, by way of Statutory Instruments. Chief among these reforms has been an increase from twelve months to 24 months in the period between a landlord seeking rent increases, and the requirement for the landlord to give 90 days' advance notice of any increase (previously it was 28 days). Notice periods for the termination of tenancies have also been increased. The changes that have been made can be complex and difficult to understand. Our focus has been firstly on preparing our own systems and staff for the change, but our efforts have been, and continue to be, focused on supporting stakeholders, landlords and tenants through this time of change, so that they understand and work within the new regulatory framework. This re-affirms our commitment to education and awareness in the sector.

There is a lot more change to come in 2016 and 2017, with a deposit protection scheme yet to be rolled out, Approved Housing Bodies to come under our remit and a new rental strategy for the sector on its way. Our role will evolve as these changes are implemented, and as we try to support the development of a rental sector for a modern society and economy. However, in the immediate future, our priorities will be to introduce the deposit protection scheme, whilst still working to improve our services. In particular, we will focus on improving our I.T. functionality, to support customers' interaction with us; to focus on education, awareness and dispute prevention; to endeavour to support more enforcement of cases where parties are not compliant with our orders; and, lastly, to use the knowledge and data that we have to become a centre of expertise on the rental sector.

Finally, a note of thanks. 2015 was the last full year that former Director, Anne Marie Caulfield, served the Residential Tenancies Board, a culmination of seven years at the helm of the organisation. Great tribute is due to her leadership, under which there have been dramatic improvements in service times; the introduction of the rent index, which is now a key monitoring tool for the rental market; and also the initiation of many new ways of doing business, including the very first telephone mediation services in Ireland. We would like to acknowledge and thank her for her significant contribution.

We would also like to thank our Board members, committee members, staff and independent mediators, adjudicators and tribunal members for their continued dedication and hard work. We would like to show our appreciation to all of our stakeholders, landlords and tenants for their engagement with us throughout the year.

We look forward to listening to and working with our stakeholders, landlords and tenants to help support the further development of the rental sector.

**Catriona Walsh**  
Chairperson

**Rosalind Carroll**  
Director

# 2

## 2015 Summary at a Glance

### Registrations



Supported  
**319,600**  
registered tenancies,

representing **693,000** occupants –  
up from **303,500** in 2014



Registered  
**105,566**

new tenancies in 2015 -

down from **112,873** in 2014,  
reflecting more limited supply



A nationwide **advertising and awareness campaign** was carried out, to improve tenants' and landlords' understanding of their rights and obligations.



### Supporting the Sector



We answered last year a  
record number of calls

**117,000**

along with



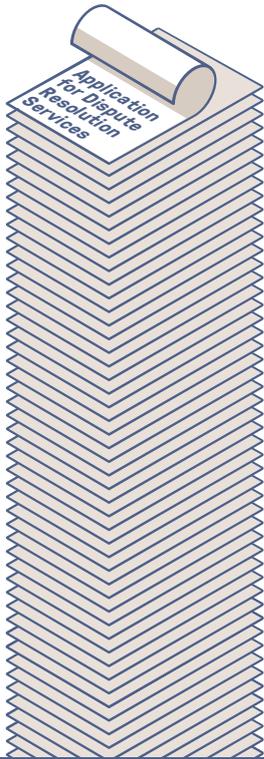
**49,000 emails**

from tenants, landlords,  
agents and others working  
or living in the rented sector.



In **2015**, we introduced web chat, to support landlords in registering their tenancies online. Online registration has increased to **55%**, up from 48% in 2014

# Dispute Services



We provided dispute resolution services for

# 4,023

compared to **3,374** in 2014,

This represented an increase of **19%**, yet processing times continued to reduce, improving from six months in 2014 to four months in 2015, a reduction of 33%.



Over the course of the last eight years, there have been significant **reductions in waiting times** for dispute-resolution services.



# Enforcement



Almost **23,000** enforcement notices were issued to non-compliant landlords for failing to register.

**49** cases were prepared for prosecution. These resulted in **5** criminal convictions and **14** summons being issued.



The RTB obtained **260** court enforcement orders in respect of landlords and tenants who failed to comply with our Determination Orders relating to Dispute cases.

# 3

## The Changing landscape

### The evolving regulatory framework

**The Residential Tenancies (Amendment) Act 2015 was enacted by government on 4th December 2015, bringing in many changes aimed at both reforming and stabilising the housing rental market in Ireland.**



One aspect of the Act, which came into immediate effect in December 2015, was rent-certainty measures, which enhance the regulation of rent reviews. These measures have restricted landlords to reviewing rents only once every 24 months, and have also introduced a requirement for landlords to give 90 days' notice of any increase in rent (previously this was 28 days). Furthermore, any increase must reflect local market conditions – landlords must show rents for three comparable properties when giving notice of a rent review. These changes were designed to bring more certainty to tenants, to give them more time to prepare for a rent increase and to assess whether such an increase is justified.

“ One aspect of the Act, which came into immediate effect in December 2015, was **rent-certainty measures** ”

These changes have also been coupled with a strengthening of the security of tenure, as required notice periods for the termination of tenancies have also been expanded. The notice periods which both tenants and landlords are required to give has been amended – a landlord with a tenancy in place for over eight years is now required to give over 224 days' notice before terminating that tenancy.

A number of other changes will be introduced throughout 2016 and 2017. These include:

- Expanding the remit of the Residential Tenancies Board to not-for-profit Approved Housing Bodies.
- The introduction of free mediation services.
- Requirements for landlords to include certain evidence or proofs of the grounds of termination of certain cases, such as where a landlord is selling or refurbishing a property.
- Changes to our governance structures.
- Allowance for a slip or an omission in a notice of termination.
- The introduction of a Deposit Protection Scheme.

While these changes are to be welcomed, this is also a challenging time for the RTB, in terms of supporting the implementation of such significant change; but also for landlords, tenants and other stakeholders, in trying to grapple with the change and understand their new responsibilities and rights. The Residential Tenancies Act which underpins regulation of the sector is a complex piece of legislation, and there will be more and more of an onus on the RTB to support and assist people in navigating their way through it.

The Minister for Housing, Planning, Community and Local Government has also committed to publishing a rental strategy in 2016. This will chart a path forward for the sector over the short, medium and long terms, to ensure that we maintain a viable sector that is fit for purpose, meeting the needs of the changing demographic of renters and also supporting the supply of accommodation. This strategy is certain to bring yet more change, but it will also bring certainty in terms of what is expected of the sector over the long term.



Figure 1.1

| Tenancy Registrations 2006–2015 |         |         |         |         |         |         |         |         |         |         |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Year                            | 2006    | 2007    | 2008    | 2009    | 2010    | 2011    | 2012    | 2013    | 2014    | 2015    |
| New reg.                        | 54,000  | 80,849  | 85,904  | 95,969  | 101,888 | 99,914  | 97,181  | 111,778 | 109,162 | 105,566 |
| Total Reg.                      | 137,961 | 202,078 | 206,054 | 234,582 | 231,818 | 260,144 | 264,434 | 282,918 | 303,574 | 319,609 |
| % change                        |         | 46%     | 2%      | 13.8%   | -1.2%   | 12.2%   | 1.6%    | 7%      | 7.3%    | 5.3%    |
| No. of l'lords reg.             | 83,102  | 92,311  | 100,819 | 116,577 | 145,021 | 182,800 | 212,306 | 179,026 | 160,160 | 170,282 |
| % change                        |         | 11.1%   | 9.2%    | 15.6%   | 24.4%   | 26.1%   | 16.1%   | -15.7%  | -10.5%  | 6.3%    |

### Total Registrations

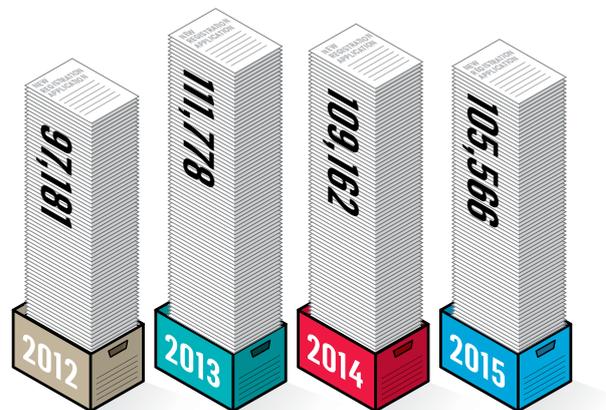
The total number of registered tenancies at year-end 2015 was 319,609; this encompassed nearly 700,000 occupants and some 170,000 landlords. This compares with 303,574 tenancies registered at the end of 2014, comprising approximately 643,000 occupants and 160,000 landlords. This represents a 5% increase in the total number of tenancies in the rental sector, and a 12% increase if you compare it to the total number of tenancies in 2013, and shows a continuing trend of growth in the rental sector. The number of landlords also increased by some 6% from 160,000 landlords in 2014 to over 170,000 in 2015.

### New Tenancies

One of the most significant changes that we are starting to see in the sector is a reduction in the number of new tenancies created in 2015. In respect of new activity, as can be seen from Figure 1.1 above, 105,566 new tenancy registration applications were received by the RTB in 2015. The number of new tenancy registrations received in 2015 was down slightly, by just over 6%, compared to 2014.

Figure 1.2

### New Registration Applications Received 2012–2015



The decline in the number of new tenancy registrations (see Figure 1.1 above) reflects current market conditions, where supply of rental accommodation is limited. It should be noted, however, that the overall number of tenancies is still increasing. The changing trends therefore reflect the fact that many people are staying for longer periods in their tenancies, as opposed to a shrinking of the sector as a whole. Growth in the sector has been driven by a number of factors, including a reducing reliance on home ownership as the tenure of choice; demographic factors, including inward migration; decreasing household size; access to finance; and increasing rates of new household formation.

“ The total number of registered tenancies at year-end 2015 was

**319,609**

this encompassed nearly **700,000** occupants and some **170,000** landlords. ”

### How we do our Business - Increasing Online Activity

The increasing numbers in the rental sector, means that as a business the RTB has a significant customer base, with nearly 20% of the population now renting. Maintaining a register of this scale and providing quality customer service in respect of so many landlords and tenants is a challenge and we need to have a variety of means to support our interaction with customers.

Increasing online activity is a key priority of the RTB, as part of our strategy to deliver better customer service and to drive faster and more cost-effective processing of registrations. It is also an important tool in improving accuracy, as the system will highlight if sections of the registration form have not been completed. This leads to less incomplete forms, more satisfied customers and less administration costs and more efficiencies for the RTB.

To support and drive further online activity in 2015, we introduced Web Chat. This assists customers who choose to engage with us through our online portal. Web Chat allows us to communicate with the customer online in real time, to assist them with any difficulties that they might be having using the portal. As a result of this and other measures, online registration activity has increased from 48% in 2014 to 55% in 2015. We will continue to invest in our online system, to improve the user experience and to encourage landlords to use our online service as much as possible.

### Financing the RTB through Registrations

The regulation of the rental sector is financed through the registration fee. The total value of registration applications received in 2015 amounted to €11,219,402. In line with the decrease in new tenancy registration applications, the value of registration income received in 2015 was down by €752,673, representing a 6% decrease from 2014. It is expected that this trend in decreasing registration income will continue under the current supply conditions, as more and more tenants are staying in their properties for longer and there are less new registrations each year, resulting in a decrease in registration fees. This a further challenge that the RTB will have to examine in 2016.

Figure 1.3

| Tenancy Registration Fees  |        |
|--|--------|
| Application complete and on time, i.e. received within 1 month of the commencement of the tenancy      | €90    |
| Application complete and late, i.e. received outside 1 month of the commencement of the tenancy        | €180   |
| Multiple applications for tenancies in one building, owned by one landlord and on time (composite fee) | €375   |
| Third tenancy registration for the same dwelling with the same Landlord in a twelve-month period       | No fee |

### RTB Funding of Local Authorities to Enforce Minimum Standards

On foot of specific payment directions made by the Minister for the Environment, Community and Local Government, one fifth of registration fee income was allocated to the Local Authorities in 2015, to meet the cost of inspections of private rented residential accommodation. The remainder was retained by the RTB to defray its own operating costs. The RTB holds this money in a trustee capacity. The amount disbursed to Local Authorities in 2015 under instruction from the DoECLG was €2.2 million, bringing the total disbursed to Local Authorities by the RTB since 2004 to €31.1 million. Further information on Local Authority inspection rates and the new minimum standards in Private Rental Accommodation is available on the DoECLG's website: [www.environ.ie](http://www.environ.ie).

“ The decline in the number of new tenancy registrations reflects current market conditions, where supply of rental accommodation is limited. It should be noted, however, that the overall number of tenancies is still increasing. ”






## How to check if a tenancy is registered

The published register is an extract from the register of tenancies, and contains details from the registration form that is supplied by the landlord or their agent. The register provides:

- the address of the rented dwelling;
- a description of the dwelling;
- the number of bedrooms and bed spaces; and
- the floor area.

The published register does not contain any information that could lead to the disclosure of the identity of the landlord or the tenant, or the rent payable. It is accessible through our website:

**www.rtb.ie at [https://portal.rtb.ie/public\\_registrations.aspx](https://portal.rtb.ie/public_registrations.aspx)**

To check the published register, click on TENANTS on the home page, and click on the icon



**“Is My Tenancy Registered?”.**

Next, click into the appropriate county, and search under the address of the rented dwelling. The register is available in both PDF and Excel format. The published register is updated on the website on a weekly basis.



## Sources of Information

The RTB receives information on rental properties from a number of sources, including:

Figure 1.4

| Sources of Information                       |   |
|--|---|
| Information from                             | Data  |
| <b>Dispute &amp; Registration Sections</b>   | Internally in RTB   |
| <b>Department of Social Protection (DSP)</b> | Rent Supplement Database  |
| <b>Local Authorities</b>                     | Standards for Rented Dwellings Inspections, Rental Accommodation Scheme |
| <b>Members of the Public</b>                 | Neighbours, Tenants   |
| <b>Others</b>                                | TDs, Councillors, Gardaí  |

Data is compared from the above sources with our own register, to identify unregistered tenancies.

## Enforcement Notices and Letters Issued

The RTB is committed to ensuring that all landlords are aware of, and comply with, their legal obligation to register a tenancy. This is done firstly by issuing a general information notice to all landlords on our database. Where landlords persist in being non-compliant, the RTB proceeds to issue statutory enforcement notices, followed by solicitors' warning letters. In some circumstances, for clarification purposes, we also issue an occupier notice to the rented dwelling address. Every opportunity is afforded to the landlord to comply before court proceedings are instigated.

In 2015, a total of 22,858 notices and enforcement letters were issued to landlords, based on the information sources listed above. This is somewhat less than the 2014 figure of 29,293, and suggests that landlords are increasingly complying with their registration obligations.

The following table shows a breakdown of our activity in 2015.

Figure 1.5

| Registration Enforcement Notices/Letters Issued  |               |
|--|---------------|
| Type of Notice/Letter  | Number        |
| General Information Notices ( <i>informing landlords of their legal obligation to register under the Act, and the penalties for non-compliance</i> ) | 15,305        |
| Official Enforcement Notices ( <i>informing landlords that the Board intend to prosecute if the tenancy is not registered</i> )                      | 6,850         |
| Solicitors' Warning Letters  | 699           |
| Occupier Notices to rented dwellings, requesting details of tenancy  | 4             |
| <b>Total</b>   | <b>22,858</b> |

Of the 22,858 enforcement notices and solicitors' letters issued to non-compliant landlords in 2015, the following table shows the breakdown of those notices/letters by source.

Figure 1.6

| Number of Notices/Letters Issued |                                  |
|----------------------------------|----------------------------------|
| Source                           | Number of Notices/Letters Issued |
| Internal                         | 2,644                            |
| Dept. of Social Protection       | 15,054                           |
| Local Authorities                | 3,854                            |
| Members of the Public            | 1,231                            |
| TDs, Gardaí and Other            | 75                               |

### How many cases were enforced through the courts?

In 2015, 49 cases were prepared for the prosecution of landlords who had failed to register their tenancies, despite receiving a number of statutory notices and solicitors' letters calling on them to do so. This resulted in fourteen District Court summons being issued. In addition, five cases were carried forward from 2014 – one for hearing and four for sentencing. Of the nineteen cases for hearing/sentencing in 2015, the outcomes at year-end are as follows:

Figure 1.7

## Legal Proceedings at District Court Level 2015



In addition to receiving a conviction, or in some cases the probation act and an enforced contribution to a charity, the landlords involved were also ordered to pay court fines and the RTB's legal costs. These costs and fines totalled in excess of €48,000, clearly demonstrating both the Courts' attitude to non-registration of tenancies and the very serious consequences to landlords of failing to register. One of the main reasons the Courts take such a strong view is that they are aware that the RTB makes every effort not to prosecute landlords, and gives several warnings to landlords of the consequences of non-registration. However, if landlords fail to heed these warnings, then the RTB will issue legal proceedings.

Figure 1.8

| Case Outcomes/Status – Yearly Comparison  | 2013 | 2014 | 2015 |
|---|------|------|------|
| Summons issued  | 50   | 21   | 14   |
| Cases carried over from previous year   | 0    | 13   | 5    |
| Cases withdrawn pre-hearing   | 0    | 1    | 0    |
| Cases for hearing/sentencing (Not including Appeals)  | 50   | 35   | 19   |
| Taken into account (where more than one case is taken against the landlord, and the judge takes some of these into account when passing sentence, i.e. he does not pass sentence on them all) | 6    | 9    | 0    |
| Struck out  | 4    | 2    | 1    |
| Probation Act applied   |      |      | 8    |
| Convictions   | 27   | 17   | 5    |
| Awaiting hearing / sentencing (Cases to be Cases carried forward)   | 13   | 5    | 5    |



### Court Action – Appeals

Appeals of convictions are made to the Circuit Court. Four appeals were received in 2015, in addition to twelve cases that were carried forward from 2014. The following chart shows the outcomes of these sixteen appeals at year-end.

Figure 1.9

#### Legal Proceedings at Circuit Court Level 2015



The RTB made 72 appearances in court in 2015 in relation to the enforcement of tenancy registrations. (Most cases require more than one appearance.) The enforcement of a landlord’s obligation to register is a critically important activity, which enables us to continue to capture accurate and up-to-date information for the regulation of the sector. It also ensures that we obtain the necessary registration income, both for the running of the RTB and for the resourcing of Local Authority inspections of rental dwellings.



