

# RTB ANNUAL REPORT 2018



Bord um Thionóntachtaí Cónaithe  
Residential Tenancies Board

- Working to make the rental sector a better place



# About us

## What is the Residential Tenancies Board?

The Residential Tenancies Board (RTB) is a public body set up to support and develop a well-functioning rental housing sector. Our remit covers both the private rental sector and not-for-profit housing providers also referred to as Approved Housing Bodies. Our role is to regulate the rental sector; provide information to tenants and landlords; maintain a national register of tenancies; resolve disputes between tenants and landlords; conduct research and provide information to inform policy.

## Information, education and research

We provide high quality information to tenants and landlords as well as to the general public to help them understand their rights and responsibilities. We also provide accurate and authoritative research and data on the rental sector, such as the RTB Quarterly Rent Index, which allows us to monitor trends in the rental sector, inform policy and also allows individuals to compare rents in particular locations.

## Registrations

All private residential landlords and Approved Housing Bodies are obliged to register their tenancies. A public register is available on our website. The registration of tenancies enables us to collect important data on the sector, and is also a key part of regulating and supporting the sector and ensuring landlords and tenants are aware of their rights and responsibilities.

## Dispute resolution services

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 and appeal through a tenancy tribunal.

## Sanctions and Investigations

The introduction of the new powers of investigation and sanctions on 1 July 2019, gives the RTB a more active and direct regulatory role in the rental sector. The RTB now has the authority to initiate an investigation into conduct by a landlord relating to non-registration, a rent which has not been lawfully set or where a notice of termination has been served citing a reason the landlord did not act on. The investigations can commence either proactively by the RTB or on the basis of a written complaint from a member of the public.



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# Chairperson and Director's Message

In 2018 the challenges facing the rental sector continued and housing and the rental issues continue to dominate as a national issue. The Residential Tenancies Board (RTB) remains as one of the key state agencies working with both landlords and tenants through this difficult period. It has always been the case that some of our core functions are to help resolve landlord and tenant disputes and to ensure all tenancies are registered. However, we also have, as an organization, a much broader focus to try to support the sector to understand their rights and their responsibilities. Over the last number of years there have been discussions on enhancing the regulation of the rental sector and that being the case supporting and informing the sector is key. In 2018 therefore, we have continued to focus on supporting the sector to understand those rights and responsibilities.

We introduced Twitter as a new communications channel. We introduced Betterlet, a new voluntary landlord accreditation scheme, which is focused on supporting landlords with the right information, so they can manage their tenancy well and be better informed and more confident in their ability to apply and adhere to the complicated regulatory framework. We also offer customer support and information services through phone, email, and webchat, and responded to nearly 260,000 customer queries last year. The demand for support and services from the RTB has continued to grow year on year, with an overall increase of over 6% in customer queries in 2018, and in the three years since 2015 has increased by some 47%.

Demand has also continued to grow for our dispute resolution service with over 6,300 applications received in 2018, an increase of 10% since 2017. This is driven in part by the increase in education and awareness activity and promotion of the dispute resolution service as well as pressures in the rental sector and in some areas, the complexity of the regulatory framework. Through the analysis of all case outcomes the RTB gains a significant insight in trends, information gaps and issues within the sector. This intelligence is then used to ensure we can be responsive to our stakeholders through our awareness campaigns as well as developing supports and useful resources. In this annual report, we have presented a number of case studies to provide a more in-depth insight into the issues that are referred to the dispute resolution service.

Early 2018 saw a significant development in relation to the model for enforcement of Determination Orders which moved from the Circuit Court to the District Court. This,

along with the establishment of a panel of solicitors who carry out enforcement proceedings on behalf of the RTB, allows faster and lower cost of enforcement therefore legal assistance can be provided in a higher number of cases.

One very important area of work for the RTB is its research and, in particular, the production of the quarterly Rent Index report. The Rent Index is the most accurate and authoritative rent report of its kind on the private rental sector in Ireland. In the hugely challenging housing environment of today, the Rent Index is even more relevant than ever to give the local and national picture of rental trends across the country. In 2018, we developed the Index further to allow the RTB to include new market insights and analysis on rents in new and existing tenancies. Through the RTB research programme, we continue to develop and deepen our understanding of the sector and inform policy development by maximizing the use of our data and providing evidence-based reports. We also commissioned research in 2018, due to be published in 2019, on the impact of Rent Pressure Zones.

Throughout 2018 work continued on a significant digital transformation programme involving the innovative use of technology to radically change the way the RTB works and how we interact with our customers. An important element of the digital transformation programme focused on our internal ICT infrastructure by moving all ICT services and servers to the Cloud. This provides a more stable infrastructure while also providing flexibility in delivering our services, allowing for smarter regulation and better data. The RTB is one of the first public sector bodies to move fully to cloud-based services, which is a significant achievement for our organization given the volume of data held.

Work continued throughout 2018 on the development of a new tenancy management system (RTB360). This will be a significant milestone for the organisation and will change how customers engage with the RTB. RTB360 will offer a customer-friendly and intuitive system for customers, improving the delivery of core RTB services such as tenancy registration and access to dispute resolution. The RTB360 system will enable RTB services to be delivered more efficiently and effectively with a strong focus on web-enabled, accessible services to support our customers.

The RTB Strategic Plan covering 2018-2022 was developed and sets out an ambitious plan for the next five years. It is underpinned by six strategic priorities:

- ▶ Focus on the customer
- ▶ Deepen our understanding of the sector
- ▶ Expand our provision of information and education
- ▶ Expand our service to allow for more proactive regulation of the sector
- ▶ Strengthen our role in preventing and resolving disputes
- ▶ Invest in our people, systems and structure to support change

While delivering on our Strategic Plan, the RTB will implement a significant change programme during 2019 and 2020 to support key legislative and regulatory change for the rental sector. The new legislation will lead to important changes for the sector and with the introduction of annual registration, will create a new role for the RTB in terms of proactive monitoring and regulation of the market, as well other important legislative changes.

We have been supported by the Minister and the Department of Housing with additional resources to deliver this programme of change. We are focused on the effective implementation of the new legislation

whilst maintaining the existing RTB services and work, particularly at a time when demand for our services has never been so high or so needed.

The RTB recognises the importance of good governance and is fully compliant with the Code of Practice for the Governance of State Bodies. We integrate the principles and best practice of good governance throughout our organisation as it is essential for the effective delivery of our strategic priorities and overall effectiveness.

We would like to take this opportunity to acknowledge and thank landlords, tenants, representatives, agents and all our stakeholders for their ongoing engagement with the RTB. In these very challenging times, language can often become divisive, but there can be no tenancy agreement without both a landlord and a tenant and both make a valuable contribution to the rental sector. We in the RTB will continue to try to support and provide services to all those in the rental sector in order that we can have an effectively regulated sector in Ireland, that is fair, accessible and beneficial for all.

We would also like to take this opportunity to thank our board members, committee members, staff, call agents, independent adjudicators, mediators and tribunal members for their continued hard work and dedication in what has been another busy and challenging year.



**Catriona Walsh**  
Chairperson, Solicitor



**Rosalind Carroll**  
Director



# 2018 | at a Glance



**336,890**

**registered tenancies**

with **539,253** registered tenants  
& **173,197** landlords



**260,188**

**total customer contacts**



**165,453**

**telephone calls and**



**70,313**

**emails received**



**15,480**

**registration notices**

and enforcement letters were issued



**24,422**

**webchats**

average of **2,035** per month



On average

**637**

**calls a day**

with **80%** answered in **<20** seconds



**47%** **increase**

in total calls, emails, webchats

**since 2015**



**29,542**

**approved housing body  
tenancies registered**



We received

**6,398**

**applications for  
dispute resolution**



**@RTBinfo Twitter**  
account launched in  
**April 2018**



**BetterLet**  
RTB Accredited  
Landlord  
launched in **Sept 2018**



**102,100**  
new tenancy agreements  
registered



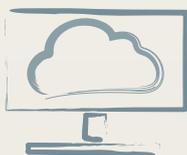
Number of Landlords  
**173,197**



Number of Occupants  
**695,142**



**31%** of all  
dispute applications  
ended in agreement



The **RTB** is one of the first  
public sector bodies to move  
fully to cloud-based services

# Serving Our Customers

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# Chapter 1

## Serving Our Customers

The RTB launched its Strategic Plan 2018–2022 in August 2018. Customer Focus is one of the six strategic priorities outlined in the plan and has been a key factor in all RTB decisions and activities throughout the year. Although there has been a decrease in the number of rental tenancies in the rental market, demand for RTB services and information is stronger than ever. In 2018, the RTB provided on-going support and information to nearly 700,000 occupants and over 173,000 landlords across the country.

The RTB provides information and support to our customers by phone, email and web-chat from 8.30am–6.30pm, Monday to Friday. This enables the RTB to assist all those living and working in the sector to understand their rights and responsibilities and facilitate them in complying with the legislation. The total number of calls, emails and webchats received in 2018 is 260,188 compared with 243,720 in 2017, 193,767 in 2016 and 177,199 in 2015, a 47% increase since 2015.

*"Total calls, emails and webchats have increased by **47%** since 2015"*

### RTB Phone Service

In 2018, call volumes decreased by 5% (9,438) from 174,891 in 2017 to 165,453 in 2018, contrasting with the dramatic increase of 31% in calls received in 2017 (174,891) compared with the number received the previous year (134,839 in 2016).

On average 637 calls were answered each day in 2018.

### RTB Webchat Service

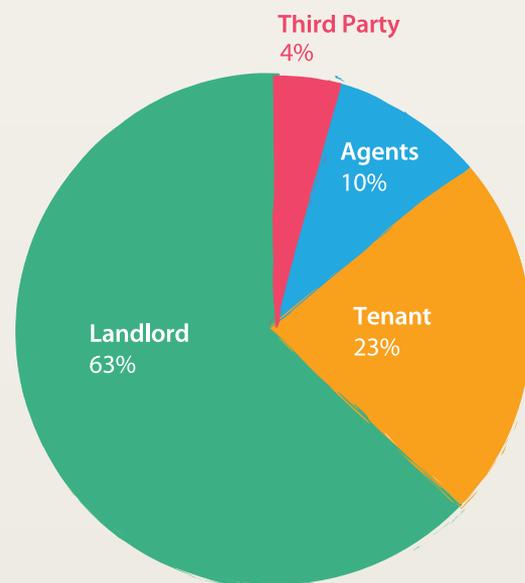
Webchat is the newest of our services and has grown substantially in 2018, with over 24,000 webchats taking place throughout the year. The RTB offers this web chat service between 8:30am and 6:30pm Monday to Friday.

On average 2,035 webchats took place each month in 2018, compared with the 2017 average of 1,097 webchats per month.

Satisfaction rates reached high levels for the webchat service with 84% of rated chats being given a positive rating. Customer feedback indicates the service is popular and effective and is proving to be an important online support to our customers.

With both our phone service and new webchat service, our overall volumes of customer contact increased throughout the year in 2018, showing increasing demand for information and data on the rental sector and RTB services.