## 6

## Rental Trends

**The RTB has a key and increasingly important role, given the current pressures on the housing market, in providing data on the rental sector.**



We produce a quarterly Rent Index, in association with the Economic and Social Research Institute, based on one of the most extensive rental databases in the country. An average rent dataset is also produced, which enables people to check the average rent being paid for five different categories of dwelling types in locations throughout the country, in both urban and rural areas. This means that people can look up the actual rent being paid in their neighbourhood, and also that we can track trends in the rental market.

The Rent Index shows that rents continued to increase during 2015, although the rate of growth slowed in most sectors in the fourth quarter. In recent years, rental growth has weakened in the fourth quarter, following high activity levels in Quarter 3, consistent with the demand for student accommodation in that time period. The numbers for Quarter 4, 2015, are in line with these previous trends. Nationally, rents were 9.8% higher at the end of 2015 than in the fourth quarter of 2014. Nationally, rents for houses were 9.7% higher, while apartment rents were 11.3% higher, in Quarter 4, 2015, than in the same quarter of 2014. Annual growth in the Dublin market was also strong, up by 9.1%. However, Dublin house rents were up by 9.8%, while Dublin apartment rents were higher by 8.9%.

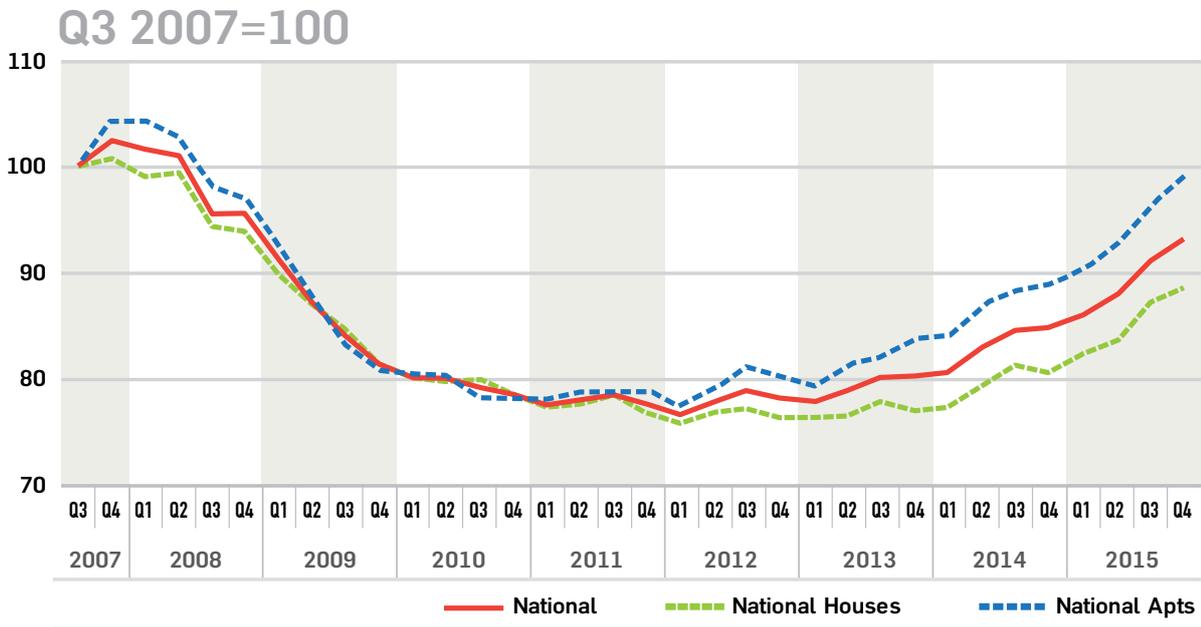
Annual growth in rents for the market outside Dublin was stronger, recording growth of 9.8% in Quarter 4, 2015, when compared to the fourth quarter of 2014. Again, the performance differs by property type. Monthly rent for houses outside Dublin increased by 9.4%, while apartments outside Dublin experienced an increase of 11.2%.

The Rent Index shows that, nationally, rents peaked in the fourth quarter of 2007, before declining by 25.7% to their trough in the first quarter of 2012. By Quarter 4, 2015, rents nationally were 9.1% lower than their peak. While the peak-to-trough drop in the Dublin market was similar to that experienced nationally, the strength of the recovery in Dublin means that in Quarter 4, 2015, rents were just 0.4% lower than their previous peak in Quarter 4, 2007. In contrast, the market outside Dublin has experienced more subdued growth, and so rental levels remain 14.3% off their peak levels.



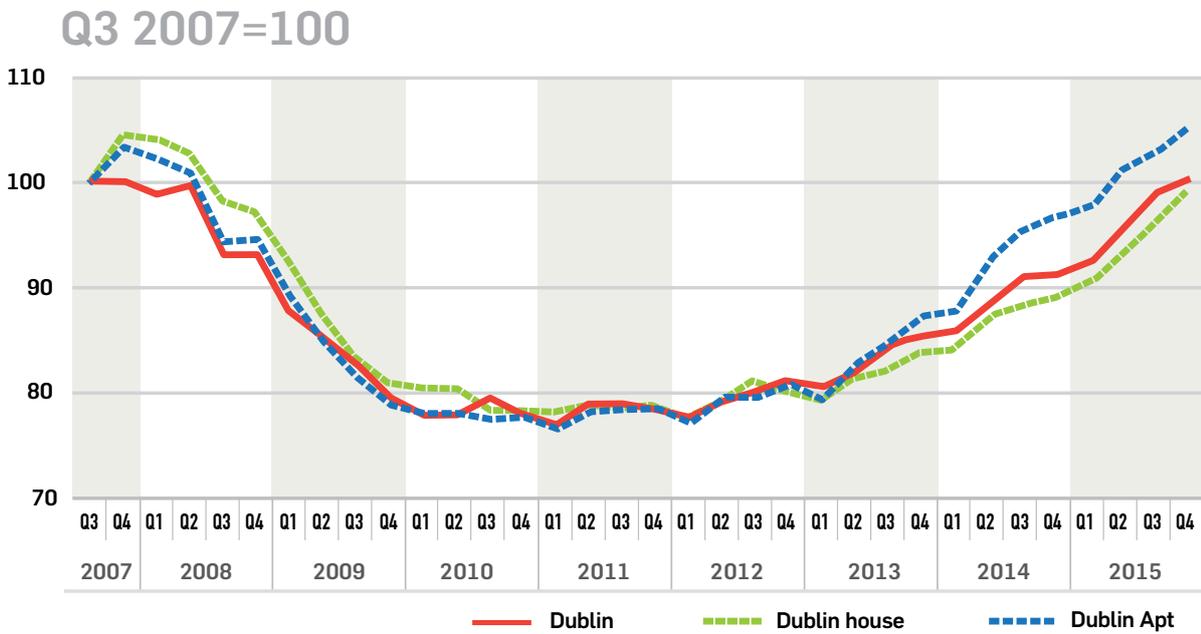
The RTB Rent Index – National

Figure 2.0



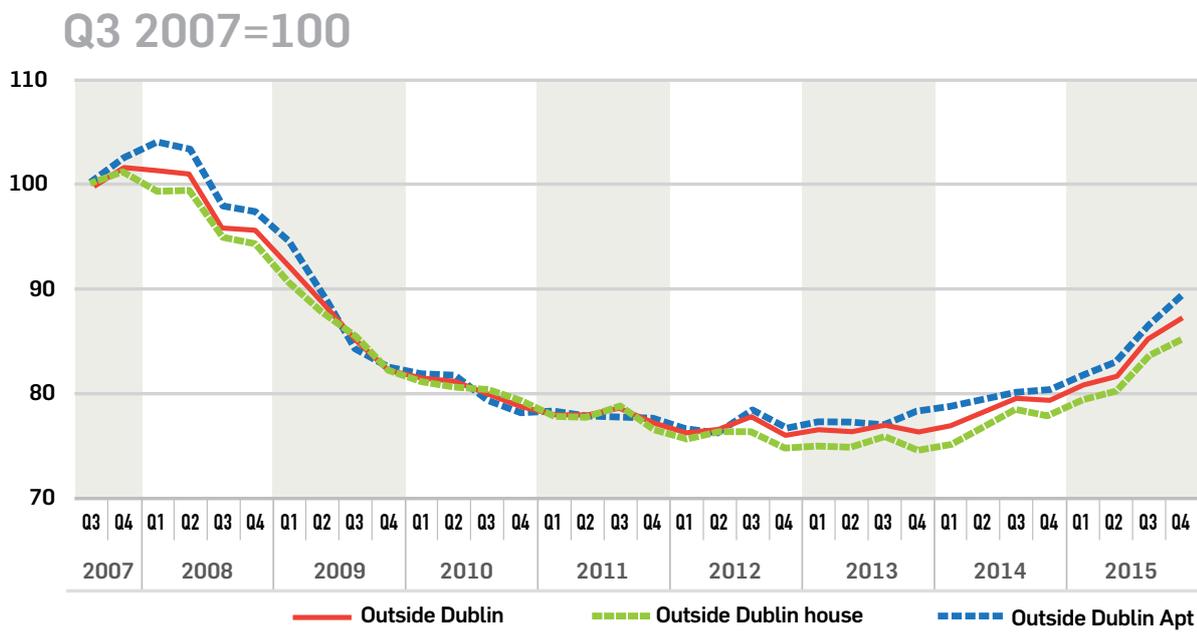
The RTB Rent Index – Dublin

Figure 2.1



### The RTB Rent Index – Outside Dublin

Figure 2.2




### How to Check the Rent Index

To check the Rent Index and the average rents in your area, log on to the RTB’s website at [www.rtb.ie](http://www.rtb.ie).

Click on the icon “Rent Index”, then go to the navigation panel on the left side of the screen and click on “rent index”. There you will find links to the latest quarterly rent index and the average rents in your area. To view the average rents, click on “average rents in my area” and, using a simple drop-down menu, you can select up to five different property types in any quarter from end 2007 onwards, to see the average rent for your selected location. The location selection is based on population and dataset size. A nil return (0.00) indicates insufficient data for that location.



“ The Rent Index shows that rents continued to increase during 2015, although the rate of growth slowed in most sectors in the fourth quarter. ”



## 7

# Dispute Resolution Activities 2015

**One of the RTB's primary goals is to provide a dispute service that is fast, effective and impartial.**



The RTB's Dispute Resolution Service replaces the Courts in dealing with the majority of disputes between landlords and tenants. Prior to the establishment of the RTB in 2004, where there was a dispute between a landlord and a tenant, they had no alternative but to go to Court. Some cases took years to resolve.

We have worked hard over the last number of years to reduce the timelines for resolving disputes. In 2015, we succeeded in reducing timelines yet again, and we are committed to continuing to work to reduce them further.

## About the Dispute Resolution Service

Tenants, third parties or registered landlords can apply to the Dispute Resolution Service where they cannot resolve an issue regarding a tenancy. There are two options for referring a dispute to the RTB: Parties can choose either mediation (telephone or oral) or adjudication, which is a more formal process and is based on evidence. The decision of an adjudicator, or the agreement made within mediation, are made binding via a determination order, which has a legal standing and can be enforced through the Courts if it is not complied with.

Parties do have an opportunity to appeal decisions to a three-person tribunal if they are not happy with the adjudicator's decision or the agreement reached through mediation. The service we provide is quasi-judicial, and all of our mediators, adjudicators and tribunal members have independent decision-making powers, in the same way as judges have within the Court system.

Figure 2.3

Dispute Resolution Process

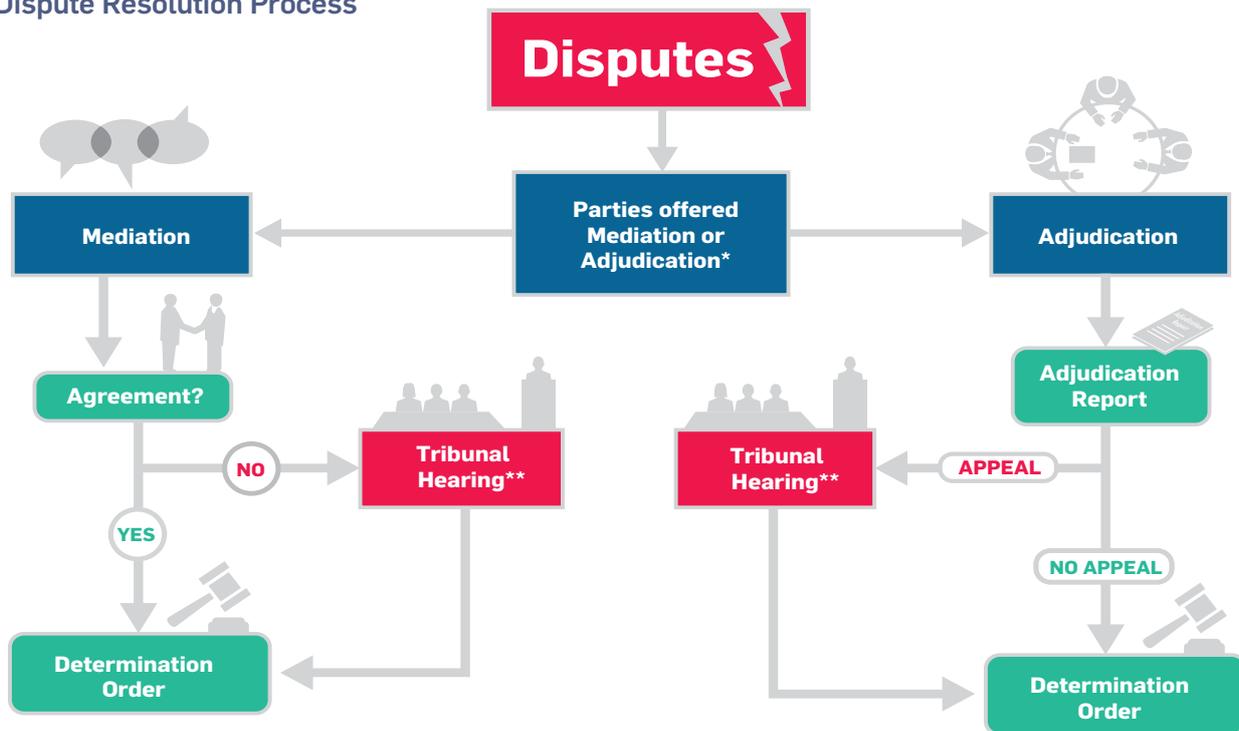


Figure 2.4

| Volume of disputes in 2015            |        |
|---------------------------------------|--------|
| RTB Dispute Resolution Services 2015  | Number |
| Adjudication & Mediation applications | 4,023  |
| Adjudication & Mediation hearings     | 2,704  |
| Applications withdrawn or settled     | 1,775  |
| Tribunal applications                 | 575    |
| Tribunal hearings                     | 436    |

Among the 4,023 applications received, there were 6,808 reasons for dispute cited by applicant parties and dealt with through the dispute-resolution process.

Mediation Services

Over 95% of our mediation services are provided via Telephone Mediation. This service has proved highly successful since its introduction in late 2013. In 2015, 857 cases were heard via Telephone Mediation and, of these, 647 agreements (75%) were reached.

In 2015, the RTB received **4,023** new applications for dispute resolution, an increase of 19% from 2014. It is important to note here that, although the number of new applications increased, this is a reflection of an increase in the size of the sector. The percentage of dispute applications received has remained steady at 1–2% of tenancy registrations since the RTB was set up in 2004.

A total of 2,704 hearings took place in 2015 and, through RTB intervention, 1,775 applications were withdrawn or settled. It is likely that withdrawals were largely due either to agreements reached by the parties, or parties reconsidering their applications based on information provided by the RTB on parties’ rights and obligations and the evidential proofs required.



“ The average processing time for Telephone Mediation in 2015 was

**7.5 weeks**

compared with **14 weeks** on average for Adjudication. ”





## How does Telephone Mediation work?

A certified Mediator is appointed to work with both parties to a dispute to resolve it effectively, respectfully and speedily. Mediation allows parties to come to their own agreement in a non-adversarial way. The Mediator will, through a series of calls, facilitate the parties in coming to an agreed resolution within a short period of time. Both parties are contacted individually and so are not in direct communication with each other. In addition to being an efficient service, it is convenient for both parties as they do not have to attend a hearing. Cases are finalised within weeks as compared to months for Adjudication cases. Where a satisfactory resolution cannot be reached, either party may appeal to a Tenancy Tribunal.

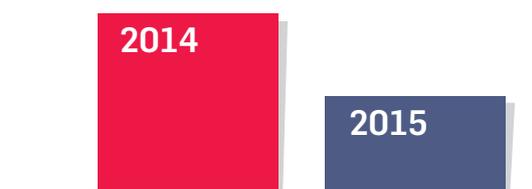
### Dispute-processing Times in 2015

The RTB continued to focus on improving case-processing times in 2015, with the result that timelines reduced from 26 weeks in 2014 to 14 weeks in 2015, for cases where no appeal application was received. The 2015 case-processing timelines are set out in the table below, calculated from the date the application is received to the date the case is set to closed. A case may be set to closed for a number of reasons, including, but not limited to, when the Determination Order is issued to the parties; if the Board determines it has no jurisdiction to deal with the dispute; if the dispute remains 'incomplete' for an extended period of time; if a case party cannot be located to effect service of necessary documents; or if the application is withdrawn by the applicant party.

It is important to note that the timeline runs from the date the application is initially received by the RTB, regardless of whether the application itself is actually complete, and includes applications that are not yet ready to move to the next stage for various reasons. These reasons include, but are not limited to, mandatory information missing from the application form; no fee received; incorrect or missing contact details submitted for the respondent; documents submitted which raise potential questions over the jurisdiction of the RTB to deal with a dispute or require the Board of the RTB to consider submissions regarding an extension of time; unregistered tenancies which therefore cannot proceed; adjournment requests being granted; and disputes awaiting documentation.

Cases can be given priority status if they are more serious in nature, e.g. cases concerning illegal evictions, rent arrears, anti-social behaviour or overholding. Overholding is where households stay in accommodation past the date of termination of the tenancy.

The average processing time for Telephone Mediation in 2015 was 7.5 weeks, compared with 14 weeks on average for Adjudication, as attending a hearing is not required. Where a party to Mediation has referred the case to a Tenancy Tribunal, or a party to Adjudication has appealed the Adjudicator's decision, the processing time, from Tribunal application received date to case set to closed, is on average ten weeks.