### Who called us in 2018?



# Serving Our Customers



**260,188**  
total customer contacts



**165,453**  
calls received in 2018



Average

**637**  
calls per day

80% answered in <20 seconds



**70,313**  
emails received in 2018



Average

**270**  
emails a day



**24,422**  
webchats in 2018



**84%**

customer satisfaction  
rating for webchat



**47% increase**

in total calls, emails, webchats  
since 2015

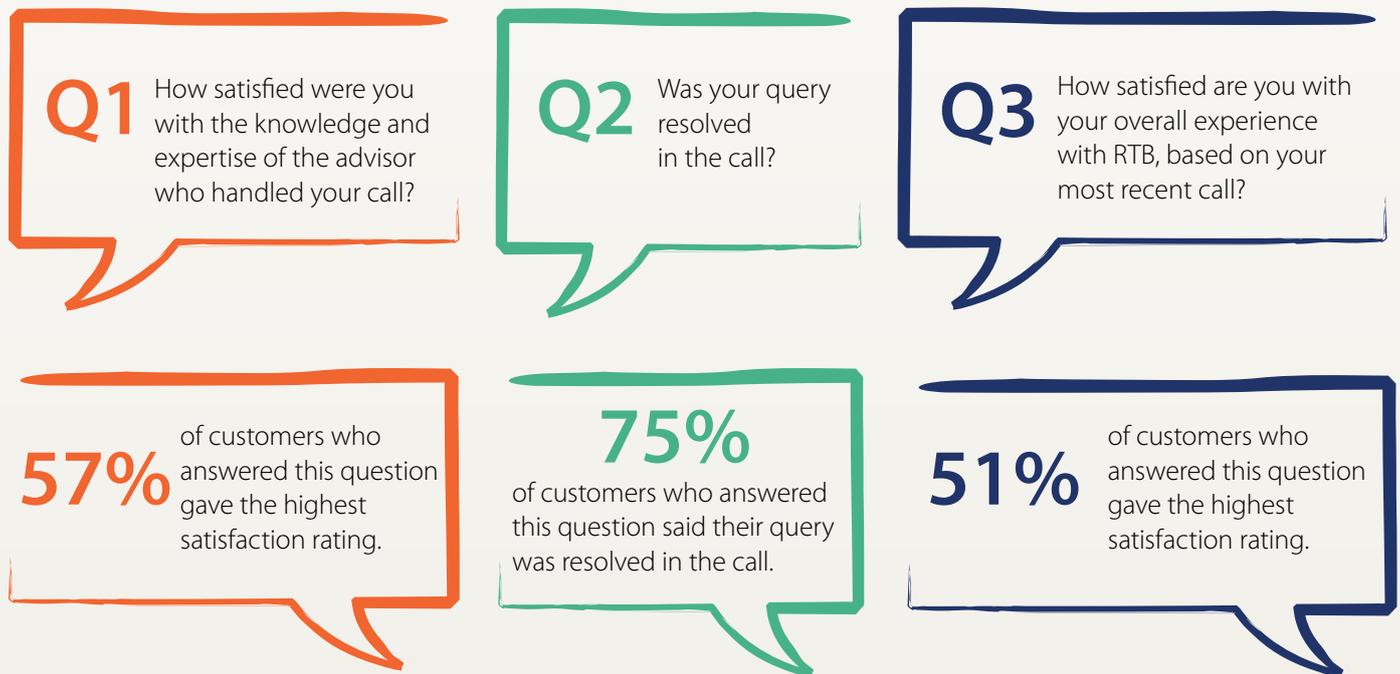
## Emails

Our customers sent us 70,313 emails in 2018, an increase of 15% on 2017, an average of 270 emails received each day. On average there were 237 emails processed every day. 2018 saw the introduction of the new email option made available to our customers on our Contact Us web page making it easier and faster for our customers to contact our team.

## Customer Feedback

The Voice of the Customer was introduced in August 2017 to help us identify areas for improvement and gauge customer satisfaction. **In 2018, 4,023 customers responded to the survey and provided feedback.** This feedback has informed our new quality framework which is due for implementation in early 2019.

The **RTB Voice of the Customer** enables the customer to provide feedback in a quick and convenient way through a short survey sent to their mobile phone via text message asking them to answer three questions.



Feedback from customers enables us to provide better training for our staff, adjudicators and mediators, thereby improving our customer's future experience. The RTB appreciates the time and effort that customers spend in providing feedback and complaints to us and work to ensure that we respond in a timely manner.

	2017	2018	Variance
<b>Complaints received</b>	93	113	+21%
<b>Complaints responded to within 14 days</b>	60 (65%)	72 (64%)	+20%



## Education and Awareness — Engaging with the sector

2018 was the first full year of activity following the establishment of the Communications and Research unit in 2017. A key focus was expanding our reach to stakeholders and developing opportunities for engagement.

The RTB developed a partnership with Citizens Information Board and held monthly clinics in the Dublin city centre branch to directly engage with and support the public with their rental queries. The RTB also provided training to staff in Citizens Information branches across the country throughout the year.

Interactive information sessions were also held at several colleges to raise awareness of rights and responsibilities among students.

During 2018, the RTB delivered four strategic public awareness campaigns with a strong focus on improving awareness of rights and responsibilities for landlords and tenants in Rent Pressure Zones.

A range of stakeholder engagement activities in 2018 were also held. This included a new stakeholder forum structure which was developed to engage with landlords, tenants, property professionals and agents. The purpose of these forums is to discuss and exchange insights and perspectives to improve our understanding of the priorities and opinions of our stakeholders.

In 2018, RTB senior management and staff engaged with representative bodies, attended seminars, conferences and events including housing conferences, the National Ploughing Championships and attended three sessions of the Joint Oireachtas Committee on Housing, Planning and Local Government.

### Expanding RTB channels of communication

Expanding the provision of information on the rental sector to stakeholders is a strategic priority for the organisation and in April 2018 the RTB launched its Twitter account @RTBinfo. The RTB will continue to develop and grow a social media presence to reach our customers in the online spaces they communicate within. By providing high quality, relevant, clear and accessible information through a variety of communication channels, tenants, landlords and other stakeholders will be empowered with knowledge of their rights and responsibilities, leading to a better functioning rental sector and the prevention of disputes.

## RTB Website

The RTB website is the most important of all our communication channels and throughout 2018 we have worked on growing its use and usefulness. A lot of work was carried out to update and add new content to the RTB One Stop Shop website and there were improvements made to the webchat facility to provide a more seamless service over both the site and the online portal.

A new search function was built in 2018 which is more user friendly and easier to access. The RTB are consistently reviewing the features and content of the site using customer and staff feedback to guide this activity. This is a continuous and evolving process as demand for our services and for information on renting, rights and responsibilities increases each year. The RTB website is an empowering source of information with helpful tools and forms for visitors to the site. There were approximately half a million visitors to the RTB website in 2018.

### Betterlet: RTB Voluntary

### Landlord Accreditation Scheme



To support landlords and assist them to navigate the complex and evolving legislative framework, the RTB introduced a free voluntary training and accreditation initiative in 2018. The Betterlet: RTB Accredited Landlord scheme was launched in September 2018 to provide accredited training courses to landlords outlining best practice on how to manage a tenancy. The first sessions took place in Dublin and Limerick and were well received by the landlords in attendance.

The RTB recognises the invaluable role landlords have in providing homes and understands the challenging and complex legal framework in which they have to operate their businesses in order to provide those homes. Most landlords own one property (70%), and often manage the tenancy in conjunction with working full time. This initiative seeks to support the professionalisation of the rental sector by informing landlords of the legislative framework and enabling them to comply with it. The scheme is designed to help smaller landlords understand their rights and responsibilities and help professionalise the service they provide.

The Betterlet: RTB Accredited Landlord scheme offers landlords support through a one-day training course which includes all the information they require to best manage a tenancy for the equal benefit of the tenant and landlord. Landlords receive Betterlet: RTB Accredited Landlord status by attending the course and completing a short exam.

Landlords who receive accredited status are positioned to set themselves apart in the rental sector and be recognised as professionals providing a quality service while consistently applying and adhering to the regulatory framework under which they operate their business.

The RTB will continue to roll out and further develop the scheme in 2019. Comments from some of our Betterlet accredited landlords:

**"The benefits of the landlord accreditation scheme are that it allows us to provide a better service for tenants."**

**"The course helps you focus on the 'key issues' to being a good landlord...I would recommend the scheme to others as knowledge is power."**

**"Attending this course will help me to be able to operate my business in a compliant way."**

**"The presenters gave very clear explanations in good, plain English — there was no jargon."**

## Supporting RTB Core Services

In 2018, the RTB continued to progress with our digital transformation projects, with over €5 million being invested in ICT to help us work smarter and deliver more quality services to our customers. Landlords and tenants have access to the RTB online portal within which landlords can register tenancies and both can submit applications to the RTB Dispute Resolution Service. This is a critical part of our ICT infrastructure which ensures our systems are easily accessible for our customers.

In 2017, the RTB began work on the development of a new tenancy management system and online portal which will be delivered in late 2019. This new system known as 'RTB360' will offer a more customer-friendly and intuitive system which will significantly improve the delivery of RTB services. The timely implementation of RTB360 is crucial in the context of the RTB supporting the upcoming legislative changes such as annual registration. The RTB360 system will enable RTB services to be delivered more efficiently and effectively with a strong focus on web-enabled, accessible services which maximize opportunities for self-service by customers.

In addition, RTB360 and the legislative changes it will support will allow the organisation to harness new data structures which will transform the data we collect, assisting the RTB to develop and deliver more evidence-based policy recommendations on the rental housing sector. The new system will help with smarter regulation of the sector through the use of better business intelligence and assist the RTB in its future role as a more effective regulator of the rental sector.

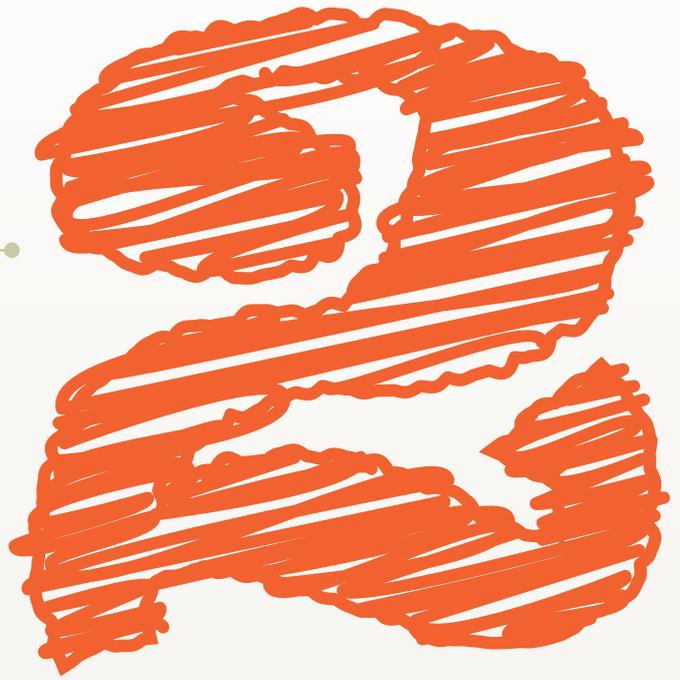
In 2018, the RTB continued to invest in and develop our internal ICT infrastructure by moving all ICT services and servers to the Cloud. This provides a more stable infrastructure while also providing flexibility. This is an important due to the level of data we hold and the RTB is one of the first public sector bodies to move fully to cloud based services.

*"The RTB is one of the first public sector bodies to move fully to cloud based services."*



# Registration & Compliance

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## Chapter 2

# Registration & Compliance

All private landlords and Approved Housing Bodies (AHBs) are obliged to register their tenancies with the RTB. The registrations of tenancies enables the RTB to collect vital data on the rental sector and to provide a public register of tenancies. The collection of this data is a key element in the regulation and support of the sector and ensures that tenants and landlords are aware of their rights and responsibilities.



# 336,890

tenancies registered



# 102,100

new tenancy agreements registered



# 15,480

notices and enforcement letters were issued to landlords

**Table 1:** 2018 Tenancy Registration Activity

Registrations Comparison	2016	2017	2018
Total number of tenancies registered	325,372	339,447	336,890
Number of AHB tenancies	5,550	26,445	29,542
Number of Private Rented tenancies	319,822	313,002	307,348
Number of Landlords	175,250	174,001	173,197
Number of occupants	705,465	714,364	695,142
Total number of new tenancy agreements registered	106,075	124,732	102,100

The table above shows the total number of tenancies registered has reduced by 2,557 over the last 12 months. The number of private rented tenancies has decreased by just under 2% from 313,002 to 307,348.

This is a significant reduction given the extreme demand pressures in the market. It is important that this contraction in the market is monitored and that existing supply is protected as demand is still very strong in the rental market. As the population continues to grow and inward migration increases it is the most vulnerable and low-income tenants that are affected by a lack of supply.

The new powers for the RTB under the Residential Tenancies (Amendment) Act 2019 will enable the RTB to build on the protections in the existing legislation and allow the RTB to move to more proactive regulation of the sector. However, regulation alone cannot be relied on to solve all the issues, existing supply must be protected, and future investment encouraged.

*"The number of private rented tenancies has decreased by just under 2% from 313,002 to 307,348"*

## Registration Compliance

The RTB Registration Enforcement unit pursues landlords who have not complied with their obligation to register their tenancy / tenancies. Failure to register is an offence which may result in a criminal conviction, a fine of up to €4,000 and/or up to six months imprisonment.

### Sources of Information

#### 1. Member of Public Referrals Received

In 2018, members of the public referred 1,066 alleged un-registered tenancies to the RTB compared with 940 in 2017, a 13% increase. The tenancies were checked against the RTB database of registered tenancies and resulted in 663 notice letters being issued to non-compliant landlords.

#### 2. Data received from Local Authorities and the Department of Employment Affairs and Social Protection

In 2018, the RTB received 2,036 records in relation to tenancies receiving the Rent Supplement Allowance, 26% of which had tenancies registered with the RTB.

14,791 records in relation to tenancies in receipt of the Housing Assistance Payment were also received, 33% of which had tenancies registered with the RTB. The remaining tenancies were followed up on by the team.

The Local Authorities referred 1,223 alleged un-registered tenancies to the RTB in 2018 from their inspections of rented dwellings. This compares to 613 referred to the RTB in 2017, an increase of 99%.

#### 3. Information from applications for dispute resolution where the tenancy was not found on the RTB database of registered tenancies and information from the Registrations team on incomplete registration forms, 898 in total for 2018.

The number of notices and letters were issued for tenancies that were not found on the RTB database is found below in Table 2.

**Table 2:** Registration Enforcement Notices/Letters Issued

Year	Enforcement Letters	Notices (1st and 2nd)	Solicitor Letters (1st and 2nd)	Other*	Total
2018	15,480	7,035	1,001	363	23,879
2017	14,196	5,406	667	200	20,469

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

#### 4. Source of Notices and Letters Issued

**Table 3:** Sources and number of notices issued

Year of Issue	Total	Local Authority		Department of Employment Affairs and Social Protection		Internal		External	
		HAP	DEASP	Information from Registrations & Dispute Resolution business units	The Public	Local Authorities (Standard)	Other (Internal)		
2018	23,879	15,057	4,269	898	2,162	1,223	270		
2017	20,469	10,515	5,746	2,399	1,015	613	181		

\*Proactive campaigns targeting specific areas of risk identified during internal research or as a result of media coverage e.g. adverts for rooms in house share situations where it is stated that the Landlord is not in occupation of the dwelling.

The number of notices issued do not correlate directly with the number of un-registered tenancies detected because more than one notice may issue in relation to a particular tenancy. The Registrations team passes on information on tenancies that were received incomplete, and after several attempts to assist the landlords or engage with the landlords to get it completed the registration remains incomplete. The fee is then refunded to the landlord and the tenancy referred to the Registration Enforcement unit to be followed up on.

The Dispute Resolution team checks to see if the tenancy referred to on an application for dispute resolution is registered and if it is not then the tenancy is referred to the Registration Enforcement unit.

The majority of landlords who are contacted comply with their obligation to register early in the enforcement process.

**Table 3:** Court Outcomes

Cases for Hearing 2018 and Court Outcomes	2017	2018
Cases for Hearing		
Summons Issued	7	7
Cases Carried from Previous Year	10	3
Cases for hearing or sentencing (not including appeals)	17	10
Cases		
Struck Out	9	2
Probation Act Applied	2	0
Convictions	3	1
Awaiting hearing or sentencing (cases to be carried forward)	3	7

It is important to note here that the majority of landlords who are contacted comply with their obligation to register early in the enforcement process.

The Registration Enforcement team increased their enforcement activity in 2018 and issued:

- 25% more official enforcement notices
- 50% more Solicitor letters

than the previous year. The impact of this was an increase in compliance. In 2018, 1,523 tenancy registrations happened as a result of this enforcement action, representing 11% of all non-compliant landlords that were contacted. This is an increase of 4% on 2017.

# Dispute Resolution and Enforcement



The RTB Dispute Resolution Service is available to tenants and registered landlords where an issue has arisen in a tenancy that cannot be resolved. The service offers an opportunity to resolve issues through mediation or adjudication, and an appeal mechanism in the form of a tenancy tribunal.

The Dispute Resolution Service is a vital service that seeks to provide speedy and efficient resolution of issues relating to the rental sector and aims to achieve a well-functioning rental housing sector.



## Mediation

Mediation is a confidential, non-adversarial form of resolution which aims to assist those involved in gaining a shared understanding of the issue and work towards both sides reaching a mutually satisfactory outcome.

Telephone mediation is a free service and efficient method of resolution offered by the RTB. An independent and trained mediator works with both parties separately to reach a mutually acceptable agreement.



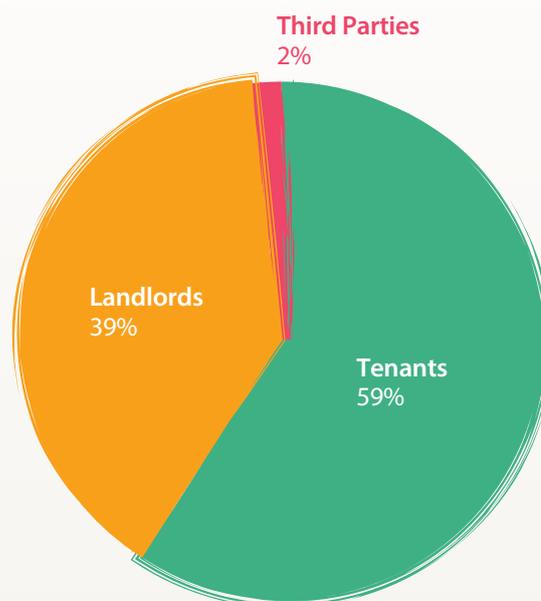
## Adjudication

Adjudication provides both sides with the opportunity to submit evidence before attending a hearing with an independent adjudicator. The adjudicator reviews the evidence and applies the law to make their decision which is known as a 'determination'.

## Appeal

Parties can appeal the outcome of a mediation or adjudication via a tenancy tribunal. This involves a complete re-hearing of the case by a panel of three independent decision-makers, with a binding Determination Order issued at the end of the process.

## Applications for Dispute Resolution



In 2018, the RTB received 6,398 applications for dispute resolution, representing a 10% increase on 2017. The year-on-year continuous increase in applications indicates the demand for services as a result of ongoing education and awareness initiatives and promotion of the dispute resolution service, as well as the current rental market pressures experienced by both tenants and landlords.

In 2018, 59% of cases were taken by tenants followed by 39% by landlords. Any person who has been directly and adversely affected by an issue within a tenancy can also take a case to the RTB: third parties accounted for 2% of applications in 2018.

## Telephone Mediation

In 2018, 26% (1,694) of applications opted to resolve their issue with free telephone mediation. This is a quicker and more convenient service where neither side is required to attend a hearing. Mediation is a confidential process and any agreement reached is not published on the RTB website. The RTB continues to promote mediation and encourage its use as an effective and timely method of dispute resolution. Parties who have reached their own agreement in mediation are more likely to comply with its terms, as the agreement has been reached by mutual consent. In 2018, only 3% of all determination order enforcement requests were received following a mediation.

## Hearings

In 2018, 4,757 hearings took place via telephone mediation and adjudication, a 3% increase in hearings from 2017. These took place across seven regional centres in Sligo, Dublin, Galway, Athlone, Limerick, Wexford and Cork.

# Dispute Resolution Activity 2018



**6,398**

applications for dispute resolution received

up 10% since 2017

**Top 3** issues in dispute:

**26%** Rent Arrears / Rent Arrears and Overholding

**22%** Validity of Notice of Termination

**20%** Deposit Retention



**45%**

of applications were withdrawn after education, awareness or engagement with the RTB



Approximately

**2%**

of registered tenancies access the Dispute Resolution Service



**26%**

opted for telephone mediation



**67%**

of all notices of rent reviews were ruled invalid, down 10% on 2017



Average processing time:

**16 weeks**

with almost half of all cases processed and closed within 4–8 weeks



Over

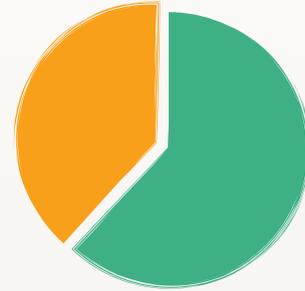
**2.2M**

was awarded in rent arrears with average award €4,039



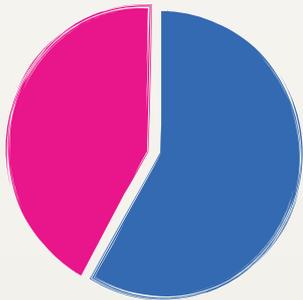
Who took cases?

**59%** **39%** **2%**  
Tenants Landlords Others



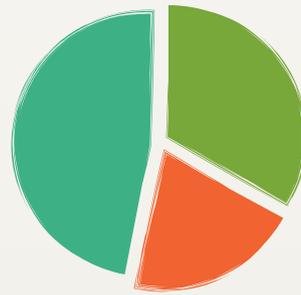
Damages awarded:

**61%** **38%**  
Tenants Landlords



Notices of Termination 2018

**42%** **58%**  
Invalid Valid



Deposits

**47%** **20%** **33%**  
Fully refunded to tenant Retained by landlord Partially refunded to tenant



Approved Housing Bodies (AHBs):

**270**

dispute applications received compared to 107 in 2017

**Table 4: 2018 Dispute & Appeal Applications and Hearings**

	2016	2017	2018
Adjudication and Mediation applications	4,837	5,823	6,398
Adjudication and Mediation hearings	3,324	4,638	4,757
Applications withdrawn or settled	2,026	2,527	2,878
Appeal applications (Tribunals)	630	627	691
Appeal hearings (Tribunals)	513	457	618

45% of applications (2,878 applications) received for dispute resolution in 2018, were either withdrawn or settled before a hearing took place. During the assessments stage, the assessment team work with parties in the initial stages of the dispute resolution process to provide them with more information on the legislation in relation to their case.

**Table 5: 2018 Case Withdrawals**

Reason for Withdrawal	Numbers Withdrawn
Applications assessed as 'Incomplete', 'RTB has No Jurisdiction', 'Tenancy is Unregistered'	522
Number of cases withdrawn before hearing scheduled following early RTB intervention	1500
Hearing scheduled but case withdrawn before Determination Order issued	856
<b>Total</b>	<b>2,878</b>

Improving education and awareness, leading to dispute prevention, is an important function of the organisation and is critical in helping those living and working in the sector to understand the complex legislation and their rights and responsibilities.

It is often the case that through engagement with the RTB our customers learn more about their rights and responsibilities which allows them to resolve the dispute informally without a hearing taking place. Receiving a confirmation letter with an official hearing date can also often prompt those in dispute to engage with one another and look to resolve the issue through self-resolution, resulting in the application being withdrawn.