“ RTB continued to focus on improving case-processing times in 2015, with the result that timelines reduced from **26 weeks** in 2014 to **14 weeks** in 2015 ”

Figure 2.5

| Disputes Processing Timelines   | 2015                | 2014               |
|---|---------------------|--------------------|
| Adjudication priority cases   | 12 weeks            | 22 weeks           |
| Adjudication non-priority cases   | 16 weeks            | 30 weeks           |
| Average case  | 14 weeks            | 26 weeks           |
| Tribunals (from date appeal application received to date Order issued)  | 10 weeks (average)  | 10 weeks (average) |
| Cases where appeal is received and processed  | 24 weeks (average)  | 36 weeks (average) |
| Telephone Mediation (from date application received to date Order issued or date case withdrawn following settlement) | 7.5 weeks (average) | 11 weeks (average) |

Figure 2.6

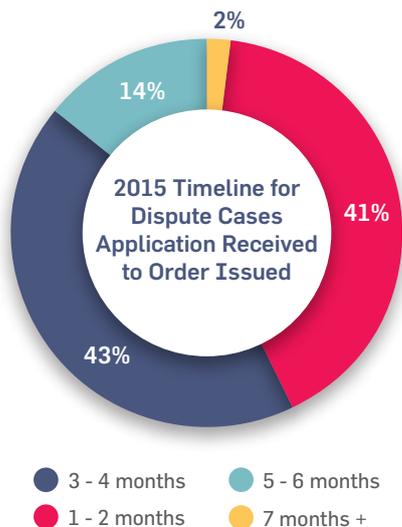
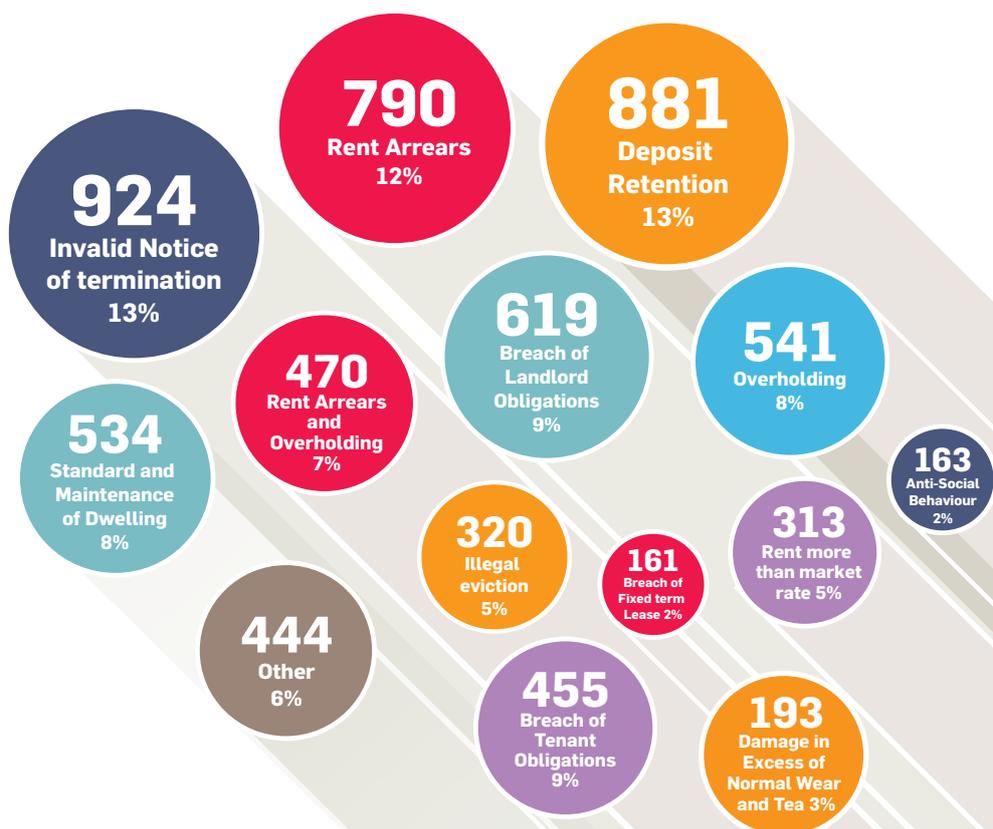


Figure 2.7

| Dispute Case Processing Timelines (months) |      |      |      |      |      |      |      |
|--|------|------|------|------|------|------|------|
| 2008                                       | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
| 18   | 12.5 | 8    | 11   | 12   | 7    | 6    | 4    |

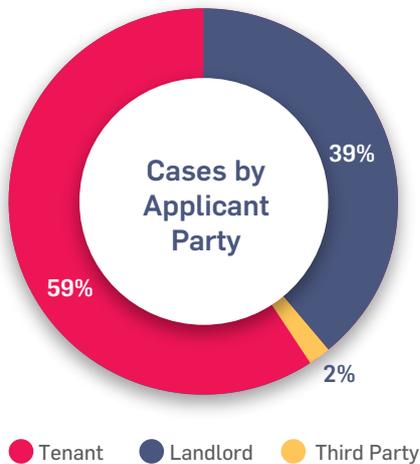
Figure 2.8

Dispute Type (All cases)



### Who submitted an application for Dispute Resolution in 2015?

Figure 2.9



As illustrated in Figure 2.9, landlords made 1,557 (39%) applications to RTB Dispute Resolution Services in 2015, with tenants making 2,386 (59%) and third parties making 80 (2%). These are similar to 2014 figures.

### The Changing Nature of Disputes

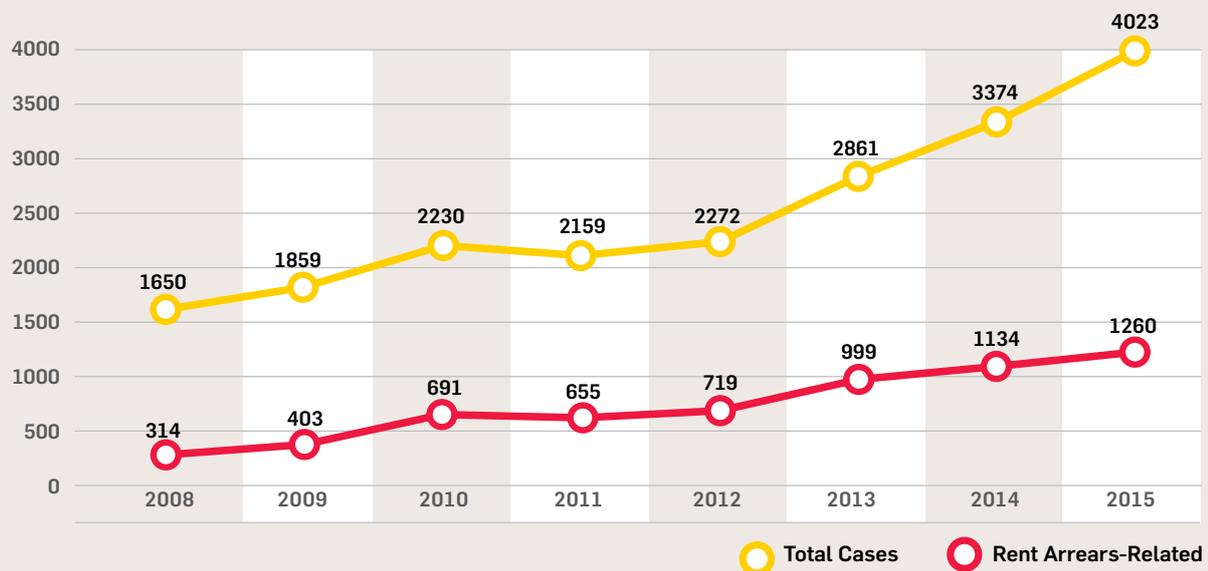
The top three most common issues in dispute in 2015 were Rent Arrears and Rent Arrears and Overholding at 32%, followed by Invalid Notice of Termination at 23% and Deposit Retention at 22%. These compare to 34%, 25% and 24% respectively for those dispute types in 2014.

## Issues most commonly disputed in 2015

### Rent Arrears

Figure 3.0

Dispute Rent Arrears Cases 2008 - 2015



In 2015, the RTB received 1,260 applications relating to Rent Arrears, accounting for 32% of the overall number of dispute applications received, slightly down on the 34% of applications received in 2014. Last year, for the first time, we saw Rent Arrears overtake Deposit Retention as the number-one issue in dispute.

This is indicative of the upward-spiralling rents we have seen in the sector since rents began to climb from the trough they fell to in 2012 after the economic crisis. The growing shortage of housing accommodation for rent has resulted in a surge in rents, and an increase in applications for dispute resolution citing rent arrears as the issue in dispute.

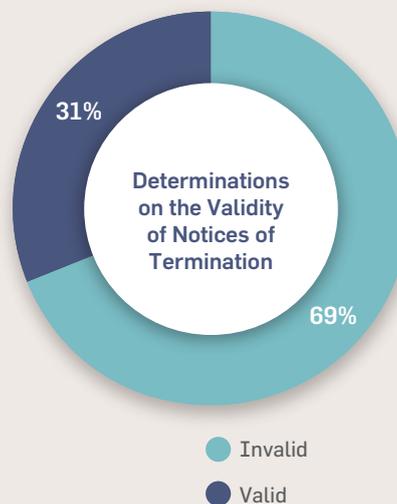
## Invalid Notice of Termination

The second most common issue, ticked on 924 dispute applications in 2015, was Invalid Notice of Termination. This represents 23% of dispute applications, a 2% decrease from 2014. One of the significant issues that presented itself in relation to these cases is that 69% of notices of termination that came before the RTB in 2015 were found to be invalid, as illustrated in the pie chart Figure 3.1. Such invalid notices not only add to the time period that landlords wait, but have a broader impact on the services we provide, as we are forced to deal with so many unnecessary cases.

The most common issues with notices of termination include insufficient notice being given, as day one is counted from the day after service. Not allowing the fourteen-day warning letter for rent arrears to expire before serving the 28-day notice of termination is another common mistake. We will prioritise more education and awareness-building, in order to inform and better support our stakeholders. The RTB added an extensive set of sample notices for all instances in which a notice can be served to its website. Material on how to serve a notice, as well as what a notice must contain in order for it to be valid, were added to our website, along with sample notices, to inform and assist landlords, tenants and agents.

Figure 3.1

Outcome of Validity of Notices of Termination Cases



## Deposit Retention

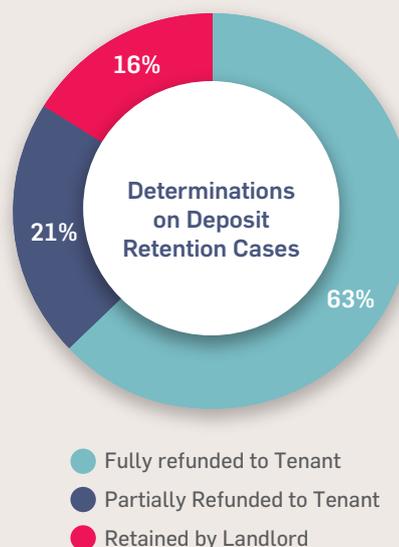
For a number of years, deposit retention was the number-one issue cited for dispute. However, in 2015, it was the third most common issue. The RTB received 881 applications relating to deposit retention in 2015, accounting for 22% of all dispute applications.

The chart at figure 3.2 illustrates the outcome of the deposit-retention cases determined in 2015. **In 84% of deposit-retention determinations, the RTB found that the tenant was entitled to a full or partial refund of their deposit, up from 77% in 2014.** Since deposits may constitute the only savings of many tenants, retention usually causes serious hardship. Landlords who unlawfully withhold tenants' deposits, either fully or partially, may be liable for damages awarded against them. In 2015, damages were awarded to tenants on the basis of a landlord unjustifiably retaining a deposit in 20% of cases.

2017 will see the establishment of a Deposit Protection Scheme, to be administered by the RTB. The scheme involves the repository of tenants' deposit payments at the commencement of tenancies, rather than paying it to the landlord. This is aimed at bringing greater certainty to tenants, and to greatly reducing the number of disputes that arise in relation to deposits.

Figure 3.2

Outcome on Deposit Retention Cases



## Damages

The Residential Tenancies (Amendment) Act 2015 set new limits on costs that could be awarded to parties. There is a limit of €5,000 in relation to legal costs, costs of any other professional kind or costs of employing a person with technical expertise to provide evidence. For costs awarded where the party who has submitted the application decides to withdraw it, there is a limit of €1,000.

Adjudicators and Tribunal members have the power to make a determination that redress should be granted to a party or parties. This is limited to €20,000 damages or, where the amount being awarded consists of damages and rent arrears, the limit is €20,000 or twice the annual rent of the dwelling (subject to a maximum of €60,000), whichever is higher.

Figure 3.3

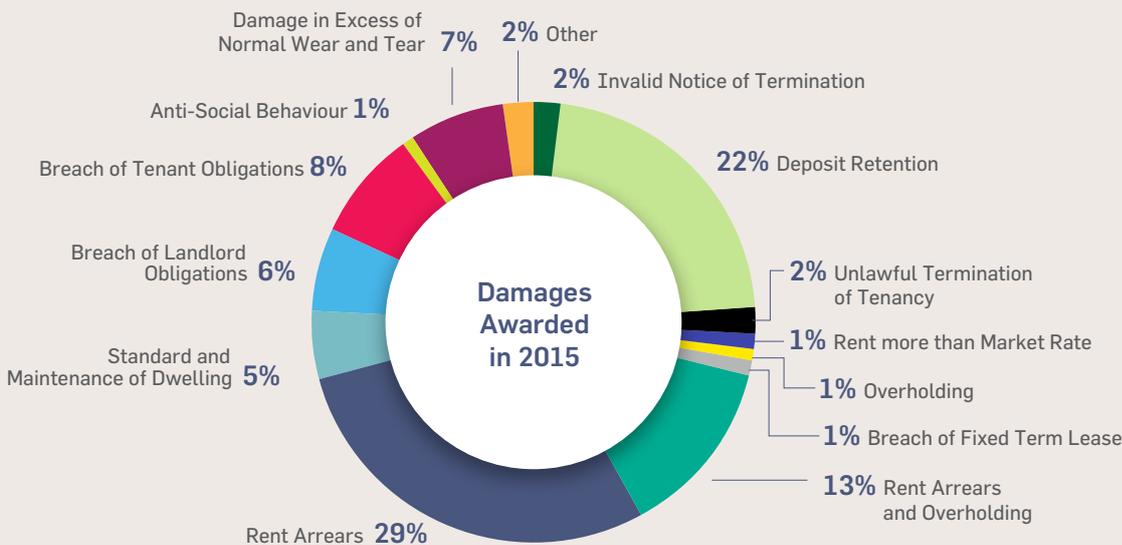
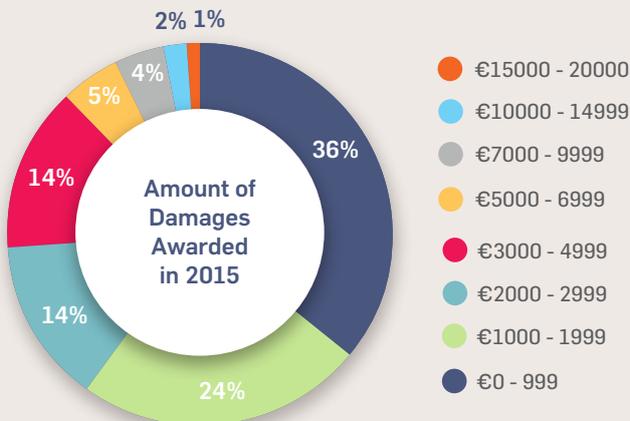


Figure 3.4



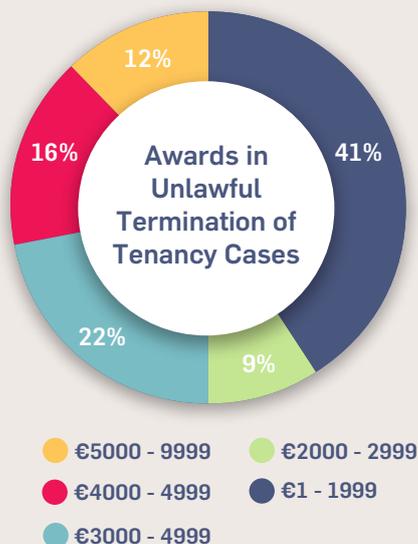
**In 2015, damages were awarded in 25% of cases, 1,018 of 4,023 cases, compared to 35% in 2014, 1,197 of 3,374 cases.** The majority of damages were awarded in rent arrears and deposit retention cases, at 29% and 22% respectively. The amount of damages awarded in 60% of cases was less than €2,000, as can be seen in Figure 3.4.

## Unlawful Termination of Tenancy

One of the most serious breaches of landlord and tenant law is where an illegal eviction occurs. An unlawful termination of tenancy, or illegal eviction, is deemed to have taken place where a landlord, through force, intimidation or otherwise, prevents a tenant from accessing the rented dwelling or removes their belongings from a dwelling. An example of this is where the landlord changes the locks or switches off the water and/or the power. RTB staff phone both parties in the first instance, to see if the landlord is willing to allow the tenant to regain entry to the dwelling, then prioritise the processing of the case. **In 2015, the RTB received 320 complaints of alleged illegal eviction, amounting to 8% of dispute applications.**

Awards for unlawful termination in 2015 ranged from €200 to €10,000, and a breakdown of awards made can be seen in Figure 3.5.

Figure 3.5



## Other Activities

The Dispute Resolution Service has begun preparations for the introduction of new legislative changes, including the extension of our remit to the Approved Housing Body (AHB) sector. Disputes staff provided extensive input to making the necessary I.T. changes to our in-house system for the inclusion of the Approved Housing Body sector under our remit. Extensive training on the new legislative changes took place for all staff, all adjudicators, mediators and those who sit on Tenancy Tribunals. The RTB provided information seminars for both our existing stakeholders and those in the new AHB sector.



## Tenancy Tribunals

Parties to a dispute can appeal the decision of an Adjudicator to a Tenancy Tribunal within 21 days of the date of receiving the Adjudicator's report. Parties to the mediation process who did not reach an agreement, or where the agreement has broken down, may refer the dispute to a Tenancy Tribunal within ten days of the date the mediation ended. Since 1 March 2016, the Board has discretion to extend this period, providing that good grounds are cited.

Tribunals are heard by a panel of three members from the Dispute Resolution Committee. Tribunal hearings are more formal than the Adjudication/Mediation hearings, and are heard in public. The parties are required to take an oath or affirmation, and a stenographer/logger is present to record the evidence presented. The outcomes of Tribunal hearings are also public. Both the report and determination of a Tribunal are published on the RTB website ([www.RTB.ie](http://www.RTB.ie)).

In 2015, the RTB received 575 appeals applications, which were considered by the Board. 495 applications were granted, and 80 were either refused or withdrawn. Appeals that were refused by the Board were either late or failed to submit the requisite fee.

There were 436 Tribunal hearings convened in 2015. A further 150 Tribunals were cancelled prior to the hearing, as the appellants withdrew their appeals.

### Processing Times

The average processing time for Tribunal cases, from the date the appeal application is received to a Determination Order issuing, is 2.5 months, regardless of whether the case went through Adjudication or Mediation in the first instance. This therefore adds an average of 2.5 months to the processing time of a case.

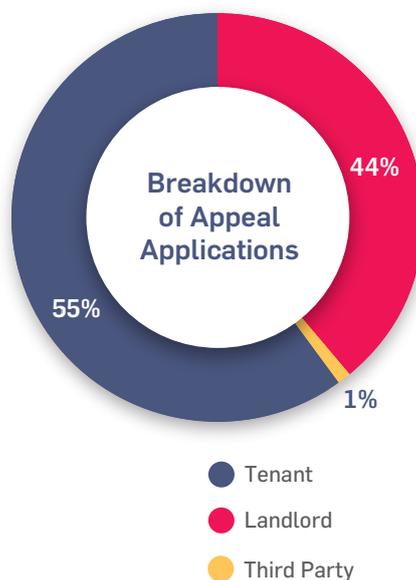
### Tribunal Hearings and Determination Orders Made in 2015

There were 436 Tribunals convened in 2015. A total of 418 Determination Orders were made in 2015 in respect of Tribunal hearings.

### Who Submitted Appeal Applications in 2015?

44% (193) of the appeal applications that went before a Tenancy Tribunal in 2015 were from landlords, 55% (240) from tenants and 1% (3) from third parties.

Figure 3.6



## Tribunal Cases in 2015 Categories and Outcomes

The chart below (Figure 3.7) shows the breakdown of Tribunal hearings convened, by the dispute issue indicated on the appeal application. Of the 436 Tribunal hearings convened in 2015, there were 930 different dispute types cited as a reason for the appeal. As can be seen, appeal applications were received citing all dispute types, with Invalid Notice of Termination being the issue parties appealed most often. This is most likely due to the fact that 69% of notices of termination are found to be invalid at the adjudication stage.

114 (12%) appeal applications cited Invalid Notice of Termination as the reason for the appeal, compared to 9% in 2014. 92 (10%) appeal applications cited Breach of Landlord Obligations as the reason for the dispute, compared to 13% in the previous year. In 2013, 19% of cases before Tribunal were for deposit retention; in 2014 this was 14% and in 2015 it was 9% (87 cases). Of these cases, in 86% of the Tribunals it was determined that landlords should refund part or all of the deposit to their tenants. In 14% of the deposit retention cases heard by a Tribunal, it was determined that the landlord would fully retain the deposit.

**Figure 3.7**  
**Tribunal Dispute Types**

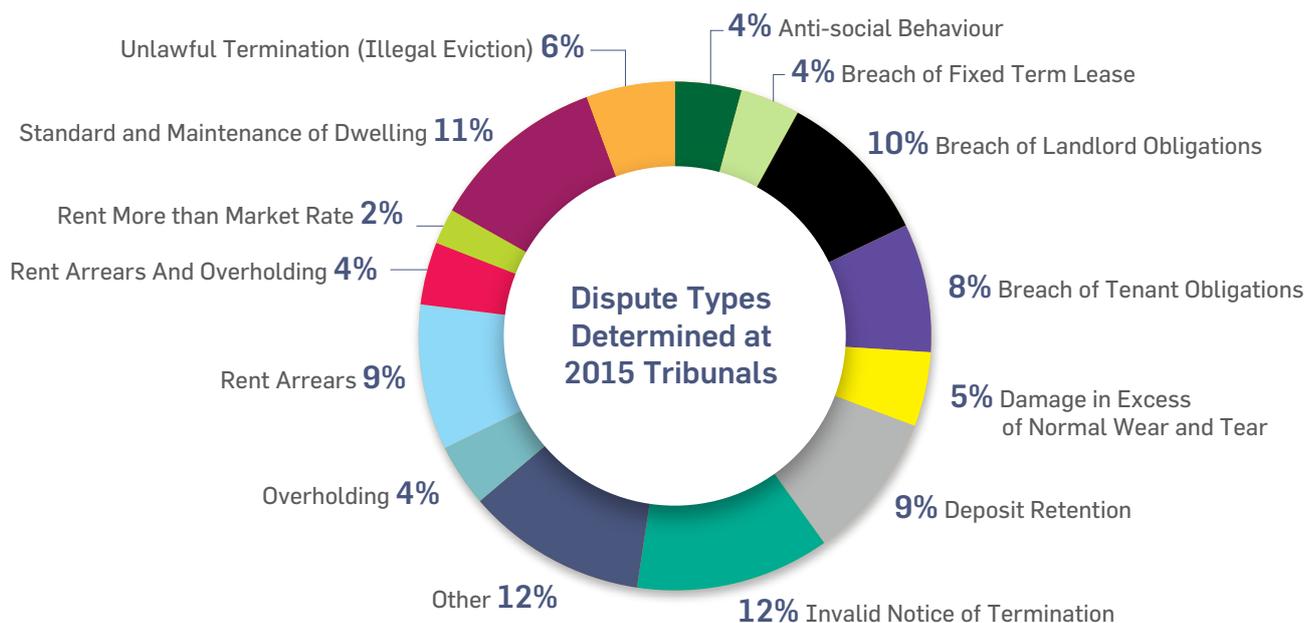


Figure 3.8

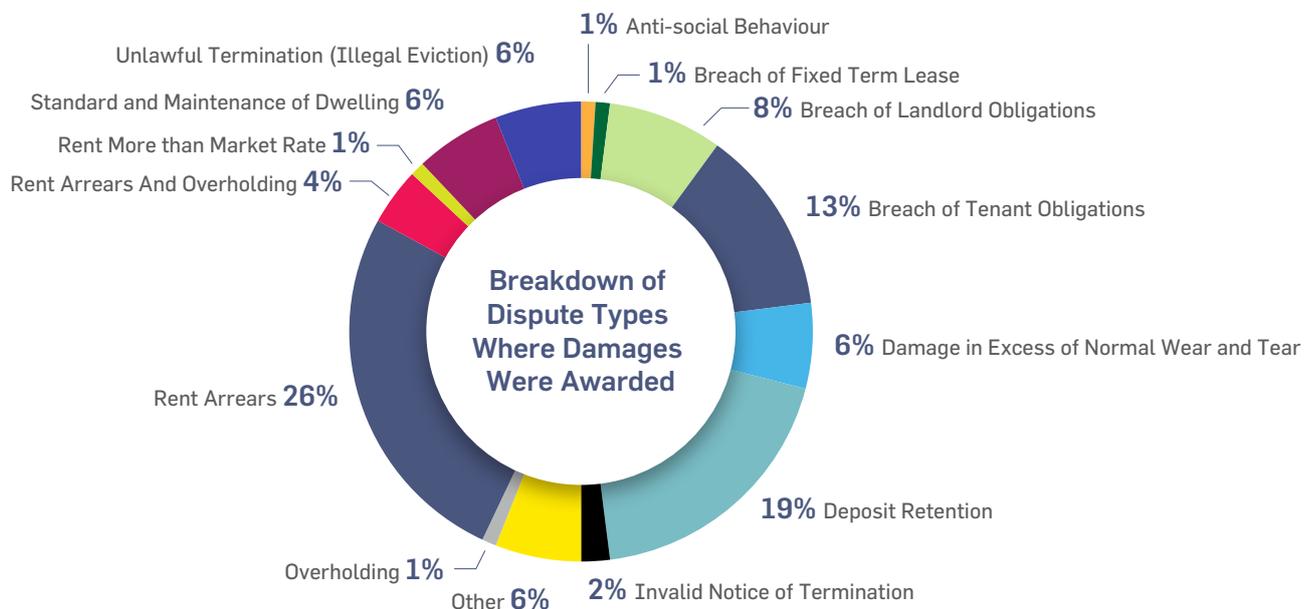
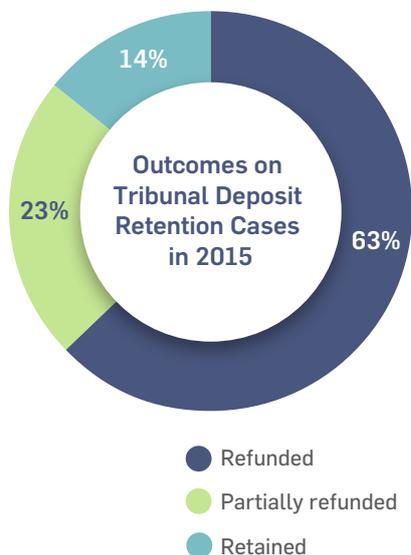


Figure 3.9



### Tribunal Damages Awarded

Damages were awarded against parties to an appeal in over 35% of Tribunal determinations made by the RTB in 2015. Where damages were awarded, 49% related to either deposit retention or rent arrears disputes. The next highest category was breach of tenant obligations (13%), followed by 8% for breach of landlord obligations.

Rent Arrears and Rent Arrears and Overholding also featured as among the high categories. Combined, they represent 123 (13%) of the reasons cited. Whilst this is still high, it is a reduction on the last few years. In both 2013 and 2014, it was 17%.

## Enforcement where Determination Orders are not complied with

The dispute-resolution service concludes on receipt by both parties of the Determination Order made in their case. This Determination Order, made through Mediation, Adjudication or Tribunal, is a legally enforceable document. If not complied with within the time period specified, it may be enforced through the Circuit Court.

As a regulatory body, enforcement is an important function of the RTB. We must have teeth to ensure all landlords register their tenancies, but also to ensure that Determination Orders made by the Board in relation to disputes are adhered to. We do not, however, have the resources, nor does it make financial sense, for the Board to enforce all orders. It is open to all parties to take a case themselves to the Court, and it is also open to a party to request that the Board pursue compliance with the Determination Order on his or her behalf. This will be addressed in accordance with our enforcement policy, as detailed overleaf.

### Enforcement and the Residential Tenancies Act 2004

Section 126, relating to criminal proceedings being taken, has been repealed by the Residential Tenancies (Amendment) Act 2015, and is no longer an option for the Board or parties to a case.

### Civil Proceedings

If a party fails to comply with a Determination Order, civil proceedings may be issued in the Circuit Court. The Court may grant an Order enforcing the terms of the Determination Order made by the RTB.

An Order for costs expended by the Applicant in the bringing of the proceedings may also be granted (to be taxes in default of agreement). The RTB, as the applicant to enforce the Determination Order to over 300 proceedings last year, was granted its costs in the majority of cases pursued on behalf of the interested parties.

## Application to the Board to enforce on behalf of case parties

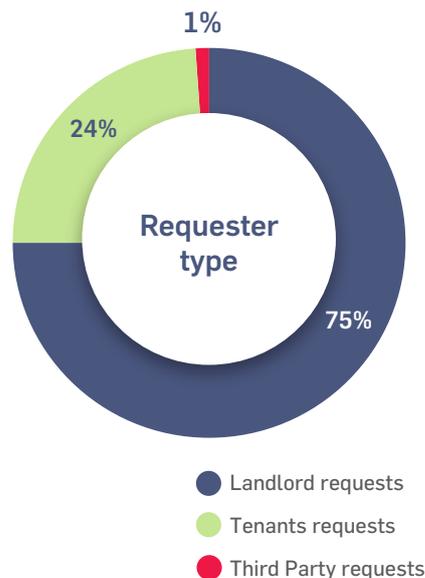
Figure 4.0

| The rising level of demand from parties seeking the Board to enforce on their behalf |      |      |      |      |
|--|------|------|------|------|
| 2011   | 2012 | 2013 | 2014 | 2015 |
| 589  | 346  | 405  | 535  | 633  |

The Board received 633 requests in 2015 to pursue enforcement on behalf of a disputing party. This figure represents an increase of 18% on the number of requests received in 2014. However, this does not signify an increase in non-compliance by parties. It is likely a reflection of the increasing number of applications for dispute resolution received by the RTB.

Figure 4.1

### Who requested Enforcement?

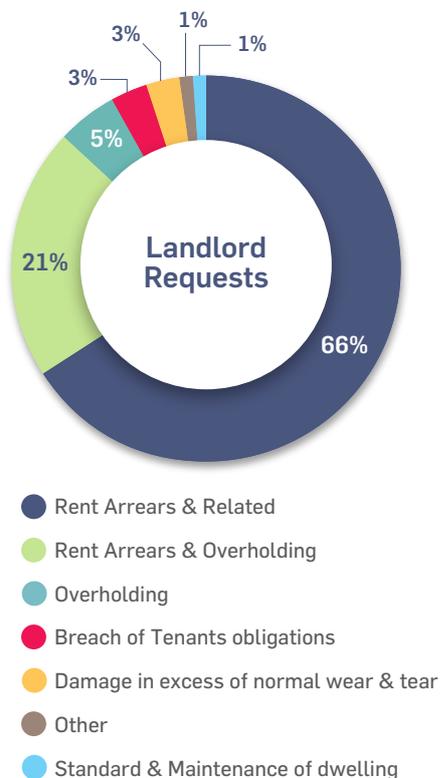


**“ As a regulatory body, enforcement is an important function of the RTB. We must have teeth to ensure all landlords register their tenancies, but also to ensure that Determination Orders made by the Board in relation to disputes are adhered to. ”**



Figure 4.2

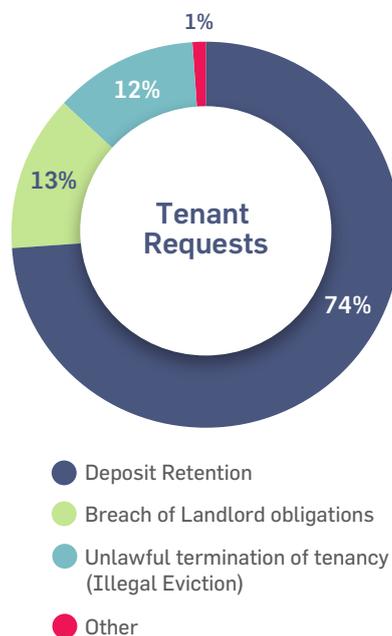
**Landlord Requests by Dispute Type**



The level of requests submitted by landlords in 2015 remained high, accounting for 75% (475 requests) of all requests made to the Board in 2015. Non-compliance by tenants in relation to their obligation to pay rent was significant, featuring in 66% of all landlord requests submitted last year. Cases involving outstanding rent, overholding, or both issues combined, were responsible for 87% of all requests from landlords. (Overholding is where households stay in accommodation past the date of termination of the tenancy.) Non-compliance in relation to discharging sums due following damage caused to rented property above wear and tear, and other breaches of obligations, were also reported.

Figure 4.3

**Tenant Request by Dispute Type**



24%, or 150 requests, were those referred for enforcement by tenants. Outstanding deposit refunds dominated tenant requests, accounting for 73% of all requests received from tenants. Non-compliance was also reported in respect of payment of awards for breaches of landlord obligations and unlawful termination of tenancy.

Eight requests (under 1% of the overall number of requests) were submitted by third parties (neighbours), in respect of breaches of landlord obligations. These relate to the failure of landlords to enforce the obligations of their tenant(s) under their tenancies.

As stated above, the RTB does not pursue all requests for enforcement, as we have finite resources. The RTB therefore provides a budget each year for enforcement. To assist in the exercising of its discretionary powers to enforce, the RTB has developed a number of criteria that are taken into consideration when granting or refusing a request.

## The Enforcement Policy of the Board

On being requested to pursue enforcement on a party's behalf, the RTB will initially attempt to secure compliance by writing to the non-compliant parties. The RTB will remind the parties of their obligation to comply with a Determination Order, and of the likely consequences if they remain non-compliant.

Where compliance is outstanding following this initial intervention, the request is then submitted for the Board's consideration. The Board, in deciding whether to sanction enforcement – and any expenditure that follows – is guided by the following:

- Dispute type;
- History of compliance with landlord/tenant legislation;
- Technical strength of the case (e.g. parties may agree a matter that is not legally enforceable);
- What contact/steps, if any, the person seeking compliance has taken with the non-compliant party to obtain compliance with the Order;
- Existing representations made by the RTB to the non-compliant party, and relevant information obtained;
- Geographical location;
- Particular circumstances of the case;
- Value-for-money evaluation;
- The limit of three cases per person per annum that may be sanctioned;
- Enforcement sanctioned only on a final outcome of all matters under dispute (e.g. if a notice of termination is invalid, and a new one is required to be served, then requests for enforcement of the rent arrears will not be considered in isolation to a final outcome of all matters in dispute);
- If a party is as, or better, able to enforce than the RTB, then they will be expected to undertake their own enforcement; and
- Overall number of cases sanctioned for enforcement will be limited to the available budget in any given year.

In the exercising of its discretion, the Board referred 312 cases to its legal advisors for enforcement proceedings in 2015. In such cases, the RTB, as applicant to the proceedings, seek to obtain an Order from the Circuit Court enforcing the Determination Order made by the RTB. Additional Orders, such as an Order for costs, may also be sought.

The Board has been extremely successful in obtaining Court Orders. However, the Court Order does not, of itself, guarantee that the respondents will discharge sums due, where monetary awards are involved. Where the parties against whom a Determination Order is sought to be enforced persist in failing to comply with Court Orders, execution of the Order may be pursued by any of the means permitted by the Circuit Court. The RTB has registered many of the judgments it has obtained where non-compliance continues. Once registered, judgments are published by various trade periodicals, including the Insolvency Journal, and websites. If a Court Order for possession is made against a party, and this party is refusing to vacate the relevant dwelling, the Court Order may be executed by the Sheriff or by the County Registrar, depending on the location of the dwelling. The RTB generally proceeds to have the Order executed, to achieve vacant possession, where parties disobey same.

A registered judgment has the potential to significantly impact on the debtor's borrowing ability. The judgment obtained will be registered as a debt against the party, which will negatively impact on the party's credit rating.

## Enforcement and Settlement Activities Carried Out in 2015

The RTB's Enforcement Unit, in addition to receiving 633 new requests last year, continued its work on 329 cases that remained active at the end of 2014. The Unit carried out preliminary checks to identify cases that were deemed to be of a more urgent nature, and prioritised cases concerning overholding or unlawful termination of tenancies.

As a result of the Board's decisions reached in 2015, 312 cases were referred to the RTB's legal advisors.