## Case Processing Timelines

Adjudication

average of

**16 weeks**



Mediation

average of

**10 weeks**



Tribunal

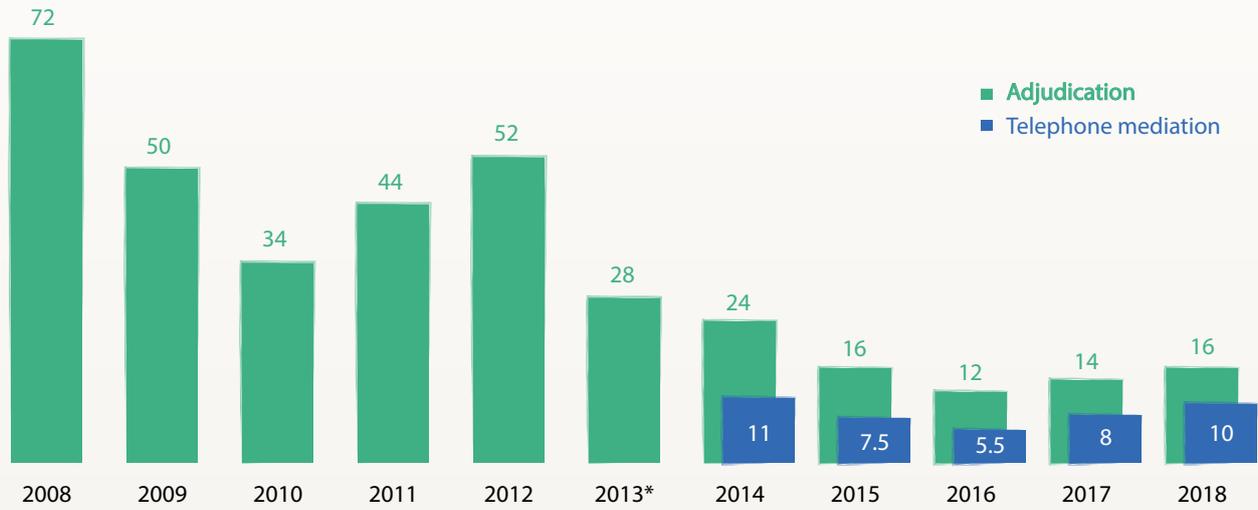
average of

**14 weeks**



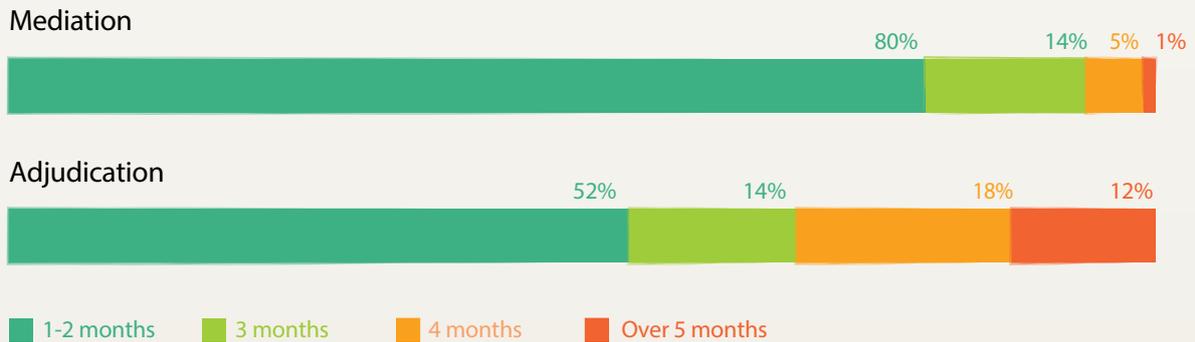
In 2018, the average processing times for mediation services was 10 weeks, and 16 weeks for adjudication. It took on average 14 weeks for an appeal hearing.

### Processing of cases in weeks



\*Mediation was introduced by the RTB at the end of 2013.

### 2018 Timelines for mediation processing times



Over the last four years, timelines for processing applications have remained between 3-4 months, despite an increase in applications. The RTB are committed to dispute resolution applications being processed as quickly as possible, with an aim of 4 months or under.



Adjudication

**66%**

of cases closed within three months



Mediation

**80%**

of cases closed within two months

## Reason for dispute arising (*Dispute Type*)

When submitting an application for dispute resolution, applicants can list multiple issues within the tenancy.

Of the 6,398 applications received for dispute resolution in 2018, there were 10,332 reasons for being in dispute listed, with many applications citing multiple reasons. These reasons are referred to as dispute types and are listed below in table 6.

In line with trends in recent years the most common issues being referred for dispute resolution in 2018 were rent arrears/rent arrears and overholding, invalid notices of termination and deposit retention.

**Table 6: 2018 Dispute Type Breakdown**

Dispute Type (All Cases)	Count	% Cases
Rent arrears/rent arrears and overholding	1,677	26%
Validity of notice of termination (disputing the validity of a termination notice)	1,396	22%
Deposit retention	1,261	20%
Breach of landlord obligations	1,163	18%
Overholding	989	15%
Other*	827	13%
Standard and maintenance of dwelling	599	9%
Breach of tenant obligations	538	8%
Unlawful termination of tenancy (Illegal eviction)	503	8%
Anti-social behaviour	388	6%
Damage in excess of normal wear and tear	316	5%
Rent more than market rate (Not Applicable to Approved Housing Body Tenancies)	231	4%
Breach of fixed term lease	230	4%
Validity of notice of rent review	111	2%
Rent review not in line with Rent Pressure Zone	103	2%
	<b>10,555</b>	<b>6,398</b>

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

**Rent Arrears / Rent Arrears and Overholding** remained the most cited case dispute type in 2018, which follows the trend from 2017. Landlords are encouraged to act promptly when a tenant falls in to rent arrears and serve a warning notice to ensure rent arrears do not accrue to high levels for the benefit of both the landlord and tenant.

**Validity of notice of termination** remained consistent with 2017 as the second highest dispute type cited. Landlords and tenants should check the sample notices on [www.rtb.ie](http://www.rtb.ie) to ensure notices are valid and accurate and submit a application for dispute resolution to the RTB if they have any concerns.

**Deposit retention** remained consistent with 2017 as the third highest dispute type cited on application forms. Landlords should be aware that it is for them to prove why they have retained a tenant's deposit. Landlords should ensure they communicate with the tenant as soon as is practicable as to why some or all of the deposit is being retained and landlords should retain evidence to show any loss incurred.

Cases disputing **the amount of rent being charged** remained the same as 2017 with 8% of applications citing the rent amount as a concern. Tenants can lodge a case to the RTB if they have a concern regarding how their rent was set even where a tenancy has already commenced.

# Decisions and Outcomes

## Case Decisions (*Determination Orders*)

In 2018, a change to the legislation that governs the RTB was implemented. This change moved the sign-off of Determination Orders from the Board to the RTB Director and led to the introduction of a new quality assurance framework for the whole dispute resolution process. This has streamlined the process and assisted in facilitating the issuing of more Determination Orders than in previous years. The impact of this change has been a positive one for those going through the dispute resolution process resulting in more Determination Orders being issued at a faster rate. In 2018, there was a 25% increase in the number of Determination Orders approved when compared to the previous year. 3,132 Determination Orders were approved in 2018 compared with 2,505 in 2017.

*" 31% of cases where a  
Determination Order issued  
resulted in an agreement "*



## Case outcomes: what do they tell us?

Determination Orders issued at the end of the dispute resolution process provide further detail on the outcomes of cases.

The information on outcomes plays a vital role in helping the RTB to identify trends and information gaps in the rental sector. It enables us to understand what difficulties are being faced by those in the sector and to focus on providing supportive tools and solutions. This section provides an analysis from these cases on the types of issues presenting and the outcomes of these cases.

### Agreements

In 2018, there were 2,591 cases where a Determination Order was issued following an adjudication or mediation case. Of these, 31% (792) resulted in an agreement. This occurs when parties to a case attend a hearing or partake in a telephone mediation and reach a mutually satisfactory agreement. All agreements reached are confidential to the parties themselves. A large number of cases are withdrawn throughout the dispute resolution process

prior to a final Determination Order being issued as the parties have engaged and found a solution through RTB intervention.

A case can be withdrawn at any time during the process before the Determination Order is issued.

**Table 7:** 2018 Agreements Breakdown by mediation and adjudication

Total Agreements 2018	Adjudication	Mediation
792	420	372

Further analysis of cases shows that deposit retention is the biggest issue which is resolved in mediated agreements. However mediation also works for rent arrears and overholding cases, parties can get a payment plan in place and rental payments can resume from the following week for example or parties can agree to a mutually acceptable date to vacate.

### Rent Arrears Awarded

Rent arrears continues to be the most common issue which is referred to the dispute resolution service. Rent arrears can be a significant issue for both landlords and tenants putting the property and tenancy at risk for both landlord and tenant. 32% of Determination Orders issued following mediation or adjudication were in relation to rent arrears. Of the applications that were received in 2018 citing rent arrears, 545 (33%) had a Determination Order issue which awarded a rent amount from Adjudication.

**Table 8:** 2018 Rent Arrears Awarded

Number of Cases	Minimum Award	Maximum Award	Average Award	Total Rent Awarded
545	€29	€33,800	€4,039	€2,201,261

It is important to remember that the RTB only has jurisdiction to award twice the annual rent amount for rent arrears cases, or up to €20,000. If a landlord and tenant fail to agree on a rent arrears payment plan informally, a landlord should submit an application for dispute resolution.

### Notice of Termination cases

22% of dispute applications received in 2018 stated the reason for dispute as querying the validity of a notice of termination. Sample notices of termination are provided on the RTB website for landlords and tenants to use and view to ensure a notice of termination is valid before and after it is issued.

The RTB continues to work with stakeholders through speaking at national and local events, holding clinics where we meet with the general public and through the rollout of the RTB BetterLet Landlord accreditation scheme, providing education on landlords' and tenants' rights and responsibilities and best practice.

## Notices of Termination

37% of the 2,591 Determination Orders issued in 2018 dealt specifically with the validity of notice of termination. Of these 969 cases, 58% involved valid notices of termination. The number of notices of termination found to be invalid continues to decrease. 42% of notices of termination were deemed to be invalid in 2018, compared to 69% in 2015.

**Table 9:** Valid / Invalid Notices of Termination in 2018

Total	Valid	Invalid
959	560 (58%)	409 (42%)

Table 10 below outlines the most common types of reasons provided on notices of termination and the validity of these reasons.

**Table 10:** Types of Notices of Termination issued: national

Types of Notice Served	Total
Termination for Rent Arrears	37%
Termination for when Landlord intends to sell the dwelling	23%
Termination for when Landlord Requires Dwelling for Own or Family Use	10%
Termination for when Landlord Intends to Substantially Refurbish or Renovate	7%
Termination for Breach of Tenant Obligations	5%
Terminating a tenancy before a Further Part 4 tenancy commences	4%
28 Day Notice of Termination for Anti-Social Behaviour	3%
Reason for Notice of Termination not specified	3%
7 Day Notice of Termination for Anti-Social Behaviour	2%
Terminating a tenancy in the first six months (not applicable to a fixed term lease)	3%
Termination by tenant — no reason required	1%
Terminating because the dwelling is no longer suitable to the accommodation needs of the Tenant	1%
Terminating because the Landlord Intends to Change the Use of the Dwelling	1%

The reasons for notices of termination being served were analysed, specifically in RPZ areas and no significant differences in the trends or reasons were found. The most common notice of termination served in an RPZ was in relation to rent arrears (35%), followed by 22% of notices being served as the landlord intends to sell the dwelling.

For the 42% of notices found to be invalid, the most common reasons are:

1. The warning letter was insufficient in some respect
2. Was not deemed to be substantial refurbishment
3. Did not give adequate notice period

## Why are Notice of Terminations being deemed invalid?

**Table 11:** Reasons Notice of Termination is deemed invalid

Reason Notice of Termination Deemed Invalid	%
Did not give adequate notice period	14
Warning letter was insufficient in some respect	11
Statement / statutory declaration was insufficient in some respect	10
Was not accompanied by a statement/statutory declaration where required	10
Did not state that any issue as to the validity of the notice or the right of the landlord to serve it must be referred to the RTB within 28 days from the receipt of the notice	9
Did not state that the tenant has the whole of the 24 hours of this date to vacate possession	6
Other Breach of obligations unfounded	6
Fixed Term Tenancy in Place	5
ASB Breach of obligations unfounded	4
Did not specify the date of service/incorrect date of service	3
Did not state the grounds for termination	3
Warning Period Unreasonable	3
Was not deemed to be substantial refurbishment	2
Did not specify the termination date	2
Not in writing (an email will not suffice)	2
Not signed by the landlord or his or her authorised agent or, as appropriate, the tenant	1

### Rent Arrears/Rent Arrears and Overholding

Rent arrears/rent arrears and overholding is the most common issue submitted to the RTB for dispute resolution, with 26% of applications citing this issue in 2018. Applications citing rent arrears/rent arrears and overholding are prioritised by the RTB.

37% of the 2,591 Determination Orders issued in 2018 dealt with the validity of a notice of termination. Of these

**In 2018, €2.2 million of rent arrears were awarded to landlords, compared to €1.6 million in 2017.**

cases, 383 (37%) of the notices of termination gave the reason of rent arrears.