The RTB's Enforcement Unit, in parallel with referring cases to legal advisors for enforcement, provided support to disputing parties in three further areas:

- Provision of documentation sought by parties wishing to take their own enforcement proceedings (61 instances);
- Facilitation of settlement agreements on active enforcement files (77 instances of settled matters, and a further 87 instances of matters withdrawn without a specified reason); and
- Forwarding of settlement payments and proposals to settle to parties (281 instances, 31 of which were in relation to active enforcement requests from the current and previous years).



Out of the total of 962 cases on which enforcement was outstanding in 2015, 313 cases remained open at the end of 2015.

### Court Outcomes

#### Civil Proceedings

The RTB's legal advisors obtained 302 Circuit Court Orders in 2015. In the majority of the 302 cases, the RTB were awarded its costs, to be taxed in default of agreement. The term taxation refers to the process by which legal costs are reviewed/measured so as to ensure that they are valid costs. If the parties against whom the costs were awarded do not agree with the amount sought, then, before these costs can be sought by the RTB, they must go through an independent costs process. The final costs, as sanctioned by that process, are the costs required to be paid by the party against whom they were awarded.

Parties may wish, following a Court Order being obtained against them, to make settlement payments. The RTB will not register the judgment if a payment plan has been agreed and is being adhered to. Where payments cease, the balance outstanding is registered by the RTB as a judgment debt.

Figure 4.4

| Circuit Court Orders obtained in accordance with section 124 of the Act |      |      |      |      |
|---|------|------|------|------|
| 2011  | 2012 | 2013 | 2014 | 2015 |
| 42  | 91   | 140  | 158  | 302  |

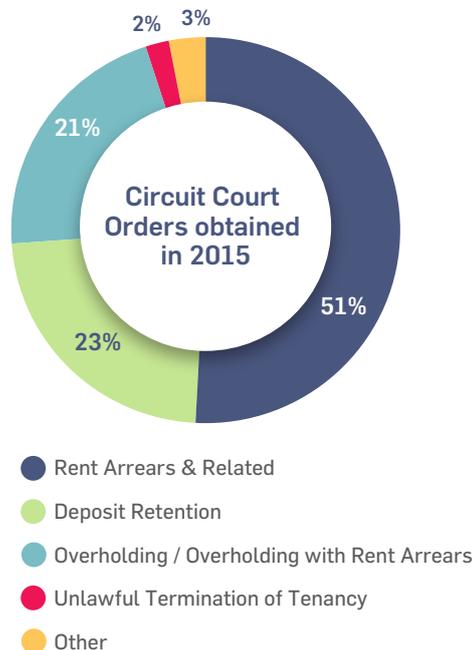
The figure of 302 Orders referred to in the chart above represents the total number of Orders granted in 2015. At the time of preparing this report, 260 physical Court Orders were obtained from the Courts Office in respect of enforcement actions taken in 2015, with the remainder of Orders granted in 2015 awaited.

The number of Orders obtained on behalf of landlords (191 out of 260 Orders received from the Courts Office) is significantly higher than that obtained on behalf of Tenants (69 out of 260 Orders received from the Courts Office).

The breakdown of issues under dispute in respect of which Court Orders were obtained is as follows:

Figure 4.5

#### Circuit Court Orders obtained in 2015



#### RTB's Commitment to Support Parties

The RTB remains self-financing from the registration fees it receives, and it therefore must operate within this budget. It is recognised that enforcement is an important function of the RTB. The RTB will therefore continue its research into alternative models of enforcement, in order to be in a position to pursue a higher number of non-compliant parties. The RTB, in its commitment to supporting the parties to the best of its abilities, developed a step-by-step guide to enforcement, which is available on our website. This guide contains an overview of the process and its requirements; it also contains a number of templates/samples of the relevant Court papers. Legal proceedings can be costly. The RTB will continue its commitments to lowering the costs of proceedings, both for the RTB and for the parties themselves. In this context, we also await the commencement of the legislative amendment permitting enforcement to take place in the District Court, as opposed to the Circuit Court, which may further improve the accessibility of same.

## 8

## Promoting Awareness in the Sector

**One of the objectives of the RTB is to educate, and to build greater awareness among landlords and tenants of their rights and responsibilities.**



We aim to promote greater awareness of the RTB and the crucial role it plays in regulating the rental sector. The rental sector has become an increasingly important tenure in Ireland, having grown considerably over the last number of years. The last census shows that one in five were renting in the private sector. If the social rented sector is included, this figure increases to one in three. The sector is providing housing for an increasingly wide range of households. This can be partly explained by the downturn in the economy, decreased mobility with less first-time buyers and the lack of new supply. Other factors include longer-term societal changes, inward migration and population growth. Therefore, the rental sector now constitutes a significant component of housing tenures in Ireland, and this is likely to be a continued feature of our housing market into the future.

For the RTB, this means that we have a much more critical role to play. It is important that we actively promote awareness of the RTB and the services we provide, and educate our stakeholders on their rights and responsibilities. Research carried out on behalf of the Board in 2014 found that there was a lack of awareness of the existence of the RTB, and of the general rights and responsibilities of landlords and tenants. In 2015, the RTB launched an education and awareness advertising campaign, aimed at landlords, tenants and other stakeholders in the rented sector. The key objectives of the campaign were to:

- increase awareness and educate tenants and landlords of their rights and responsibilities;
- build awareness of the RTB's role in the rented sector, through operating a national tenancy registration system and providing a timely and cost-effective dispute-resolution service;
- increase awareness of the RTB's dispute-resolution functions and enforcement role, and how cost effective it can be;
- promote co-operative relationships between all stakeholders, thereby minimising controversy and conflict with key stakeholders; and
- generate support for the RTB among landlords and tenants.



Phase 1 of the campaign was launched in June, and featured on radio, in newspapers, online and on outdoor facilities, including buses, bus shelters and railway stations. The overall theme of the advertising campaign was “Tenants and Landlords, know your rental rights”. The RTB website contains extensive information for both tenants and landlords. Anyone who is currently renting, or considering renting, should log on to the website and familiarise themselves with their rights and responsibilities. They can also download a copy of our Good Tenant, Good Landlord leaflet, which contains all the essential information in one booklet, and is available in ten languages to reach out to various new communities across Ireland.

The campaign saw a very significant increase in the level of traffic to the PRTB’s website, with an increase of 53% in visits in June when compared with June 2014. The number of users rose by 58% over the same period, and total page views for the month went up to more than 280,000 compared with June 2014.

Phase 2 of the launch, in August, was timed to coincide with the Leaving Certificate results and CAO offers. The USI Accommodation and Finance Guide 2015, which was sponsored by the RTB, was also launched in August, and was distributed in ‘Freshers’ packs nationwide at term commencement.

An additional campaign was carried out in January 2016, specifically to promote the changes to the law, i.e. that new requirements had been introduced meaning that rents can only be reviewed once every 24 months and that a landlord must give 90 days’ notice of the review. There are also new requirements for landlords who are seeking to terminate a tenancy, with greater proof required of the reasons for the termination, and longer notice periods of terminations.

Promoting awareness of the sector continues to be a priority for 2016, to increase further the level of public awareness of the RTB, of the changes in the law and of the general rights and responsibilities of landlords and tenants. The Government Action Plan for Housing and Homelessness, Rebuilding Ireland, published in July 2016, has committed to a number of key actions to improve the rental sector, including enhancing the role of the Residential Tenancies Board and increasing understanding of tenant and landlord rights. A drive to improve awareness should not only empower tenants, but can also help keep current landlords in the market, as well as supporting future investment.

“ For the RTB, this means that we have a much more critical role to play. **It is important that we actively promote awareness of the RTB and the services we provide, and educate our stakeholders on their rights and responsibilities.** ”



HOW DO I GET MY DEPOSIT BACK?



MEDIATION FOR TENANTS AND LANDLORDS IS QUICK, EASY AND IT'S FREE.



TENANTS AND LANDLORDS **KNOW YOUR RENTAL RIGHTS**

**VISIT RTB.IE**  
CALL 0818 30 30 37  
FOR ANSWERS



DO YOU KNOW THAT MEDIATION IS QUICK AND EASY... AND IT'S FREE?



69% OF NOTICES OF TERMINATION ARE FOUND INVALID!  
VISIT RTB.IE FOR SAMPLE NOTICES.



TENANTS AND LANDLORDS **KNOW YOUR RENTAL RIGHTS**

**VISIT RTB.IE**  
CALL 0818 30 30 37  
FOR ANSWERS



## 9

## Customer Service

**The RTB continues to focus on improving the quality of our services for our customers, through regular training and education for staff as well as the upgrading of our I.T. infrastructure.**

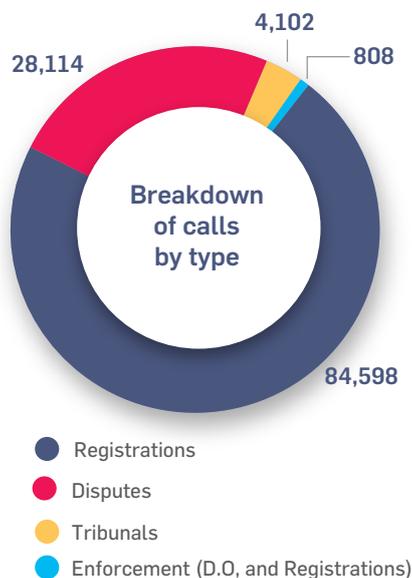
We provide frontline customer services through a dedicated contact centre. Our contact centre handles all telephone calls, emails, online queries including Web Chat and written correspondence. All tenancy registrations and disputes applications are processed through our contact centre.

Our contact centre plays a critical role in providing information to our customers in relation to their rights and obligations, as well as detailed advice on completing registration forms and on our dispute-resolution services. The extent of our role in supporting customers, and landlords and tenants more generally, is perhaps best evidenced by the sheer volumes of calls and interactions dealt with throughout the year. Over the course of 2015, we received over 117,000 calls, and nearly 50,000 emails. Further details on the types of calls and correspondence are detailed in Figure 4.6.

### Calls

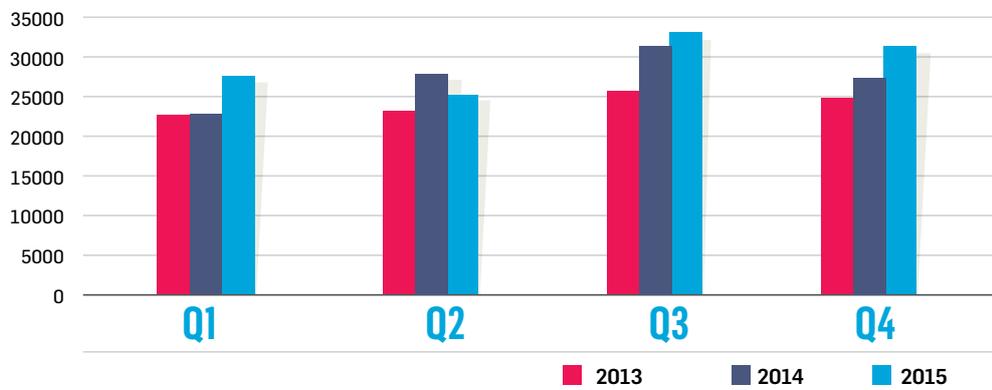
In 2015, we received 117,622 calls. This compares to 110,410 for 2014, an increase of 6.5%. The majority of our calls are queries from landlords and tenants regarding the registration of tenancies. The average time it took to answer a call in 2015 was 51 seconds.

Figure 4.6



**Figure 4.7**  
**Calls Received per annum**

## Calls received 2013-2015

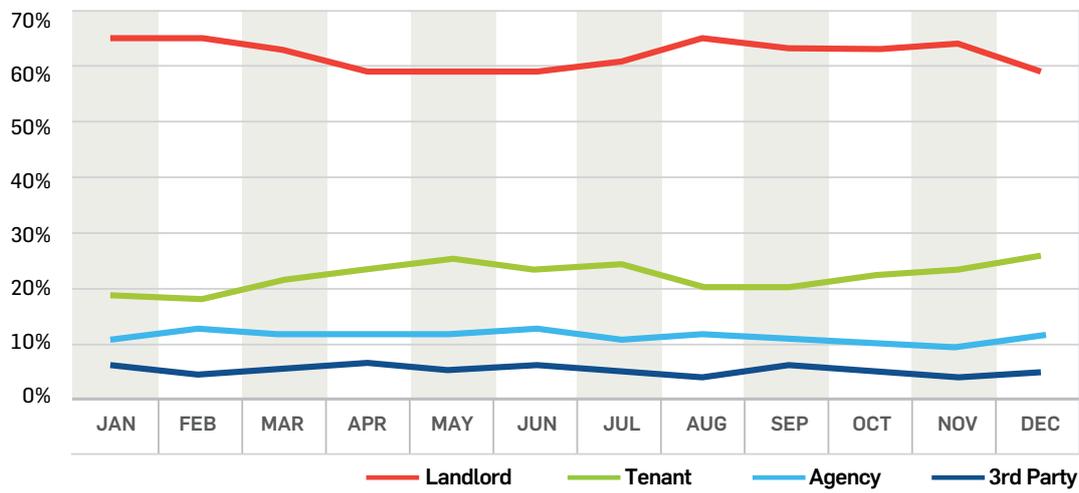


As you can see from the graph above, the third quarter of the year is the busiest time of year for our contact centre, mainly due to college students' tenancies being registered.

### Caller Types

Based on the number of calls answered in 2015, the greatest number of calls were from landlords, at just over 62% cumulatively for the year, followed by tenants, at almost 22%. The remainder of the calls were from agents and third parties.

**Figure 4.8**  
**Who called?**



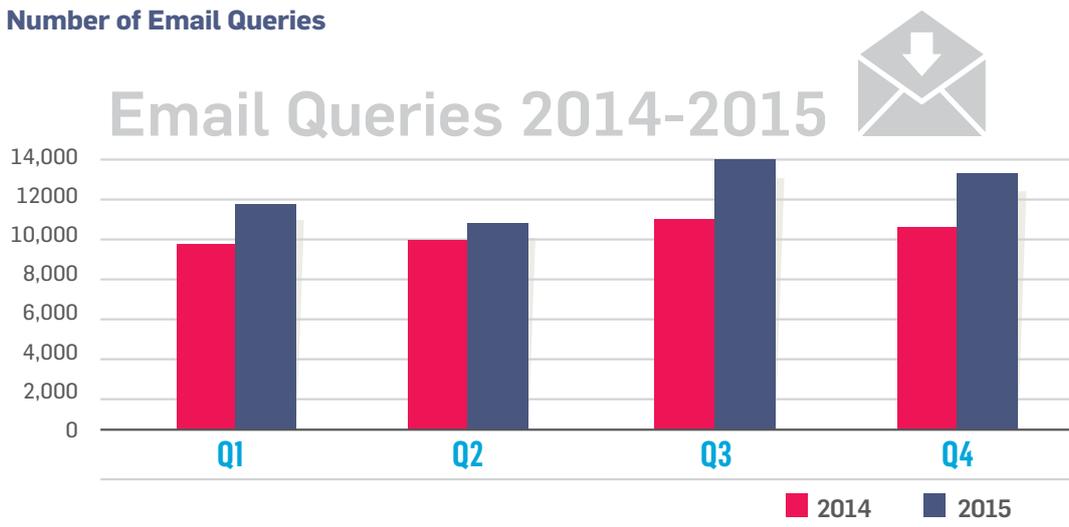
**“ In 2015, we received **117,622** calls.**

**This compares to 110,410 for 2014, an increase of 6.5%.”**



Figure 4.9

Number of Email Queries



Email Queries

There was an increase of nearly 16% in the number of email queries received in 2015, rising by 6,695 – from 42,356 in 2014 to 49,051. This increase reflects the greater emphasis by the RTB on electronic and online services.

Online Activities

The RTB actively seeks ways to support, and engage with, our online customers. In 2015, the RTB extended its engagement with our online customers through the introduction of our Web Chat facility.

Web Chat allows users of our online portal to communicate in real time to agents in our contact centre. This simple and accessible online chat service was introduced to increase online portal usability and thereby support users with usability issues in completing registrations and disputes applications online. It also serves to assist users who may be experiencing difficulties using or accessing the portal. Web Chat services are available between 9am and 5pm, Monday to Friday.

Since its introduction, we have had over 10,500 interactive web chats, equating to over 1,000 per month. We have seen a noticeable increase in online registrations since its introduction.

Figure 5.0

| Web Chat Activity                     |           |
|---------------------------------------|-----------|
| Total Web Chats to Date               | 10,526    |
| Average Monthly Web Chats             | 1,053     |
| Average Answer Time                   | 7 seconds |
| % Online Registrations September 2015 | 52%       |

Complaints and Feedback

Due to the diversity of the RTB’s activities, the RTB has a wide range of customers, including individual members of the public, local authorities, Government departments and offices, and many voluntary and representative groups whose business interacts with ours.

The delivery of excellent customer service is very important to us. As a result, the RTB have developed a “Customer Charter”, which provides users of our service with the necessary information to enable them to make a complaint, and which also provides valuable feedback on the service received from us. A copy of our Charter can be found on our website, [www.rtb.ie](http://www.rtb.ie). The RTB also provides a dedicated complaints email address, which can be used when a customer wishes to make a complaint: [customer.service@rtb.ie](mailto:customer.service@rtb.ie).

The RTB endeavours to respond to customer complaints as quickly as possible. It is our policy to acknowledge complaints within seven working days of receipt, and to deal with the complaint within fourteen working days.

**In 2015, the RTB extended its engagement with our online customers through the introduction of our Web Chat facility.**

# 10

## RTB Governance

**Corporate governance comprises the systems and procedures by which an organisation is directed and managed.**

The RTB is committed to maintaining the highest standards of corporate governance, and to compliance with the requirements laid out in the Code of Practice for the Governance of State Bodies. The RTB has prepared and adopted codes of business conduct for its Board members, Director and staff, as well as for adjudicators and mediators. The RTB has also prepared a three-year corporate strategy and an annual business plan.



## Board of the RTB



1



2



3



4



5



6



7



8



9



10



11



12

1 **Catriona Walsh**  
Board Chairperson,  
Solicitor

2 **Paul Flood**  
Board Member, HSE  
Estates Assistant National  
Director

3 **James Leahy**  
Board Member, Former  
member of Kilkenny  
Borough Council and I.T.  
Technician

4 **Noel Merrick**  
Board Member, Property  
Professional

5 **Noel Conroy**  
Board Member, Former  
Garda Commissioner

6 **Rhonda Donaghey**  
Board Member, Trade Union  
Official

7 **Tim Ryan**  
Board Member, PR and  
Public Affairs Consultant

8 **Patricia Sheehy  
Skeffington**  
Board Member, Barrister

9 **Joseph Meehan**  
Board Member, Department  
of Social Protection

10 **Kathleen McKillion**  
Board Member, Director of  
Operations, Irish Council  
for Social Housing

11 **John Fitzgerald**  
Board Member, Property  
Professional

12 **Gareth Robinson**  
Board Member, Barrister

“ As a quasi-judicial service, there is a significant commitment made by the Board in overseeing certain decisions. ”

The Board of the RTB comprises twelve non-executive Board members, who are appointed by the Minister for Housing, Planning, Community and Local Government. Members are appointed for a period not to exceed five years. The role of the Chairperson and Director are separate. A full-time Director is employed to manage and generally control the administration and business of the RTB.

As a quasi-judicial service, there is a significant commitment made by the Board in overseeing certain decisions. Along with a monthly Board meeting, the Board meets regularly to sign off on Determination Orders made as a result of our dispute-resolution services. The Board met on 67 occasions during 2015 (59 in 2014), both for ordinary Board meetings and to deal with matters relating to disputes.

### Board Members' Attendance 2015

#### Attendance of Board members at Board meetings during the year ended 31 December 2015

Figure 5.1

| Members                         | Board     | Disputes  | Total     |
|---------------------------------|-----------|-----------|-----------|
| Catriona Walsh                  | 10        | 25        | 35        |
| Joe Meehan                      | 9         | 0         | 9         |
| Tim Ryan                        | 11        | 37        | 48        |
| Patricia Sheehy Skeffington     | 12        | 20        | 32        |
| John Fitzgerald                 | 11        | 53        | 64        |
| Paul Flood                      | 4         | 0         | 4         |
| Kathleen Mc Killion             | 10        | 2         | 12        |
| Rhonda Donaghey                 | 3         | 9         | 12        |
| Gareth Robinson                 | 4         | 21        | 25        |
| Noel Conroy                     | 11        | 53        | 64        |
| Noel Merrick                    | 11        | 49        | 60        |
| James Leahy                     | 9         | 44        | 53        |
| <b>Total Number of meetings</b> | <b>12</b> | <b>55</b> | <b>67</b> |

The total number of Board meetings in 2015 was 67 (59 in 2014).

The fees payable in 2015 for Board-related duties were as follows:

Figure 5.2

| Activity                               | Fees    |
|--|---------|
| Boar/Committee Meetings & Training     | €196    |
| Board/Committee Meetings – Chairperson | €217    |
| Disputes Meetings                      | €329    |
| Disputes Meetings – Chairperson        | €509    |
| Tribunals                              | €506*   |
| Tribunals – Chairperson                | €1,020* |

\* A report fee is included in this amount.

In 2015, Board members were paid fees totalling €305,983 (€297,667 in 2014). This includes all fees paid to Board members in respect of Board and Committee meetings, and any fees paid for attendance at training events/interview boards. A breakdown of all payments made to Board members in 2015 can be found in the table below.

Figure 5.3

| Board members' remuneration 2015 |                |                |
|----------------------------------|----------------|----------------|
| Board member                     | Fees 2015 €    | Fees 2014 €    |
| Catriona Walsh                   | 27,680         | 25,682         |
| Joe Meehan                       | Nil            | Nil            |
| Tim Ryan                         | 49,371         | 47,968         |
| Patricia Sheehy Skeffington      | 37,795         | 56,661         |
| John Fitzgerald                  | 77,957         | 53,327         |
| Paul Flood                       | Nil            | Nil            |
| Kathleen Mc Killion**            | 5,579          | 7,520          |
| Rhonda Donaghey**                | 19,367         | 6,832          |
| Gareth Robinson                  | 18,098         | 38,176         |
| Noel Conroy                      | 25,330         | 20,354         |
| Noel Merrick                     | 23,400         | 25,035         |
| James Leahy                      | 21,405         | 12,787         |
| <b>Total</b>                     | <b>305,982</b> | <b>294,342</b> |

The fees of Ms Rhonda Donaghey are paid to Threshold, and those of Ms Kathleen Mc Killion are paid to the Irish Council for Social Housing. Tax deductions are applied in advance of these payments.



Board members were also paid a total of €28,246 in 2015 (€18,214.77 in 2014) in respect of travel and subsistence incurred for attendances at meetings and Tribunals, and were paid in accordance with the Department of Finance guidelines.

### Board Members' Interests

The Board have adopted and implemented procedures to manage any conflicts of interest where they arise. These procedures have been implemented in order to ensure that conflicts of interest, whether real or perceived, which can arise between the RTB's interests and those of its Directors, are managed in accordance with the guidelines set out in the Code of Practice for the Governance of State Bodies.

### Senior Management

The Senior Management team comprises the Director and five Assistant Directors, who are responsible for the day-to-day management of the Residential Tenancies Board's operations.



1



2



3



4



5



6

- 1 **Rosalind Carroll**  
Director

- 2 **Kathryn Ward**  
Assistant Director with responsibility for Enforcement.

- 3 **Janette Fogarty**  
Assistant Director with responsibility for Dispute Resolution Services.

- 4 **Pdraig McGoldrick**  
Assistant Director with responsibility for Finance, ICT and Registrations.

- 5 **Carmel Diskin**  
Assistant Director with responsibility for HR, Corporate Governance and the Rent Index.

- 6 **Brinsley Sheridan**  
Assistant Director with responsibility for ICT.

## Committees of the RTB

The Board has established six committees to assist in the discharge of its responsibilities. There were 46 occasions in 2015 (51 in 2014) on which the committees of the RTB convened.

### Finance Committee

The Finance Committee met on twelve occasions in 2015. It considers the Board's finances and policies in detail; reviews budgets and financial reports; and advises and makes recommendations to the Board, Director and senior management. It also examines the Board's annual accounts. The RTB has been entirely self-financing since 2009. All members of the Finance Committee are also members of the Board of the RTB.

Figure 5.4

| Attendance of Board members at committees during the year ended 31 December 2015 |                   |
|--|-------------------|
| Board member   | Finance Committee |
| Catriona Walsh   | 10                |
| Joe Meehan   | 6                 |
| Tim Ryan   | 10                |
| Patricia Sheehy Skeffington*   | 4                 |
| John Fitzgerald  | 12                |
| Paul Flood*  | 0                 |
| Kathleen Mc Killion  | 11                |
| Rhonda Donaghey  | 0                 |
| Gareth Robinson*   | 0                 |
| Noel Conroy*   | 4                 |
| Noel Merrick   | 11                |
| James Leahy  | 9                 |
| <b>Total number of meetings</b>  | <b>12</b>         |

\* Mr Paul Flood, Mr Gareth Robinson, Ms Patricia Sheehy Skeffington and Mr Noel Conroy became members of the Finance Committee in September 2015

### Audit Committee

The purpose of the Audit Committee is to assist the Board in its general oversight of the RTB's financial reporting, internal controls and audit functions.

The Audit Committee consists of five members, two of whom are Board members and three of whom are external to the RTB. The Committee is chaired by Joseph Meade, former Financial Services Ombudsman, and was convened on four occasions in 2015 (four in 2014).

Four internal audit reports were presented to the Audit Committee in 2015.

The Internal Audit Plan 2013–2015 was reviewed at all meetings, and from that the following audits were undertaken or completed in 2015:

- Audit on Disputes Process;
- A follow-up report on Disaster Recovery;
- Data Protection Privacy Impact Assessment; and
- Appeals and Tribunals.

Figure 5.5

| Committee members and attendance at Committee during the year ended 31 December 2015 |                 |
|--|-----------------|
| Committee member   | Audit Committee |
| Joseph Meade – Chairperson   | 3               |
| Dermot Byrne – External Member   | 2               |
| Paul Flood – Board member  | 2               |
| Damien Allen – External member   | 4               |
| Gareth Robinson – Board member   | 2               |
| <b>Total number of meetings</b>  | <b>4</b>        |



## ICT Steering Committee

The ICT Steering Committee acts in an advisory capacity, providing guidance on ICT governance, and oversight of the ICT budget.

The ICT Steering Committee currently has six members, two of whom are Board members and four of whom are external to the RTB. The Committee is chaired by Gareth Robinson, Barrister and Board member, and was convened on eight occasions in 2015 (ten in 2014).

Figure 5.6

| Committee members and attendance at Committee during the year ended 31 December 2015 |                        |
|--|------------------------|
| Board member   | ICT Steering Committee |
| Gareth Robinson – Chair, Board member  | 4                      |
| James Leahy – Board member   | 7                      |
| Denis Carty – External member  | 8                      |
| Aidan Sullivan – External member   | 6                      |
| Paul Dowling – External member   | 7                      |
| Dera Mc Loughlin** – External member   | 0                      |
| James Duffy * – External member  | 5                      |
| <b>Total number of meetings</b>  | <b>9</b>               |

\* James Duffy was appointed to the Committee on 26 June 2015

\*\* Dera Mc Loughlin resigned from the Committee in February 2015

## Legislative, Practice and Procedures Committee

The Legislative, Practice and Procedures Committee is a subcommittee of the Board. The Committee's main function is to support and assist the Board in the exercise of the Board's statutory function of advising the Minister on policy matters, specifically in relation to the operation of the Residential Tenancies Act, as amended, and proposed amendments to that legislation.

The Legislative, Practice and Procedures Committee has nine members, six of whom are Board members and three of whom are external to the RTB. The Committee is chaired by Finian Matthews, retired civil servant, and was convened on ten occasions in 2015 (ten in 2014).

Figure 5.7

| Committee members and attendance at Committee during the year ended 31 December 2015 |                       |
|--|-----------------------|
| Committee member   | Legislative Committee |
| Finian Matthews – Chair, External member   | 9                     |
| Catriona Walsh – Board member  | 1                     |
| John Fitzgerald – Board Member   | 7                     |
| Noel Conroy – Board member   | 8                     |
| Noel Merrick – Board member  | 3                     |
| Patricia Sheehy Skeffington* – Board Member  | 10                    |
| Tim Ryan * – Board member  | 4                     |
| Anne Colley – External member  | 9                     |
| Karen Murphy – External member   | 7                     |
| <b>Total number of meetings</b>  | <b>10</b>             |

\* Mr Tim Ryan and Ms Patricia Sheehy Skeffington were re-appointed to the Committee on 29 May 2015

## Research, Education and Awareness and PR Committee

The Research, Education and Awareness and PR (REA) Committee was formed on 31 January 2014, after merging with the Public Relations committee. Its remit is to recommend to the Board what research would be appropriate, necessary or desirable to undertake, having regard to the Board's responsibility regarding the provision to the Minister of advice concerning policy in relation to the rented sector. It also oversees and works with its stakeholders to promote awareness of the RTB, and to increase the awareness and education of landlords and tenants of their rights and responsibilities.

The REA committee consists of twelve members – five Board members and seven external to the RTB. The Committee is chaired by Tim Ryan, Board member, and was convened on five occasions in 2015 (three in 2014).

Figure 5.8

| Committee members and attendance at Committee during the year ended 31 December 2015 |                    |
|--|--------------------|
| Board member   | REA & PR Committee |
| Tim Ryan – Chair, Board member   | 4                  |
| John Fitzgerald – Board member   | 5                  |
| Noel Conroy – Board member   | 5                  |
| Patricia Sheehy Skeffington – Board member   | 5                  |
| Noel Merrick – Board member  | 0                  |
| Bob Jordan – External member   | 4                  |
| Caren Gallagher – External member  | 3                  |
| Kersten Mehl – External member   | 5                  |
| Lorcan Sirr * – External member  | 3                  |
| Thomas J. Reilly – External member   | 5                  |
| John Leahy – External member   | 5                  |
| Eoin O'Sullivan ** – External member   | 0                  |
| <b>Total Number of meetings</b>  | <b>5</b>           |

\* Lorcan Sirr became a member of the REA Committee on 31 July 2015

\*\* Eoin O'Sullivan resigned from the REA committee on 8 February 2015

### Disputes Resolution Committee

The Disputes Resolution Committee (DRC) of the RTB 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. A Tribunal, upon completion of a hearing, makes a determination and notifies the Board of the determination, pursuant to Section 108(1) of the Act. 436 Tribunal hearings were convened in 2015. A further 150 Tribunals were cancelled prior to the hearing, as the appellants withdrew their appeal.

Figure 5.9

| Tribunal members' remuneration 2015 |       |              |                    |
|-------------------------------------|-------|--------------|--------------------|
| DRC Member Name                     | Chair | Panel Member | Amount €           |
| Aidan Brennan                       | 21    | 70           | 40,695.00          |
| Andrew Nugent                       | 4     | 26           | 9,562.00           |
| Anne Colley                         | 12    | 21           | 13,361.00          |
| Brian Murray                        | 6     | 23           | 9,901.00           |
| Catriona Walsh*                     | 5     | 3            | 3,819.00           |
| Ciara Doyle                         | 10    | 19           | 10,805.00          |
| Dairine Mac Fadden                  | 9     | 22           | 11,300.00          |
| Deirdre Bignell                     | 11    | 18           | 15,542.00          |
| Dervla Quinn                        | 18    | 26           | 14,685.00          |
| Elizabeth Maguire                   | 7     | 18           | 10,592.00          |
| Eoin Byrne                          | 12    | 21           | 12,478.00          |
| Finian Matthews                     | 34    | 87           | 49,670.00          |
| Gareth Robinson*                    | 9     | 10           | 8,680.00           |
| Gene Feighery                       | 28    | 95           | 49,920.00          |
| Gerard N Murphy                     | 8     | 18           | 10,263.00          |
| Healy Hynes                         | 5     | 24           | 8,900.00           |
| Helen-Claire O'Hanlon               | 8     | 20           | 11,340.00          |
| Jack Nicholas                       | 3     | 17           | 6,891.00           |
| James Egan                          | 7     | 21           | 9,732.00           |
| John Fitzgerald*                    | 66    | 6            | 51,736.00          |
| John Keane                          | 9     | 17           | 10,198.00          |
| John Keaney                         | 3     | 27           | 8,078.00           |
| John Tiernan                        | 39    | 77           | 50,888.00          |
| Kevin Baneham                       | 8     | 20           | 11,793.00          |
| Louise Moloney                      | 15    | 33           | 21,542.00          |
| Mary Doyle                          | 6     | 18           | 11,096.00          |
| Mervyn Hickey                       | 8     | 22           | 10,662.00          |
| Nesta Kelly                         | 17    | 35           | 21,044.00          |
| Orla Coyne                          | 17    | 43           | 27,648.00          |
| Patricia Sheehy Skeffington*        | 29    | 2            | 23,313.00          |
| Peter Shanley                       | 6     | 14           | 7,729.00           |
| Roderick Maguire                    | 11    | 24           | 15,789.00          |
| Rosemary Healy-Rae                  | 6     | 8            | 5,050.00           |
| Siobhan Phelan                      | 11    | 14           | 4,810.00           |
| Suzy Quirke                         | 6     | 20           | 9,273.00           |
| Thomas Reilly                       | 20    | 97           | 47,056.00          |
| Tim Ryan*                           | 28    | 4            | 29,954.00          |
| Vincent P Martin                    | 36    | 81           | 49,076.00          |
| <b>TOTAL</b>                        |       |              | <b>€724,871.00</b> |



Please note that the number of cases heard (and chaired) reflects the amount of invitations accepted by each DRC Member but does not take into account cases that were adjourned / withdrawn near the hearing date.

Please note that Figure 6.0 represents payments made to Tribunal members in 2015, and it is possible that a small number of the above payments refer to work actually carried out in late 2014. Included in this figure are training costs of €15,092, and meeting costs of €3,920.

The amount paid to Tribunal members in 2014 was €420,102. The significant increase in the cost of Tribunals between 2014 and 2015 is a result of an increase in the number of Tribunal cases, from 249 in 2014 to 436 in 2015.

\* Indicates Board member

### **Adjudicator/Mediator Payments 2015**

One of the main functions of the RTB is to provide a dispute-resolution service for landlords and tenants. To ensure impartiality, transparency and fairness in the dispute-resolution process, Adjudicators are independently appointed, and they undertake their functions in an autonomous capacity.

Following a rigorous open competition, run by the Public Appointments Service for the RTB in late 2013, the current panel of Adjudicators and Mediators was appointed for a period of just over three years. 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. Adjudicators and Mediators are expected to submit their reports within ten days of the hearing for non-priority cases, and five days for priority cases.



## Procurement in the RTB in 2015

The RTB confirms its compliance with procurement procedures in respect of competitive tendering. This includes adherence to both national guidelines and relevant EU Directives, which have the force of law in this State. Competitive tendering is the normal procedure followed by the RTB in the procurement process. All tenders issued have due regard to the value thresholds for the application of procurement rules.

The RTB follows public procurement requirements when seeking tenders or quotations. During 2015, the Board or Director approved a number of contracts as outlined below, following appropriate public tendering:

- Education and Awareness Advertising Campaign – Javelin Advertising Ltd – April 2015
- Fitout and Refurbishment works – BCB Contracting Group – October 2015
- Stenography and Transcription – Wordwave International Limited (trading as DTI) – November 2015

## Prompt Payment of Accounts Act, 1997/ Late Payment In Commercial Transactions Regulation, 2002

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 appropriate processes and procedures to ensure that all payments are made in accordance with these regulations. The interest and penalties on the late payments of invoices for the year ended 31 December 2015 was €419.26 (Nil in 2014).

## Protected Disclosures Act, 2014

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 2015, no protected disclosures were made by any RTB employee under the terms of the legislation.

## Freedom of Information Act, 2014

The RTB came under the provisions of the Freedom of Information Act, 2014 (FOI Act, 2014), on 14 April 2015. We received nineteen FOI requests in 2015. Our Publication Scheme came into effect from 14 April 2016, and is available on our website.

There have been no requests received in 2015 under the Access to Information on the Environment (AIE) regulations.

## Data Protection Acts, 1988 and 2003.

The RTB is a registered data controller under the Data Protection Acts. The RTB operates in accordance with a formal Data Protection Policy, as agreed with the Office of the Data Protection Commissioner. This puts the RTB at the forefront of implementing data-protection procedures, thus protecting the individual's fundamental right to privacy and exercising control over how personal information may be made available under the Data Protection Acts.