The issue of rent arrears/rent arrears and overholding continues to be significant in the rental sector. The average award of rent arrears in 2018 was €4,039, up from €3,407 last year.

**Overholding occurs when a tenant fails to leave the rented property where a landlord has issued a valid Notice of Termination. Where a tenant does not vacate the tenancy following receipt of a valid Notice of Termination, they must continue to pay rent. However, this does not imply a recognition of an ongoing tenancy.**



## Unlawful Termination of Tenancy

In 2018, an average of six tenants per week contacted the RTB alleging they were being unlawfully terminated from their tenancy. Examples include tenants returning home to find the locks changed, or when a landlord has turned off the electricity and gas supply in a property. In these cases, work is done by the staff of the Dispute Resolution section in an attempt to ensure the tenant lawfully remains in the tenancy. The unlawful termination of a tenancy is a significant concern and one which the RTB takes very seriously. A valid notice of termination must be issued in order to end a tenancy. Any other means used to attempt to end a tenancy are invalid and unlawful, and tenants can contact the RTB for further information if they believe their tenancy has been ended unlawfully. The RTB prioritises applications citing unlawful termination of tenancy. In 2018, 8% of applications received cited unlawful termination of tenancy.

## Notices of Rent Review

Of the 2,206 cases where a Determination Order was issued following an Adjudication, 98 dealt specifically with validity of Notice of Rent Review. The notices of rent review were deemed invalid in 67% of cases.

**Table 12:** 2018 Notices of Rent Review

Total	Valid	Invalid
98	32 (33%)	66 (67%)

## Notices of Rent Review in Rent Pressure Zones

54 Determination Orders were issued which cited notices of rent review in Rent Pressure Zones as the main reason for dispute resolution. Of these 54 cases, 70% of the notices of rent review were deemed invalid.

In a Rent Pressure Zone, rent can only be reviewed every 12 months, and cannot be increased by more than 4% each year. When issuing a notice of rent review in a Rent Pressure Zone, tenants must be informed in writing providing a minimum of 90 days notice of a change in rent. Landlords must provide calculations using the Rent Pressure Zone formula as to how they calculated the rent; state that it is the landlords opinion that the new rent is not greater than market rent having regard to other tenancies of a similar size, type and character; and provide the rent amount for 3 dwellings of a comparable nature. The rent review notice must also state that the tenant can submit an application for dispute resolution before the new rent comes into effect or at the expiry of 28 days from the receipt of the notice; and must be signed by the landlord or an authorized agent.

**Table 13:** 2018 Notices of Rent Review in a Rent Pressure Zone

Total	Valid	Invalid
54	16 (30%)	38 (70%)



**Table 14:** Reasons why notice of rent review was deemed invalid: national

Reason Notice of Rent Review Deemed Invalid		%
Did not show the rent for three properties of a similar size, type and character in a comparable area	19	17
Minimum of 90 days' notice was not provided	19	17
Amount being sought higher than permitted under Rent Pressure Zone formula	15	14
Did not state that any dispute regarding the review must be referred to the RTB within 28 days of receiving the notice, or before the date the new rent starts	13	12
Landlord not legally entitled to serve the notice	13	12
Did not include that, in the opinion of the landlord, the new rent is not greater than the market rent of properties of a similar size, type and character in a comparable area	12	11
Did not state the new rent on the property	5	4
Did not include calculations with regards to the Rent Pressure Zone formula	5	4
Not Deemed Substantial Refurbishment	3	2
Was not signed by the landlord or their authorised agent.	2	1
Did not state date when the new rent starts	1	0

## Deposits

In 2018, 20% of cases were in relation to deposit retention. Deposit retention remains a significant issue, and the third most common dispute type. Deposit retention can cause serious hardship for tenants, as many will require the return of their deposit in order to access alternative rental accommodation. A deposit is considered a sum of money belonging to a tenant, however, a landlord can establish a right to keep a deposit in certain circumstances. A landlord may be entitled to retain some or all of a deposit where there has been damage to the property beyond normal wear and tear, or where there are rent arrears, or unpaid bills and charges.

**Table 15:** 2018 Case Decisions about Deposit Retention

Decisions on Deposit Retention	%
Fully Refunded to Tenant	47%
Partially Refunded To Tenant	33%
Retained by Landlord	20%

In terms of case outcomes, in 80% of cases it was found that the deposit should be fully or partially refunded to the tenant, which compares to 92% in 2017.



## Damages

Of the 2,591 cases where a Determination Order issued following an Adjudication, 411 (16%) made an award of damages. A case party can be awarded arrears or their deposit back, they may be solely awarded damages following a case but can also be awarded damages in addition to the outcome of a case e.g. a tenant is awarded damages alongside the return of their full deposit, or a landlord is awarded damages alongside unpaid rent arrears. The RTB can award damages of up to €20,000 and rent arrears of up to €20,000 or twice the annual rent, whichever is greater.

As mediation cases are confidential, the below figures are based on adjudication cases only.

**Table 16:** Damages awarded: Adjudication

Damages Awarded To	Lowest	Highest	Total	Number of Cases
Landlord	€44	€10,967	€147,452	167 (41%)
Tenant	€20	€18,783	€443,493	243 (59%)
Third Party	€2,500	€2,500	€2,500	1 (<1%)

Lowest Damages	Highest Damages	Average Damages	Total Damages
€20	€18,783	€1,443	€593,445

**Table 17:** Damages awarded: Appeal

Damages Awarded To	Lowest	Highest	Total	%
Landlord	€100	€11,517	€54,280	33%
Tenant	€35	€20,000	€290,118	64%
Third Party	€1,000	€3,000	€6,250	3%

Lowest Damages	Highest Damages	Average Damages	Total
€35	€20,000	€2,617	€350,752

**Table 18:** 2018 Data on Damages Awarded

Damages Awarded	Tenants	%	Landlord	%	Third Party	%
1–1000	179	33%	152	28%	2	0.4%
1001–5000	109	20%	51	9%	3	0.6%
5001–10000	30	6%	2	0%	0	0.0%
10001–15000	8	1%	2	0%	0	0.0%
15001–20000	2	0%	0	0%	0	0.0%
<b>Totals</b>	<b>328</b>	<b>61%</b>	<b>207</b>	<b>38%</b>	<b>5</b>	<b>1%</b>

RTB decision-makers do not have the power to award punitive damages. They must consider the circumstances of each case and have regard to the loss and convenience suffered as this is the key element when determining an award of damages. If there has been a dramatic impact on those involved, this will affect the amount of damages awarded.

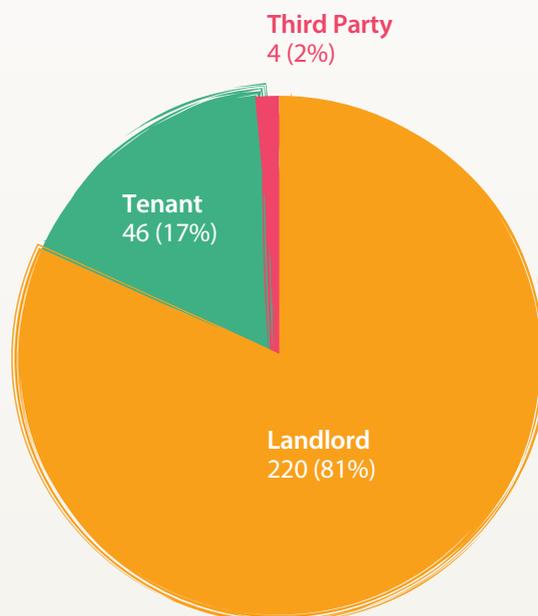
# Approved Housing Bodies

Approved Housing Bodies (AHBs) have been under the remit of the RTB since April 2016. This inclusion means that all AHB tenancies are required to be registered with the RTB and gives AHB landlords and tenants the same rights and responsibilities as tenants in the private rental sector.

270 applications for dispute resolution were received in 2018 in relation to AHB tenancies. Overall, the percentage of applications received from AHB landlords or tenants for dispute resolution remains relatively low at just under 1% of total registered AHB tenancies.

The trends remain similar to 2017 with 74% of landlords submitting applications for dispute resolution compared to 23% of tenants. The remaining 3% of cases are taken by third parties, who are directly and adversely affected by tenants who are in breach of their responsibilities e.g. anti-social behaviour. The most common type of issue within the Approved Housing Body sector remains rent arrears/rent arrears and overholding, with 57% of all applications citing this issue, an increase of 19% from 2017.

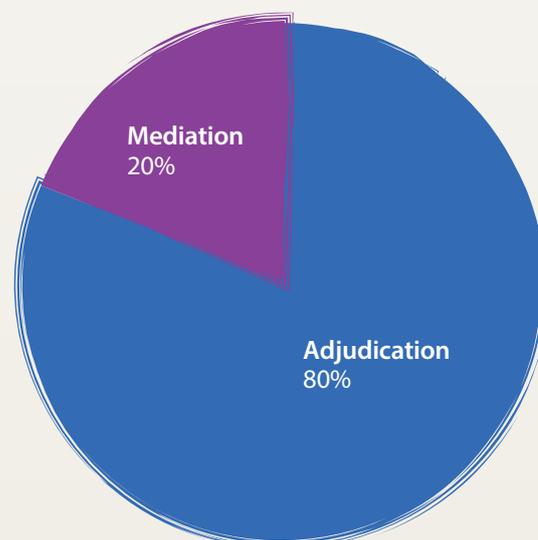
## Applications submitted for dispute resolution in relation to AHB tenancies



**Table 19:** Most common dispute type

Dispute Type	Cases
<b>Rent arrears/rent arrears &amp; overholding</b>	154 (57%)
<b>Overholding</b>	47 (17%)
<b>Breach of tenant obligations</b>	33 (12%)
<b>Anti-social behaviour</b>	25 (9%)
<b>Other</b>	24
Breach of landlord obligations	21
Validity of notice of termination	14
Standard and maintenance of dwelling	8
Deposit retention	4
Damage in excess of normal wear and tear	3
Unlawful termination of tenancy (Illegal eviction)	3
Rent not set accordingly	1
Breach of fixed term lease	1

## Resolution options for AHB tenancies



## RTB Case Studies

The following case studies are based on real cases which came to the RTB during 2018.

### Unlawful Rent Increase



A landlord has the right to review the rent and must provide the tenant with at least 90 days' notice in writing of the change in rent. In this case, a tenant commenced residing in a dwelling in 2014 and was paying €1,110 rent per month. Two years later, the rent increased to €1,200.

In 2017, the tenant was informed by an agent acting on behalf of the landlord that the rent was due to be increased. The tenant was informed that if they were to pay an increased rent amount of €1,500, the landlord would allow the tenancy to continue, however if the new rent amount was not agreed to that the landlord would proceed to sell the dwelling. The tenant felt they had no choice but to agree as they would lose their home. No valid notice of rent review was served. The tenant was not provided with any notice period of the new rent amount, the notice was not in writing, no comparable properties were provided to the tenant and the landlord did not ensue that the tenant was aware of their rights to refer a case to the RTB if they wished to dispute same.

The tenant proceeded to pay €1,500 per month for the next 13 months.

The tenant at a later stage became aware of her rights under the legislation and that no valid Notice of Rent Review had been served to her. The tenant proceeded to submit an application for dispute resolution to the RTB and it was found that no valid Notice of Rent Review had been served. €3,900 was awarded to the tenant, which comprised of the overpayment in rent.



# RTB Case Studies

## Damages beyond normal wear and tear



Normal wear and tear occurs where a rented dwelling deteriorates over a period of time due to the ordinary and responsible use of the dwelling. In this case, a tenancy had lasted for 10 months. When the landlord inspected the property, they discovered a significant amount of damage – there had been deliberate disconnection of, and damage to pipes and plumbing that caused flooding in the bathroom and kitchen. The landlord found additional damage to the interior and exterior of the property. The landlord had to undertake significant refurbishment of the property in order to ensure it was habitable for the next tenancy.

The landlord submitted an application for dispute resolution with the RTB citing 'damage beyond normal wear & tear' as the issue of dispute. Decisions of cases relating to 'damage beyond normal wear & tear' are based on the rules as set out by the legislation and strong evidence.

In this case, the evidence submitted by the landlord included evidence to show that previous inspections of the property had taken place and photographic and video evidence was available to show the condition of the dwelling at the start and during the tenancy. The landlord provided considerable photographic evidence with their case showing the condition the property had been left in. Invoices and quotations for works ongoing or due to commence were also submitted as evidence. The landlord also set out the effect the case had on their personal health and the stress rectifying the damage done has caused.

The evidence as presented by the landlord was accepted in full, damages of €10,968 were awarded by the decision maker to enable the landlord to restore the property to its original condition.



## RTB Case Studies

### Abuse of Termination Procedures



Landlord seeks rent increase from tenant of 5 years

**€200**

which was deemed invalid

Landlord serves **Notice of Termination** stating family member to move in



There are 6 reasons why a tenancy can be ended, one of which is that a landlord or a landlord's family member intends to live in the property. In this case, a landlord issued a notice of termination to a tenant who had been in the tenancy for nearly 5 and a half years, stating that they required the dwelling for their brother. Before they issued this notice, the landlord had served a Notice of Rent Review seeking a €200 rent increase, as the Notice of Rent Review was not valid in accordance with legislation the tenant did not pay the unlawful amount sought.

After receiving the notice of termination, the tenant vacated the dwelling in good faith, however, they found it difficult to access alternative accommodation and ultimately had to accept an offer to live in a log cabin in a friend's back garden to avoid homelessness. The location and quality of accommodation sourced meant that the tenant was no longer in a position to have his child reside with him on a weekly basis. The tenant had also been unjustly deprived of a long-standing tenancy that afforded them additional rights under the legislation and a rent amount that could only be increased within RPZ limits. A few months after moving out of their previous tenancy, the tenant noticed the property was advertised online for rent again, with a rent increase of €500 more than they had been paying.

The tenant submitted an application for dispute resolution to the RTB as they believed the landlord had unlawfully ended their tenancy in order to increase the rent.

From the evidence and submissions presented during the hearing, it was found that the landlord did not move a family member into the property as stated in the Notice of Termination. The legislation requires that a landlord must notify and offer the tenancy back to the original tenant if the family member fails to move in. It was found that both the Notice of Rent Review and Notice of Termination were invalid, and it appeared that the Notice of Termination had been served as a direct result of the tenant challenging the invalidly sought rent increase. As a result, the tenant and their children suffered severe disruption to their lives. The tenant was awarded €20,000 in damages.

Former Tenant sees the property up for rent again for higher fee having recently moved out

**+ €500**

Former Tenant submits application for **Dispute Resolution**



**Notice of Rent Review** and **Notice of Termination** were

**invalid**



#### Outcome



The tenant was awarded

**€20,000**

in damages against Landlord

# RTB Case Studies

## Anti-Social Behaviour-7-Day Notice of Termination (Approved Housing Body)



AHB landlord received several serious complaints from neighbours

**Anti-Social Behaviour**

**Gardaí** were called on a number of occasions to deal with anti-social behaviour

Where a landlord becomes aware that their tenants are engaging in behaviour that constitutes the commission of an offence that causes fear, danger, injury, damage or loss to any person lawfully in the dwelling concerned or its vicinity, or behaviour that threatens the fabric of the dwelling, a 7-day notice of termination can be served without any prior warning to the tenants.

Landlords must be aware that a high level of proof is required to ensure that a 7-day notice of termination is ruled valid.

Approved Housing Bodies (AHBs) are not-for-profit organisations that provide affordable social rental housing. In this case, an AHB landlord served a seven-day Notice of Termination to a tenant on the basis of serious anti-social behaviour.

The landlord was informed that their Tenant had moved someone into the dwelling without notifying the landlord, who had engaged in serious anti-social behaviour. The behaviour in this case included the breaking down of the front door and a car being driven erratically across the recreational area on the street which could have harmed any number of residents.

On foot of the incident, the landlord proceeded to serve a 7-day notice of termination to ensure the welfare of all residents on the street were protected. The landlord submitted comprehensive and convincing evidence that the tenant engaged in anti-social behaviour which included the evidence of three witnesses who all attended the hearing and gave direct oral evidence of the alleged behaviour.

The Notice of Termination was found to be valid and the tenant and all persons residing in the dwelling were ordered to vacate the dwelling within 7 days of the date of issue of the Order.

AHB landlord served **7-day notice for ASB**

Witnesses attended hearing and gave evidence

**Outcome** **Notice of Termination found valid.**

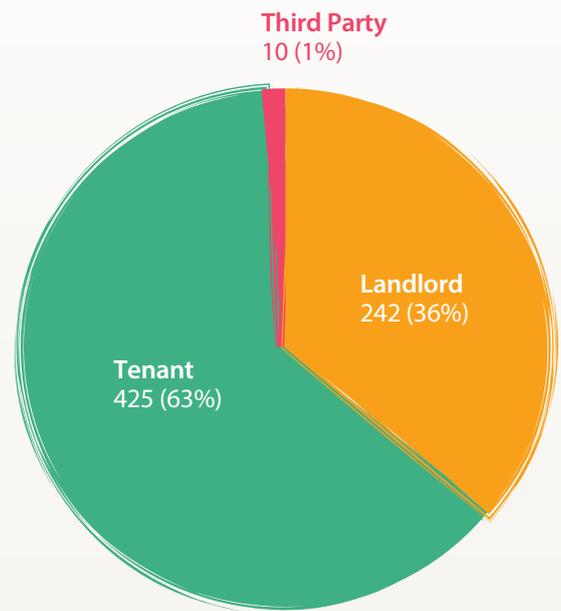
Tenants directed to give up possession of the dwelling in 7 days

# Appeals to Tribunals

Parties can appeal the outcome of a mediation or a decision of an adjudication to a Tenancy Tribunal. A Tenancy Tribunal consists of three independent decision-makers and involves a complete re-hearing of the case, and both case parties are given the opportunity to present their case in full again, with a Determination Order issued at the end. Tenancy Tribunal hearings are more formal than mediation and adjudication and are held in public with the final report of the hearing made available on the RTB website.

In 2018, 691 applications for appeal were received, a 10% increase from 2017 and keeping in line with the 10% increase in applications for dispute resolution. 691 as a percentage of the total number of adjudication and mediation hearings, which is 4,757, is a 15% appeal rate for 2018. The average processing time from the receipt of the appeal application to the Determination Order issuing was 14 weeks in 2018.

## Who appealed?



**Table 20:** Reasons for dispute submitted on applications for appeal

Reason	Count
Validity of Notice of Termination	106
Breach of landlord obligations	97
Rent arrears/rent arrears and overholding	69
Standard and maintenance of dwelling	56
Deposit retention	53
Overholding	48
Breach of tenant obligations	42
Unlawful termination of tenancy	34
Anti-social behaviour	33
Breach of fixed term lease	24
Rent more than market rate	11
Damage in excess of normal wear and tear	10
Validity of notice of rent review	8
Rent review not in line with Rent Pressure Zone measures	6
Other	123
<b>Total</b>	<b>720</b>

**Table 21:** Appeals handled

Appeal Applications Received	677
Appeals approved	608
Appeals refused	69
- Refused for reason of being late	32
- Refused for reason of missing fee	32
- Refused for reason of being late & missing fee	5
Appeal Hearings Heard/Scheduled	618
Cases Withdrawn after hearing scheduled	114
Appeals waiting to be scheduled at year end	38

### Appeal case outcomes

There were 541 cases in 2018 where a Determination Order was issued after an appeal hearing.

### Notices of Termination

37% of the 541 cases dealt specifically with validity of notice of termination. Of these cases, 40% of notices of termination were deemed to be invalid after a second hearing of the case, compared to 29% in 2017. Table 12 shows the further breakdown of notices of termination outcomes after a re-hearing of the case.

**Table 22:** Percentage Valid and Invalid Notices of Termination

Total	Valid	Invalid
272	165 (60%)	107 (40%)

## Reason Notice of Termination is Invalid (including Rent Pressure Zones)

The following table outlines the reasons why notices of termination were deemed invalid. It is important to note that there can be one or multiple reasons why a notice was invalid.

**Table 23:** Reasons for Notices of Termination being invalid

Reason	Frequency	%
Warning letter was insufficient in some respect	22	18
Was not deemed to be substantial refurbishment	17	14
Did not give adequate notice period	13	10
Was not accompanied by a statement/statutory declaration where required	12	9
Statement / statutory declaration was insufficient in some respect	11	9
Other Breach of obligations unfounded	10	8
ASB Breach of obligations unfounded	7	5
Fixed Term Tenancy in Place	7	5
Did not state that any issue as to the validity of the notice or the right of the landlord to serve it must be referred to the RTB within 28 days from the receipt of the notice	6	4
Warning Period Unreasonable	5	4
Not in writing (an email will not suffice)	4	3
Did not state the grounds for termination	3	2
Did not state that the tenant has the whole of the 24 hours of this date to vacate possession	2	1
Did not specify the date of service / incorrect date of service	1	0
Did not specify the termination date	1	0

# Determination Order Enforcement

As a regulatory agency, enforcement is an important function of the RTB and we take the issue of non-compliance with our Determination Orders very seriously.

At the end of the dispute resolution process, a legally binding Determination Order is issued to those involved in the process. This Order will direct either party to comply with an instruction e.g. tenant to repay landlord rent arrears or landlord to review rent in accordance with Rent Pressure Zone criteria; and give them a specific date upon which they should comply.

In 2018, 3,132 Determination Orders were issued (this includes Orders for cases heard in 2017 but does not include some Orders that will issue for cases heard at the end of 2018). In the majority of cases, landlords and tenants will comply with these Orders, however, for a number of reasons, sometimes Determination Orders are not complied with. In these circumstances, the impact of not complying with an Order can be detrimental to the other party, and the rental sector as a whole. For example, a tenant who does not have their deposit returned to them may have difficulty accessing another rental property, or a landlord who is waiting on rent arrears for an extended period of time may default on their mortgage, putting the tenancy and property at risk.

If a person fails to comply with an Order, the other party in the case (or the RTB) can issue civil proceedings. The issuing of such enforcement proceedings is an important power provided to the RTB, and the RTB takes as many enforcement cases as possible where there are instances of non-compliance. As of February 2018, the model by which the RTB enforces Determination Orders changed: enforcement proceedings moved from the Circuit Court to the District Court and the RTB established a panel of solicitors who carry out enforcement proceedings on behalf of the organisation. The new model of enforcing Determination Orders in the District Court allows quicker access to the courts at a significantly reduced rate, which

means the RTB are able to provide legal assistance in a higher number of cases.

In 2018, the RTB received 348 requests for assistance with initiating enforcement proceedings, which follows similar figures for requests in previous years. The RTB also continued to support parties to initiate their own enforcement proceedings by providing them with the relevant papers to do so.

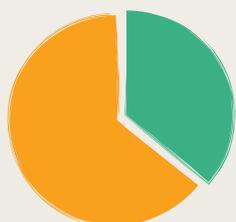
At the end of 2018, 188 cases for enforcement remained active.

**Overholding formed the basis for the majority of landlord requests for enforcement, while deposit retention was the most common cause of tenant requests**

## Enforcement Proceedings in the District Court

If a party is taking enforcement proceedings and the District Court is satisfied that all proofs are in order, the judge will make an order affirming the terms of the Determination Order previously issued. Presiding judges may make an order for legal costs. However, a court order does not always mean that a party will receive the monies awarded to them. If respondents persist in failing to comply with an order, execution of the order may be pursued by any of the means permitted by the District Court.

The RTB has registered many of the orders it obtained on behalf of case parties, which means they may be published in various trade periodicals and websites. This may have a negative effect on the non-compliant person's credit rating. If the court order confirms that a tenant is to vacate a dwelling, the RTB or the person seeking compliance may ask the Sheriff or County Registrar to carry out an eviction. However, if an order involves monetary awards only, it is a matter for the parties to arrange for a further enforcement of the court order.