## Ethics in Public Office Act, 1995

The RTB comes within the scope of the Ethics in Public Office Act, 1995, and has adopted procedures to comply with the Act. Accordingly, where required, Board members and Senior Management have completed statements of interest in compliance with the provisions of the Act. Procedures are in place for the ongoing disclosure of interests by Board members. This question is asked at the outset of every Board meeting.

## Taxation

The RTB confirms compliance with tax laws. Procedures are in place to ensure that the Board is exemplary in its compliance with its obligations under taxation laws, and that all tax liabilities are paid on or before the relevant due dates.

# 11 RTB Finances



# PRIVATE RESIDENTIAL TENANCIES BOARD

Report and Financial Statements  
for the year ended 31 December 2015

## Contents

|  |           |
|--|-----------|
| <b>Information</b>   | <b>55</b> |
| <b>Report of the comptroller and auditor general</b>                     | <b>56</b> |
| <b>Statement of responsibilities of the board</b>                        | <b>57</b> |
| <b>Statement on internal financial control</b>                           | <b>58</b> |
| <b>Statement of income and expenditure and retained Revenue reserves</b> | <b>59</b> |
| <b>Statement of comprehensive income</b>                                 | <b>60</b> |
| <b>Statement of financial position</b>                                   | <b>61</b> |
| <b>Statement of cash flows</b>   | <b>62</b> |
| <b>Notes to the financial statements</b>                                 | <b>63</b> |



## Information

### Members of the Private Residential Tenancies Board - 2015

|                                     |  |
|-------------------------------------|--|
| <b>Ms Catriona Walsh</b>            | Solicitor (Chairperson)                                  |
| <b>Mr Joseph Meehan</b>             | Civil Servant, Department of Social Protection           |
| <b>Mr Tim Ryan</b>                  | PR Consultant  |
| <b>Ms Tricia Sheehy Skeffington</b> | Barrister  |
| <b>Ms Rhonda Donaghey</b>           | Trade Union Official                                     |
| <b>Mr John FitzGerald</b>           | Property Professional                                    |
| <b>Mr Noel Merrick</b>              | Property Professional                                    |
| <b>Mr Paul Flood</b>                | Estates Manager, Health Service Executive                |
| <b>Mr Gareth Robinson</b>           | Barrister  |
| <b>Mr Noel Conroy</b>               | Former Garda Commissioner                                |
| <b>Ms Kathleen McKillion</b>        | Director of Operations, Irish Council for Social Housing |
| <b>Mr James Leahy</b>               | IT Technician  |

# Report of the Comptroller and Auditor General

## Private Residential Tenancies Board

I have audited the financial statements of the Private Residential Tenancies Board for the year ended 31 December 2015 under 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. The financial statements have been prepared in the form prescribed under Section 178 of the Act, and in accordance with generally accepted accounting practice.

## Responsibilities of the Members of the Board

The Board is responsible for the preparation of the financial statements, for ensuring that they give a true and fair view and for ensuring the regularity of transactions.

## Responsibilities of the Comptroller and Auditor General

My responsibility is to audit the financial statements and to report on them in accordance with applicable law.

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation,

My audit is carried out in accordance with the International Standards on Auditing (UK and Ireland) and in compliance with the Auditing Practices Board's Ethical Standards for Auditors.

## Scope of audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements, sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of

- whether the accounting policies are appropriate to the Board's circumstances, and have been consistently applied and adequately disclosed
- the reasonableness of significant accounting estimates made in the preparation of the financial statements, and
- the overall presentation of the financial statements.

I also seek to obtain evidence about the regularity of financial transactions in the course of audit.

In addition, I read the Board's annual report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies, I consider the implications for my report.

## Opinion on the financial statements

In my opinion, the financial statements:

- give a true and fair view of the assets, liabilities and financial position of the Private Residential Tenancies Board as at 31 December 2015 and of its income and expenditure for 2015; and
- have been properly prepared in accordance with generally accepted accounting practice.

In my opinion, the accounting records of the Board were sufficient to permit the financial statements to be readily and properly audited. The financial statements are in agreement with the accounting records.

## Matters on which I report by exception

I report by exception if I have not received all the information and explanations I required for my audit, or if I find

- any material instance where money has not been applied for the purposes intended or where the transactions did not conform to the authorities governing them, or
- the information given in the Board's annual report is not consistent with the related financial statements or with the knowledge acquired by me in the course of performing the audit, or
- the statement on internal financial control does not reflect the Board's compliance with the Code of Practice for the Governance of State Bodies, or
- there are other material matters relating to the manner in which public business has been conducted.

I have nothing to report in regard to those matters upon which reporting is by exception.

**Patricia Sheehan**

*For and on behalf of the Comptroller and Auditor General*

Date: 30 September 2016

## Statement of Responsibilities of the Board

Section 178 of the Residential Tenancies Act, 2004, requires the Financial Statements to be prepared by the Director in such form as may be specified by the Minister for the Environment, Community and Local Government and in accordance with generally accepted accounting principles. The Financial Statements must be approved by the Board.

In preparing those financial statements, the Director and the Board are required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;
- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- Prepare the financial statements on a going concern basis unless it is inappropriate to presume that the Board will continue in operation.

The Director, under the direction of the Board, is responsible for keeping adequate accounting records which disclose with reasonable accuracy at any time the financial position of the Board and which enable it to ensure that the financial statements comply with section 178 of the Act. The Board is responsible for ensuring that the business of the Board is conducted in a proper and regular manner and for safeguarding all assets under its operational control and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

**Rosalind Carroll**

*Director*

Date: 30 September 2016

**Catriona Walsh**

*Chairperson*

Date: 30 September 2016

## Statement on Internal Financial Control

### Responsibility for Internal Financial Control

On behalf of the members of the Private Residential Tenancies Board, I acknowledge our responsibility for ensuring that an effective system of internal financial control is maintained and operated.

The system can only provide reasonable, and not absolute, assurance that the assets are safeguarded, transactions authorised and properly recorded, and that material error or other irregularities are either prevented or would be detected in a timely period. In considering the effectiveness of internal financial controls, the Board and its Audit Committee have regard among other things, to the requirements of the Code of Practice for the Governance of State Bodies.

### Key control procedures

The Private Residential Tenancies Board has taken steps to ensure an appropriate control environment by:

- ensuring the Board complies with its Financial obligations under the Act;
- ensuring that assets and liabilities of the Board are properly accounted for;
- clearly defining management responsibilities;
- establishing formal procedures for reporting significant control failures and ensuring appropriate corrective action;
- the establishment of appropriate sub-committees of the Board to give greater focus on specific areas.

The members of the Board have agreed that the Director and staff of the Board (subject to delegation by the Director) are responsible for operational matters.

The system of internal financial control within the Private Residential Tenancies Board is based on a framework of monthly management information, administrative procedures (including segregation of duties and authorisation limits), and a system of delegation and accountability. In particular it includes:

- a comprehensive budgeting system with an annual budget, which is reviewed and agreed with the Executive and the Board;
- regular review by the Executive and the Board of periodic and annual financial reports which indicate financial performance against targets;
- defined procurement, tendering and capital investment guidelines.

The Board's monitoring and review of the effectiveness of the system of internal financial control is informed by the Audit Committee, the Executive Management team, who have responsibility for the development and maintenance of the financial control framework, and comments made by the Comptroller & Auditor General in his management letter or other reports.

The Board has continued its work to establish the extent and likelihood of business risk in 2015 and this work will continue in 2016.

### Annual Review of Controls

I confirm that the Board conducted a review of the effectiveness of internal controls in respect of the year ended 31 December 2015.

**Catriona Walsh**

*Chairperson*

Date: 30 September 2016



# Statement of Income and Expenditure and Retained Revenue Reserves

## for the year ended 31 December 2015

|   | Notes | Year Ended<br>31 December<br>2015<br>€ | Year Ended<br>31 December<br>2014<br>€ |
|---|-------|--|--|
| <b>Income</b>                             |       |  |  |
| Registration fees                         | 2     | 10,946,779                             | 12,073,140                             |
| Amounts due to local authorities          | 7     | (2,189,418)                            | (2,414,629)                            |
| Registration fees retained by the Board   |       | 8,757,361                              | 9,658,511                              |
| Disputes fees                             |       | 90,410                                 | 95,235                                 |
| Other income                              | 3     | 103,076                                | 109,419                                |
| Deferred pension funding                  | 10c   | 1,741,000                              | 230,000                                |
| Transfer to/from capital account          | 8     | 116,805                                | 383,754                                |
|   |       | 10,808,652                             | 10,476,919                             |
| <b>Expenditure</b>                        |       |  |  |
| Staff costs                               | 4a    | (3,644,490)                            | (2,054,121)                            |
| Administration costs                      | 4b    | (9,308,370)                            | (7,540,784)                            |
| Depreciation                              | 5     | (429,866)                              | (440,977)                              |
|   |       | (13,382,726)                           | (10,035,882)                           |
| Surplus/(Deficit) for the year            | 9     | (2,574,074)                            | 441,037                                |
| Accumulated Surplus/(Deficit) 1 January   |       | 3,839,716                              | 3,398,679                              |
| Accumulated Surplus/(Deficit) 31 December |       | 1,265,642                              | 3,839,716                              |

The Statement of Cash Flows and Notes 1 to 15 form part of these Financial Statements.

**Rosalind Carroll**

*Director*

Date: 30 September 2016

**Catriona Walsh**

*Chairperson*

Date: 30 September 2016

## Statement of Comprehensive Income for the year ended 31 December 2015

|   | Notes | Year Ended<br>31 December<br>2015<br>€ | Year Ended<br>31 December<br>2014<br>€ |
|---|-------|--|--|
| Surplus/(Deficit) for the year  |       | (2,574,074)                            | 441,037                                |
| Experience gain/(loss) on pension scheme liabilities                              | 10d   | 51,000                                 | 80,000                                 |
| Changes in Assumptions  | 10d   | (1,512,000)                            |  |
| Changes in assumptions underlying the present value of pension scheme liabilities | 10e   | -                                      | -                                      |
| Actuarial gain/(loss) recognised  | 10b   | (1,461,000)                            | 80,000                                 |
| Adjustment to deferred pension funding  |       | 1,461,000                              | (80,000)                               |
| <b>Total recognised gain for the year</b>   |       | <b>(2,574,074)</b>                     | <b>441,037</b>                         |

The Statement of Cash Flows and Notes 1 to 15 form part of these Financial Statements.

### Rosalind Carroll

Director

Date: 30 September 2016

### Catriona Walsh

Chairperson

Date: 30 September 2016



## Statement of Financial Position as at 31 December 2015

|   | Notes | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|---|-------|--------------------------|--------------------------|
| <b>Fixed Assets</b>                     |       |                          |                          |
| Property, plant and equipment           | 5     | 2,247,943                | 2,364,748                |
| <b>Current Assets</b>                   |       |                          |                          |
| Receivables                             | 6     | 79,698                   | 167,678                  |
| Cash and cash equivalents               |       | 6,935,012                | 8,836,984                |
|   |       | 7,014,710                | 9,004,662                |
| <b>Payables</b>                         |       |                          |                          |
| Amounts falling due within one year     | 7     | 5,749,068)               | (5,164,946)              |
| Net Current assets                      |       | 1,265,642                | 3,839,716                |
| <b>Total net assets before pensions</b> |       | 3,513,585                | 6,204,464                |
| Deferred pension funding                | 10c   | 4,602,000                | 1,400,000                |
| Pension scheme liabilities              | 10b   | (4,602,000)              | (1,400,000)              |
| <b>Total net assets</b>                 |       | 3,513,585                | 6,204,464                |
| <b>Representing</b>                     |       |                          |                          |
| Accumulated surplus                     |       | 1,265,642                | 3,839,716                |
| Capital Account                         | 8     | 2,247,943                | 2,364,748                |
|   |       | 3,513,585                | 6,204,464                |

The Statement of Cash Flows and Notes 1 to 15 form part of these Financial Statements.

**Rosalind Carroll**

*Director*

Date: 30 September 2016

**Catriona Walsh**

*Chairperson*

Date: 30 September 2016

## Statement of Cash Flows

### for the year ended 31 December 2015

|   | Notes | Year Ended<br>31 December<br>2015<br>€ | Year Ended<br>31 December<br>2014<br>€ |
|---|-------|--|--|
| <b>Reconciliation of operating surplus to net<br/>Cash inflow from operating activities</b> |       |  |  |
| Operating surplus/(Deficit) for year  | 9     | (2,574,074)                            | 441,037                                |
| Depreciation  | 5     | 429,866                                | 440,977                                |
| Interest Earned   | 3     | (39,283)                               | (55,266)                               |
| Transfer to capital account   |       | (116,805)                              | (383,754)                              |
| Decrease in receivables   | 8     | 87,980                                 | (68,779)                               |
| Increase in payables  | 7     | 584,122                                | (751,491)                              |
| <b>Net cash inflow from operating activities</b>  |       | <b>(1,628,194)</b>                     | <b>(377,276)</b>                       |
| <b>Cashflow Statement</b>   |       |  |  |
| Net cash inflow from operating activities   |       | (1,628,194)                            | (377,276)                              |
| <b>Returns on Investment and Servicing of Finance</b>                                       |       |  |  |
| Interest received   | 3     | 39,283                                 | 55,266                                 |
| <b>Net Capital Expenditure</b>  |       |  |  |
| Property, plant and equipment   | 8     | (313,061)                              | (57,223)                               |
| <b>Decrease in cash and cash equivalents</b>  |       | <b>(1,901,972)</b>                     | <b>(379,233)</b>                       |



# Notes to the Financial Statements

## 1. Accounting Policies

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

### a) General Information

The Private Residential Tenancies Board was set up under the Residential Tenancies Act 2004, with a head office at D'Olier Street Dublin 2.

The Private Residential Tenancies Board's primary objectives as set out in Part 8 Chapter 1 of that Act are as follows:

The principal functions of the Board shall be:

- (a) the resolution of disputes between tenants and landlords,
- (b) the registration of particulars in respect of tenancies,
- (c) the provision to the Minister of advice concerning policy in relation to the private rented sector,
- (d) the development and publication of guidelines for good practice by those involved in the private rented sector,
- (e) the collection and provision of information relating to the private rented sector, including information concerning prevailing rent levels,
- (f) where the Board considers it appropriate, the conducting of research into the private rented sector and monitoring the operation of various aspects of the private rented sector or arranging for such research and monitoring to be done,
- (g) the review of the operation of this Act and any related enactments and the making of recommendations to the Minister for the amendment of this Act or those enactments,
- (h) the performance of any additional functions conferred on the Board under the Act.

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

### b) Statement of Compliance

The financial statements of the Private Residential Tenancies Board the year ended 31 December 2015 have been prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council (FRC), as promulgated by Chartered Accountants Ireland. These are the Board's first set of financial statements prepared in accordance with FRS 102. The date of transition to FRS 102 is 1 January 2014. The transition to FRS 102 has not affected its reported financial position or financial performance.

### c) Basis of Preparation

The financial statements have been prepared under the historical cost convention, except for certain assets and liabilities that are measured at fair values as explained in the accounting policies below. The financial statements are in the form approved by the Minister for Environment, Community and Local Government with the concurrence of the Minister for Finance under the Residential Tenancies Act 2004]. The following accounting policies have been applied consistently in dealing with items which are considered material in relation to the Private Residential Tenancies Board's financial statements.

### d) Currency

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

## Notes to the Financial Statements

### e) Income

#### *Registration Fees*

Income is recognised on receipt of an application to register a tenancy. The Board recognises a provision in relation to fees which may be returned to applicants in instances where the application is incomplete or the incorrect fee has been paid. A proportion of the registration fees collected by the Board (currently 20%) is allocated to local authorities for the purpose of carrying out their functions under the Housing Acts. The amount paid to each local authority is based on the number of inspections conducted by that local authority as a proportion of the total inspections conducted by all local authorities. The pay over to individual local authorities is based on instruction from the Minister. Amounts due to local authorities are included as a creditor in the Statement of Financial position.

#### *Dispute Fees*

Income is recognised when a dispute application is heard.

#### *Other Income*

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

#### *Interest income*

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

### f) Property, Plant and Equipment

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

|  |               |
|--|---------------|
| Leasehold Improvements                       | 5% per annum  |
| Fixtures and Fittings                        | 10% per annum |
| Office equipment                             | 20% per annum |
| Computers equipment and software development | 20% per annum |

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 Private 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 in hand, deposits held at 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.



## Notes to the Financial Statements

### 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 Private Residential Tenancies Board (PRTB) 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 PRTB Superannuation Scheme and was approved by the Minister for the Environment, Community and Local Government with the consent of the Minister for Public Expenditure and Reform in November 2011 (commencing with effect from 1 September 2004). The PRTB 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 member's 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 the Environment, Community and Local Government. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable and offset when necessary, by grants received in the year to discharge pension payments.

Actuarial gains and losses arising on scheme liabilities are reflected in the Statement of Total Recognised Gains and Losses and a corresponding adjustment is recognised in the amount recoverable from the Department of Environment, Community and Local Government.

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

### l) Foreign Currencies

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

### m) Capital Account

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

### n) Critical Accounting Estimates and Judgements

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

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

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

#### *Depreciation and Residual Values*

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

## Notes to the Financial Statements

### *Provisions*

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

### *Provisions for Registration Fee Refunds*

The Board receives applications and a fee 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 Board seeks to resolve issues arising and has developed software 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 2015, 4,132 applications on hand were being processed. The Board recognises a provision in relation to fees in relation to these applications which may ultimately be returned to the applicant. These financial statements include a provision of €383,866 in that regard.

### *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
- (ii) future compensation levels, future labour market conditions
- (iii) health care cost trend rates, the rate of medical cost inflation in the relevant regions.

## 2. Registration Fees Income

Fees which were received from landlords as payment for the registration of their tenancies amounted to €10,946,779 (2014: €12,073,140).

As per Ministerial direction, made under Section 176(5) of the Residential Tenancies Act, 2004, registration fee income received by the PRTB is dealt with in the following manner:

To Local Authorities:

- 20% in the year which amounted to €2,189,418 (2014: €2,414,629)

Retained by the PRTB towards its administration costs:

- 80% in the year which amounted to €8,757,361



## Notes to the Financial Statements

### 3. Other Income

|                       | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|-----------------------|--------------------------|--------------------------|
| Interest income       | 39,283                   | 55,266                   |
| Sundry Income         | 26                       | -                        |
| Legal costs recovered | 63,767                   | 54,153                   |
|                       | 103,076                  | 109,419                  |

### 4a. Staff Costs

|                                      | Year Ended<br>31 December<br>2015<br>€ | Year Ended<br>31 December<br>2014<br>€ |
|--------------------------------------|--|--|
| Seconded & PRTB Staff                | 1,640,154                              | 1,532,184                              |
| Pension Costs                        | 1,854,231                              | 329,430                                |
| Training of Staff and Office Holders | 51,677                                 | 49,718                                 |
| Social Welfare Costs                 | 79,497                                 | 79,992                                 |
| Other staff costs                    | 18,931                                 | 62,797                                 |
|                                      | 3,644,490                              | 2,054,121                              |

#### Staff numbers:

The number of staff employed by the Board in the year was 21 (2014: 21). A further 9 staff were seconded to the Board by the Department of the Environment, Community and Local Government (2014: 9), 2 by Dublin City Council (2014: 2), 1 from the Department of Transport, Tourism and Sport (2014: 1) and 1 from the Office of the Comptroller and Auditor General (2014: 0).