In 2018, the RTB received

**348 requests for enforcement**

65% from landlords, 35% from tenants

## Enforcement Activity



**65%**

of 348 requests were from landlords or Approved Housing Bodies



**35%**

of requests were received by tenants



**74%**

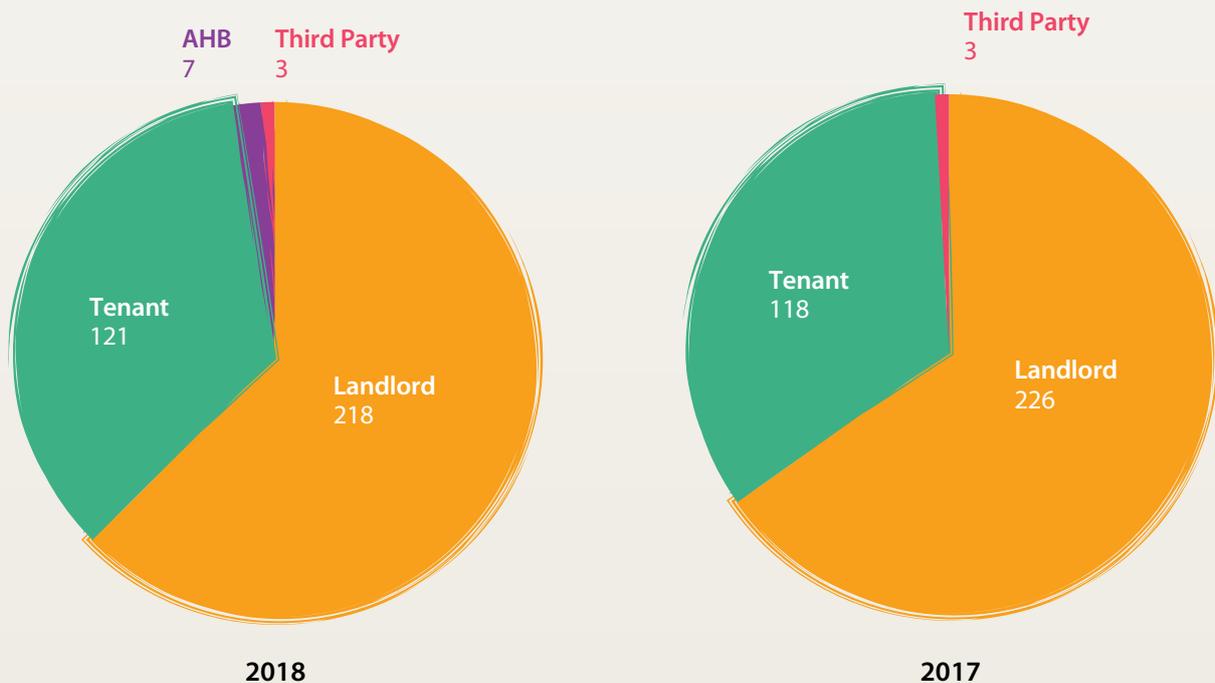
of applications were in relation to rent arrears/rent arrears and overholding

In 2018, the RTB received 348 requests to pursue enforcement.

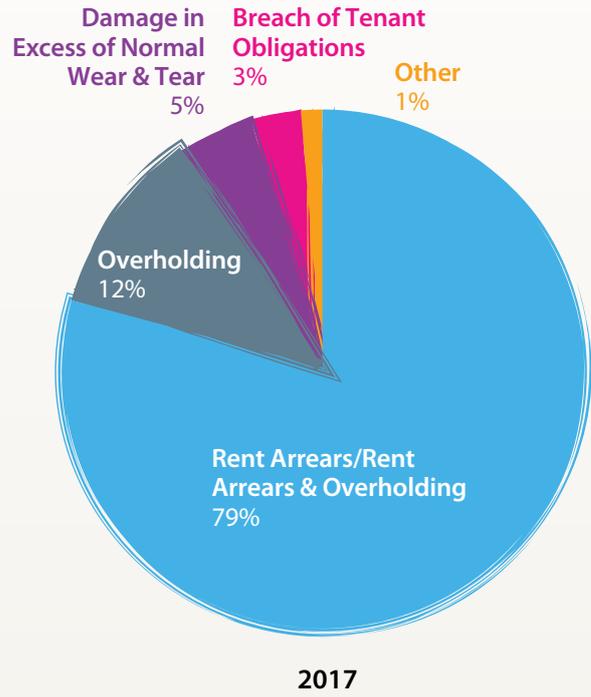
2011	2012	2013	2014	2015	2016	2017	2018
589	346	405	535	633	359	347	348

In 2018, 166 cases were approved for RTB legal assistance and sent for enforcement (this figure includes cases where applications were made in 2016, 2017 and 2018). A total of 318 cases were closed in 2018 (this blended figure includes cases open in 2016, 2017, and 2018).

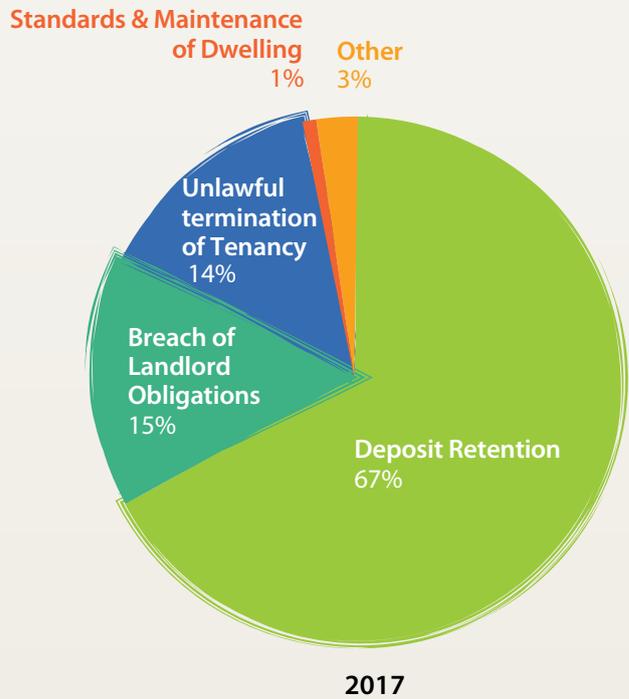
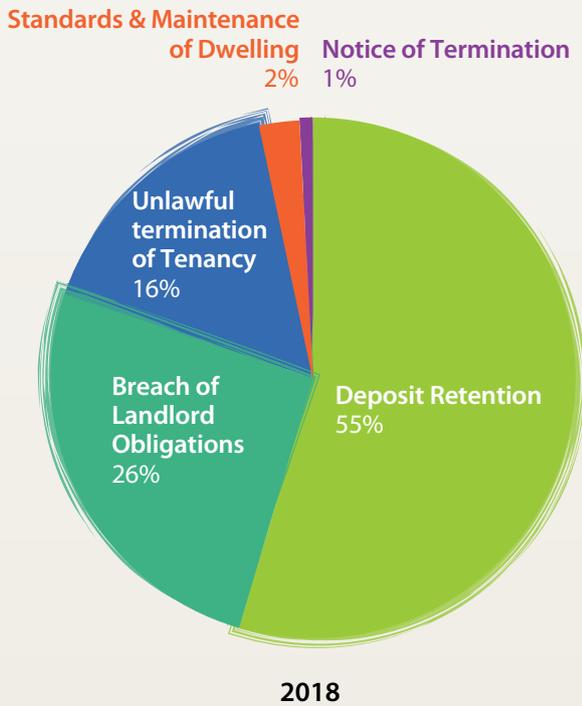
### Who requested enforcement?



### Landlord Requests by Dispute Type



### Tenant Request by Dispute Type



The number of requests for enforcement submitted by landlords remains high. In 2018, 65% of requests were from landlords or Approved Housing Bodies. Of these, 74% were in relation to cases of rent arrears/rent arrears and overholding. Cases of rent arrears can be a significant issue for landlords, particularly when coupled with overholding. Rent arrears in a tenancy may cause a landlord to default on their mortgage, resulting in a risk to not only the tenancy, but also the property. Overholding occurs when a tenant remains in a property after a valid notice of termination has expired. Overholding and rent arrears further puts a landlord and their property at risk as they cannot offer the property as a new tenancy.

In 2018, 35% of applications for enforcement were submitted by tenants, slightly higher than the figure of 34% submitted in 2017. Over half of these applications (55%) were for cases relating to outstanding deposit refunds. Full deposits should be returned promptly at the end of a tenancy, once no rent arrears, bills, taxes or charges are due or damage beyond normal wear and tear has occurred. Delays in returning deposits to tenants can have a detrimental impact on their ability to source alternative rental accommodation.

Only three requests (less than 1%) were submitted by third parties which related to the failure of landlords to enforce the obligations of their tenant(s) under their tenancies.

As part of the application assessment process, preliminary checks are carried out to identify urgent cases. Cases of rent arrears and overholding, and unlawful termination of tenancy are prioritised for enforcement as the RTB recognises the detrimental impact these issues can have on both landlords and tenants, and the rental sector as a whole.

In 2018, the RTB also provided documentation to parties wishing to take their own enforcement proceedings. The Determination Order Enforcement section facilitated full compliance and settlement agreements in 39 cases, and there were a further 22 instances of matters withdrawn or not pursued without a specified reason. The RTB facilitated settlement payments for over 120 cases where parties had not originally applied for enforcement.

*"A new panel of RTB approved solicitors was established which is allowing the RTB to approve more enforcement cases."*



## Court Outcomes — Proceedings Issued by the RTB

The RTB obtained 109 Court Orders in 2018. If parties do not comply with Determination Orders, the RTB or the party in favour of whom the Determination Order is made may initiate civil proceedings in the Circuit Court.

In the majority of these cases in the District Court, the RTB was awarded its costs. The impact of this is that non-compliant parties face significant legal costs being awarded against them in addition to any monies they may owe

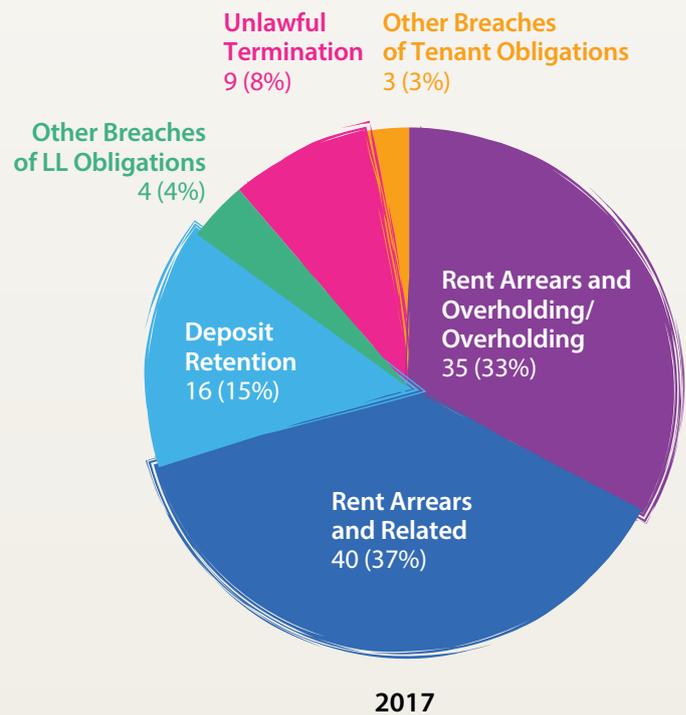
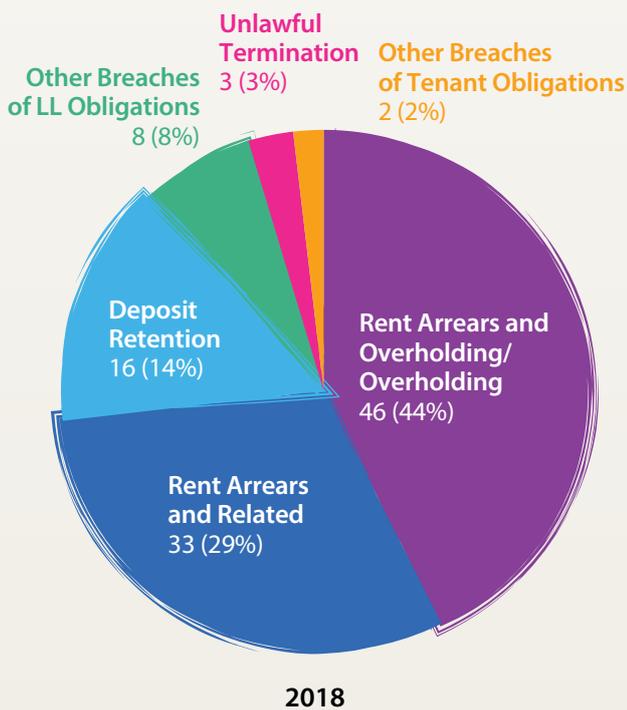
under the Determination Order and this is a deterrent to non-compliance with the order.