#### Pension Levy:

€44,747 of pension levy has been deducted and paid over to the Department of the Environment, Community and Local Government (2014: €42,369).

#### Employee Benefits Breakdown:

| Range of Total Employee Benefits |         | Number of Employees |      |
|----------------------------------|---------|---------------------|------|
| FROM                             | TO      | 2015                | 2014 |
| €60,000                          | €69,999 | 2                   | 1    |
| €70,000                          | €79,999 | 2                   | 2    |
| €80,000                          | €89,999 | -                   | -    |
| €90,000                          | €99,999 | 1                   | 1    |

## Notes to the Financial Statements

### 4b. Administrative Expenditure

|   | Year Ended<br>31 December<br>2015<br>€ | Year Ended<br>31 December<br>2014<br>€ |
|---|--|--|
| Board members fees                      | 181,785                                | 161,029                                |
| Tribunal members fees                   | 759,619                                | 449,418                                |
| Adjudicators, mediators and other fees  | 778,933                                | 676,199                                |
| Rent tribunal (Note*)                   | 27,106                                 | 5,331                                  |
| Travel & subsistence                    | 71,000                                 | 57,157                                 |
| Outsourcing costs                       | 1,115,342                              | 1,099,067                              |
| Legal & professional fees               | 3,415,253                              | 2,167,380                              |
| Audit fees                              | 11,699                                 | 11,500                                 |
| Accountancy                             | 67,892                                 | 58,264                                 |
| Stenography costs                       | 114,096                                | 102,882                                |
| Meeting expenses                        | 8,042                                  | 6,904                                  |
| Office supplies                         | 80,863                                 | 23,884                                 |
| Postage & distribution costs            | 538,894                                | 571,768                                |
| Printing & translation costs            | 22,040                                 | 48,687                                 |
| Telephone expenses                      | 47,508                                 | 39,687                                 |
| Public information & education          | 520,369                                | 58,299                                 |
| Computer expenses & maintenance         | 875,746                                | 1,052,423                              |
| Establishment costs                     | 454,409                                | 594,209                                |
| Cleaning services                       | 23,528                                 | 22,218                                 |
| Research studies                        | 48,919                                 | 178,704                                |
| Late payment in commercial transactions | -                                      | -                                      |
| Miscellaneous                           | 24,995                                 | 42,645                                 |
| Bank Charges                            | 105,808                                | 97,965                                 |
| Records Storage & Retrieval             | 14,524                                 | 15,164                                 |
|   | 9,308,370                              | 7,540,784                              |

**Note\*:** These include the Rent Tribunals Members fees and travel and subsistence expenses.



## Notes to the Financial Statements

### 5. Property, Plant and Equipment

|                       | Computer<br>Equipment<br>& Software<br>Development<br>€ | Leasehold<br>Improvements<br>€ | Furniture<br>& Fittings<br>€ | Office<br>Equipment<br>€ | Total<br>€ |
|-----------------------|---|--------------------------------|------------------------------|--------------------------|------------|
| <b>Cost</b>           |   |                                |                              |                          |            |
| Opening Balance       | 2,686,968   | 1,746,933                      | 204,262                      | 84,328                   | 4,722,491  |
| Additions             | 301,475   | 7,843                          | 3,743                        | -                        | 313,061    |
| At 31 December 2015   | 2,988,443   | 1,754,776                      | 208,005                      | 84,328                   | 5,035,552  |
| <b>Depreciation</b>   |   |                                |                              |                          |            |
| Opening Balance       | 1,529,527   | 605,170                        | 138,718                      | 84,328                   | 2,357,743  |
| Charge for the year   | 321,720   | 87,480                         | 20,666                       | -                        | 429,866    |
| At 31 December 2015   | 1,851,247   | 692,650                        | 159,384                      | 84,328                   | 2,787,609  |
| <b>Net book value</b> |   |                                |                              |                          |            |
| At 31 December 2015   | 1,137,196   | 1,062,126                      | 48,621                       | -                        | 2,247,943  |
| At 31 December 2014   | 1,157,441   | 1,141,763                      | 65,544                       | -                        | 2,364,748  |

### 6. Receivables

|  | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|--|--------------------------|--------------------------|
| <b>Amounts falling due within one year</b> |                          |                          |
| Prepaid expenses                           | 60,463                   | 133,071                  |
| Interest receivable                        | 4,955                    | 28,082                   |
| Voluntary Deductions                       | 13,793                   | 6,038                    |
| Sundry debtors                             | 487                      | 487                      |
|  | 79,698                   | 167,678                  |

## Notes to the Financial Statements

### 7. Payables

#### Amounts falling due within one year

|                                  | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|----------------------------------|--------------------------|--------------------------|
| Creditors & accruals             | 2,009,280                | 1,588,783                |
| Amounts due to local authorities | 3,739,788                | 3,576,163                |
|                                  | 5,749,068                | 5,164,946                |

Included in creditors and accruals is a provision in respect of 4,132 incomplete registrations with a value of €383,865 (2014: 5,258 applications – value €420,640).

#### Analysis of amounts due to local authorities:

The table below sets out fees received in the relevant financial year and amounts paid over to the particular local authorities for the performance of their functions under the Housing Standards and Rent Book Regulations;

|   | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|---|--------------------------|--------------------------|
| Opening Balance                                 | 3,576,163                | 3,481,668                |
| Fees allocated to local authorities in the year | 2,189,418                | 2,414,629                |
| Fees disbursed in the year                      | (2,025,793)              | (2,320,134)              |
| Amounts due to local authorities                | 3,739,788                | 3,576,163                |

The amounts due to be paid over to particular local authorities will be in accordance with the criteria set by and at the direction of the Minister for the Environment, Community and Local Government.

### 8. Capital Account

|  | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|--|--------------------------|--------------------------|
| Opening balance  | 2,364,748                | 2,748,502                |
| <b>Transfer (to)/from Income and Expenditure Account</b> |                          |                          |
| Funding to acquire Assets                                | 313,061                  | 57,223                   |
| Amortisation in line with asset depreciation             | (429,866)                | (440,977)                |
| Release of disposal of Fixed Asset                       | -                        | -                        |
|  | (116,805)                | (383,754)                |
| Closing Balance at 31 December                           | 2,247,943                | 2,364,748                |



## Notes to the Financial Statements

### 9. Accommodation

In October 2007 the Private Residential Tenancies Board signed a 20 year leasehold agreement in respect of its premises at O'Connell Bridge House, D'Olier Street, Dublin 2. The lease contains a break clause at the end of years 5 and 10. The annual commitment under this lease at year end was €303,254. The next break clause will happen in September of 2017.

|                       | 31 December<br>2015<br>€ |
|-----------------------|--------------------------|
| <b>Expiry date:</b>   |                          |
| Between 0 and 1 years | 303,254                  |
| Between 1 and 2 years | 227,441                  |
| Between 2 and 5 years | -                        |
| <b>Totals</b>         | <b>530,695</b>           |

### 10. Superannuation

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

|  | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|--|--------------------------|--------------------------|
| Current service cost * 1               | 126,968                  | 126,807                  |
| Interest on pension scheme liabilities | 81,000                   | 70,000                   |
| Past service loss                      | 1,500,000                | -                        |
|  | 1,707,968                | 196,807                  |
| Superannuation (Department staff)      | 146,263                  | 132,623                  |
|  | <b>1,854,231</b>         | <b>329,430</b>           |

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

|                                    | 31 December<br>2015<br>€ | 31 December<br>2014<br>€ |
|------------------------------------|--------------------------|--------------------------|
| Net pension liability at 1 January | (1,400,000)              | (1,250,000)              |
| Current service cost               | (160,000)                | (160,000)                |
| Past service costs *2              | (1,500,000)              | -                        |
| Interest costs                     | (81,000)                 | (70,000)                 |
| Actuarial Loss                     | (1,461,000)              | 80,000                   |
| <b>Deficit at end of year</b>      | <b>(4,602,000)</b>       | <b>(1,400,000)</b>       |

\*1 - Current Service costs are net of employee contributions which are remitted back to the Department. The amount that has been remitted back to the Department was €33,033 (2015) and €33,193 (2014).

\*2 - The loss is as a result of the significant past service liabilities of members who previously worked in other public service entities transferring these liabilities into the PRTB scheme on a "knock for knock" basis. As these members total accrued past service liabilities are transferred on this basis, a past service cost is the most appropriate treatment of these benefits.

## Notes to the Financial Statements

### c) Deferred Funding for Pensions

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

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

|  | 2015<br>€ | 2015<br>€ |
|--|-----------|-----------|
| Funding recoverable in respect of current year pension | 1,741,000 | 230,000   |
| State Grant applied to pay pensions                    | -         | -         |
|  | 1,741,000 | 230,000   |

The deferred funding asset for pensions as at 31 December 2015 amounted to €4,602,000 (2014: €1,400,000).

### d) History of defined benefit obligations

|   | 2015<br>€   | 2015<br>€ |
|---|-------------|-----------|
| Defined Benefit Obligations                   | 4,602,000   | 1,400,000 |
| Experience gains on Scheme Liabilities Amount | (1,461,000) | 80,000    |
| Percentage of Scheme Liabilities              | (32%)       | (6%)      |

### e) General Description of the Scheme

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

The Single Public Service Pension Scheme (Single Scheme) is the defined benefit pension scheme for pensionable public servants appointed on or after 1 January 2013 in accordance with the Public Service Pension (Single Scheme and Other Provisions) Act 2012. The scheme provides for a pension and retirement lump sum based on career- average pensionable remuneration, and spouse’s 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 was one member of the Single Scheme in 2015.

The results set out below are based on an actuarial valuation of the liabilities in respect of the staff as at 31 December 2014. 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:

|                             | 31 December<br>2015 | 31 December<br>2014 |
|-----------------------------|---------------------|---------------------|
| Discount rate               | 2.6%                | 5.5%                |
| Salary increase assumption  | 3.1%                | 4.0%                |
| Pension increase assumption | 2.6%                | 4.0%                |
| Price inflation             | 1.6%                | 2.0%                |

### 11. Late payments in commercial transactions

The Board is aware of its responsibilities under the Late Payments in Commercial Transactions Regulations 2002 and has established appropriate procedures and processes to ensure that all payments are made in accordance with the Regulations. The Board has calculated its liability for the year ended 31 December 2015 to be €419 (2014: Nil).

### 12. Unresolved cases

The Board had 238 dispute resolution cases awaiting hearing at 31 December 2015. 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 2015 is included in the Financial Statements. In addition approximately 130 cases are at various stages of enforcement proceedings through the courts, the costs of which are not yet known and no provision exists in the Financial Statements.

### 13. Board Members interests

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

### 14. Director & Board Members remuneration

#### Director's Remuneration

Director's Salary                      €96,551

The Director is engaged under a secondment arrangement from the Department of Environment, Community and Local Government which pays her salary. The amounts disclosed above were paid to the Department as reimbursement of salary. The Director was not in receipt of any bonuses or benefit in kind in 2014. The Director's pension entitlement does not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

Board members are paid fees based on their attendance at Board and Board committee meetings. The fee rates are set by the Department of Finance and Department of Environment, Community and Local Government.

The table below sets out the fees paid in 2015. The figures refer to actual payments made to Board Members during 2015. As a result of their nature some of these payments relate to meetings attended in 2014. The figure included in Note 3b for Board Members Fees is calculated on an accruals basis for all meetings attended during 2015, regardless of when the payments were made.

## Notes to the Financial Statements

| <b>PRTB BOARD MEMBERS PAYMENTS 2015</b> |                                  |                  |                   |               |                |
|---|----------------------------------|------------------|-------------------|---------------|----------------|
| <b>NAME</b>                             | <b>Tenancy Disputes Meetings</b> | <b>Tribunals</b> | <b>Board Fees</b> | <b>Other*</b> | <b>TOTAL</b>   |
| Catriona Walsh                          | 13,743                           | 3,231            | 6,930             | 3,776         | <b>27,680</b>  |
| Gareth Robinson                         | 6,611                            | 8,680            | 2,611             | 196           | <b>18,098</b>  |
| James Leahy                             | 15,525                           | -                | 5,488             | 392           | <b>21,405</b>  |
| John FitzGerald                         | 19,144                           | 51,540           | 6,881             | 392           | <b>77,957</b>  |
| Kathleen McKillion**                    | 658                              | -                | 4,725             | 196           | <b>5,579</b>   |
| Noel Conroy                             | 18,666                           | -                | 6,272             | 392           | <b>25,330</b>  |
| Noel Merrick                            | 17,499                           | -                | 5,705             | 196           | <b>23,400</b>  |
| Patricia Sheehy Skeffington             | 6,971                            | 23,117           | 7,315             | 392           | <b>37,795</b>  |
| Rhonda Donaghey**                       | 15,118                           | -                | 3,857             | 392           | <b>19,367</b>  |
| Tim Ryan                                | 12,235                           | 29,758           | 6,986             | 392           | <b>49,371</b>  |
| <b>TOTAL</b>                            | <b>126,170</b>                   | <b>116,326</b>   | <b>56,770</b>     | <b>6,716</b>  | <b>305,982</b> |

\* Other includes payments made for training (€3,724) and interviewing (€2,992).

\*\* The fees of Ms Rhonda Donaghey are paid to Threshold and those of Ms Kathleen McKillion are paid to the Irish Council for Social Housing. Taxation deductions are applied in advance of these payments. Of the amount paid to Ms Donaghey in 2015, €6,832 was in respect of Board fees which accrued in 2014.

Board fees have not been paid to the following Board Members;

Mr Paul Flood

Mr Joseph Meehan

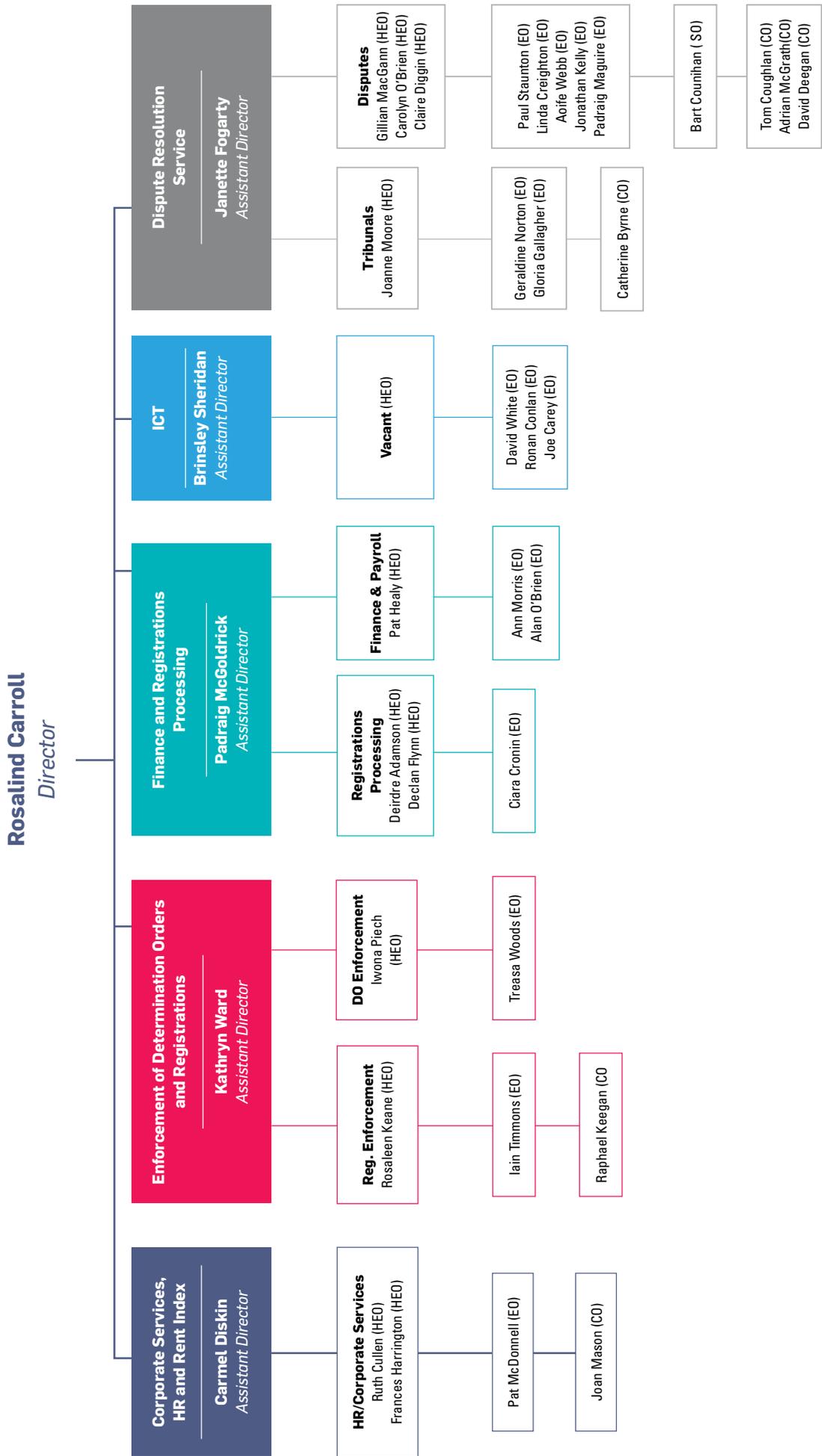
Board members were also reimbursed a total of €28,246 for travel and subsistence incurred for attendances at meetings and Tribunals. These were paid in accordance with the Department of Finance guidelines.

## 15. APPROVAL OF FINANCIAL STATEMENTS

The Financial Statements were approved by the Board on 30th September 2016

# Appendix

## RTB Organisation Chart









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

**Contact us**

PO Box 47  
Clonakilty  
County Cork

0818 30 30 37  
01 702 8100

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