It is important to highlight that if the RTB obtains a court order, the parties may still enter into a settlement plan. The RTB will not register the judgment with the Office of the High Court if the parties adhere to an agreed payment plan. If payments cease, the RTB will register the outstanding debt with the Office of the High Court as a judgment debt, which could have a negative impact on the party concerned.

### Court Orders obtained by the RTB on behalf of case parties

2011	2012	2013	2014	2015	2016	2017	2018
42	91	140	158	302	204	107	109

### Breakdown of Circuit Court Orders obtained in 2017 and 2018



# A Picture of the Rental Sector

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## Chapter 4

# A Picture of the Rental Sector

### Supporting change in the rental sector

The rental sector in Ireland has continued to grow in importance with an increasing demand for rental accommodation in a market with restricted supply. With changes in society, people are staying longer in education, starting families later and having more difficulty accessing mortgage finance and are turning to the rental sector. They are no longer only a transitional tenure. The sector is composed of a diverse range of landlords and tenants with different needs and characteristics many of whom are in challenging and uncertain situations. The regulatory framework underpinning the sector has undergone a series of significant changes over the last three years which have impacted the sector in different ways.

The RTB vision is to have a well functioning rental sector that is fair, accessible and beneficial to all. To achieve this we recognise the need to change with the sector. As further legislative change was announced during 2018, the RTB continued a change programme to implement systems and structures to prepare and ensure our services can support both landlords and tenants in what already is a challenging and complex environment.

The Residential Tenancies (Amendment) Bill 2018 was published in December 2018 with the principle focus to provide powers to the RTB to investigate and sanction landlords who contravene the law in relation to the rent restrictions in Rent Pressure Zones (Maximum 4% increase in rent per annum). The regime proposed allows for proportionality to be applied to potential contraventions.

Along with extending the notice periods for tenants where a notice of termination is being served, the RTB can initiate an investigation without the need for a complaint to be made. Provision was also made for the annual registration of tenancies which is a critical element to enhance the data and intelligence on the sector. Importantly, a landlord can now serve a remedial notice where an invalid notice of termination has been issued once the tenant has been given the required notice period.

These new powers and changes will enable the RTB to regulate the sector with an approach that is smart, proportionate and supports all those involved on a pathway to compliance. The RTB has worked closely with the Department of Housing, Planning and Local Government to support the development of legislation and is focused on the successful and smooth implementation. In 2017,

the Minister for Housing initiated a two year change management plan to ensure the RTB were adequately prepared and resourced for the successful roll out of the new regulatory framework.

### Residential Tenancies (Amendment) (No 1) Bill 2018 – Key features

- Rent Pressure Zones and Rent Certainty Measures
- General changes to rights and responsibilities
- Investigations and Sanctions
- Student Specific Accommodation
- Notice of Exemption and requirement for copy of notice of termination to be submitted to the RTB
- Annual Registration of tenancies

### A profile of the sector

At the end of 2018, there were 336,890 registered with the RTB, of which 307,348 were private rented tenancies registered and 29,542 Approved Housing Body Tenancy tenancies. The majority of landlords (70.5%) were with one tenancy. There is evidence to show that the number of tenancies is beginning to contract despite high demand, with a decline of over 5,600 registered tenancies between the end of 2017 and the end of 2018, which is significant in the current market. During 2018, while there were some signs of stability, significant affordability and supply issues remained. Overall, rents continued to increase in 2018, however there was evidence of slowing in the last two quarters, a trend that will be monitored through the RTB Rent Index.

### Registration trends in the sector

In 2018, for the second year in row there has been a reduction in the total number of private tenancies registered with RTB. The number of private tenancies registered fell by 1.8% from 313,002 in Q4 2017 to 307,348 in Q4 2018. In addition to this, there has been a fall 0.5% in the number of landlords associated with registered tenancies. This emerging change will be monitored by the RTB in 2019 and further research will be undertaken to provide a more comprehensive understanding of the dynamics and drivers of this change.

**Table 25:** Number of Tenancies Registered with RTB and associated Landlords 2012–2018

	2012	2013	2014	2015	2016	2017	2018
<b>No. of private tenancies registered</b>	264,434	282,918	303,574	319,609	319,822	313,002	307,348
<b>% Change</b>	+1.6%	+7%	+7.3%	+5.3%	+0.1%	-2.1%	-1.8%
<b>No. of AHB tenancies registered</b>	–	–	–	–	–	26,445	29,542
<b>% Change</b>	–	–	–	–	–	–	+11.7%
<b>Total number of landlords associated with registered tenancies</b>	212,306	179,026	160,160	170,282	175,250	174,001	173,197
<b>% Change</b>	16.1%	-15.7%	-10.5%	+6.3%	+2.9%	-0.7%	-0.5%

## Landlord Profile

The profile of landlords in the sector has remained consistent with the majority (70.5%) managing just one tenancy. There has been much discussion on large scale institutional landlords and their role in the rental sector. RTB data shows that tenancy registrations by large scale landlords (including individuals and companies) in the rental market is still limited at approximately 4%.

The data accounts for landlords who are predominantly individuals registering 1-2 tenancies. An interesting example is in Local Electoral Areas in Dublin in 2018. Where the analysis shows that in 24 out of 26 areas, the level of company landlords associated with tenancies increased to 26% and 33% respectively.

Company Landlords were associated with between 5% and 36% of tenancies and where there were areas with a higher proportion of apartments such as Glencullen-Sandyford or Tallaght Central, this increased to 26% and 33% respectively.

Larger scale institutional landlords meet a need within the sector and play an important role in increasing supply. Equally important are the mid-size and smaller landlords, many of whom, have a positive and longstanding relationship with their tenant.

The proportion of landlords associated with a single tenancy increased by 0.5% to 122,173 at the end of 2018. This cohort of single tenancy landlords now represents 70.5% of all landlords with registered tenancies. This is consistent with 2017 data. The number of landlords associated with more than ten tenancies has fallen by 4.3% from 2,965 in 2017 (Q4) to 2,839 in 2018 (Q4). This will be monitored to identify any emerging trends.

**Table 26:** The number of landlords associated with a single or multiple tenancy

Number of Tenancies	Total Landlords Associated with Tenancies	% of Landlords
1	122,173	70.5%
2	27,571	15.9%
3	9,577	5.5%
4	4,567	2.7%
5	2,565	1.5%
6	1,622	1.0%
7	1,041	0.6%
8	666	0.4%
9	576	0.3%
10-20	1,961	1.1%
20+	878	0.5%
Totals:	173,197	100%

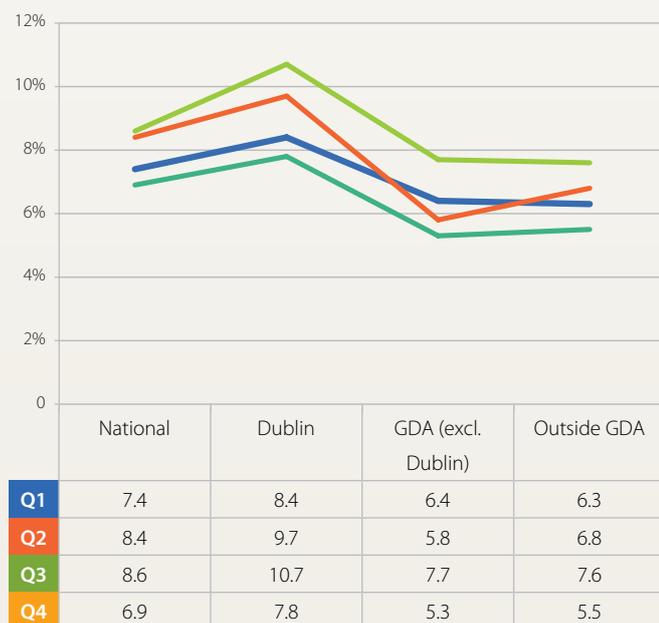
## The Year in Rents – Trends from the Rent Index

The RTB, through tenancy registration data, has unique access to the most comprehensive dataset on the rental sector in Ireland. The RTB quarterly Rent Index is based on this tenancy registration data. The following sections provide an overview of the rental sector based on the four quarterly Rent Index reports relating to 2018.

### National

In 2018, the RTB quarterly Rent Index showed that rents continued to rise across the country. The national standardised average rent increased by €73 annually from €1,061 per month in Q4 2017 to €1,134 per month in Q4 2018. While the standardised average rent increased by 6.9% annually (Q4 2017 to Q4 2018), the pace of growth slowed towards the end of 2018. This translated in to a quarter on quarter 0.3% reduction in the standardised average rent between Q3 2018 and Q4 2018.

### Quarter on Quarter Standardised Average Rent % Change 2018



### Dublin

The Dublin rental market is the largest in the country and how it develops over time has a considerable effect on developments nationally. At the end of 2018 (Q4), the standardised average rent for Dublin was €1,650, which was an €120 increase from €1,530 one year earlier. While there was an annual increase of 7.8% (Q4 2017-Q4 2018) in rent in the capital, the standardised average rent was down by 0.8% in Q4 2018 in Dublin in comparison to Q3 2018. This indicates a levelling off in price inflation in Dublin.

### Greater Dublin Area Excluding Dublin

At the end of 2018, the level of rents in the GDA (excluding Dublin) was lower than in Dublin. As of Q4 2018, the standardised average rent for the GDA (excluding Dublin) stood at €1,167 up 5.3% from €1,108 in Q4 2017.

### Ireland Excluding the Greater Dublin Area

The standardised average rent for properties outside the GDA was €833 at the end of 2018 (Q4), up from €789 the previous year. This represents a year-on-year increase of 5.5%.

**Table 27: Regional Annual % Change**

	National	Dublin	GDA (excl. Dublin)	Outside GDA
Q1 2018	7.4%	8.4%	6.4%	6.3%
Q2 2018	8.4%	9.7%	5.8%	6.8%
Q3 2018	8.6%	10.7%	7.7%	7.6%
Q4 2018	6.9%	7.8%	5.3%	5.5%

## Regional trends

In each quarter in 2018 there were four counties that consistently had a standardised average rent that exceeded €1,000 per month. These were: Dublin, Kildare, Wicklow and Meath. In Q4 of 2018, this also included Cork, Galway and Louth, which reflected the concentration of demand in urban and commuter areas.

By the end of 2018, eight counties (Carlow, Cavan Laois, Longford, Monaghan, Roscommon, Tipperary and Westmeath) were experiencing annual of more than 10% in the standardised average rent increases. County Sligo was the only county to at the end of 2018, experience an annual reduction in the standardised average rent.

## The Impact of Rent Pressure Zones

Rent Pressure Zone (RPZ) legislation was enacted in December 2016 and allows for the Housing Agency, following consultation with the relevant housing authority, to make a proposal to the Minister that an area should be classified as an RPZ.

For an area to be designated as a rent pressure zone, two criteria must be met:

- Annual rate of inflation in the area must have been over 7% or more in four out of the last six quarters, and
- The average rent for tenancies registered in the area in the last quarter must be above the average national rent.

There are certain exemptions to the Rent Pressure Zones that a landlord can apply where a property has undergone a substantial change to the nature of the dwelling or if the property is new to the market / has not been let in the previous two years.

Most of the current Rent Pressure Zones were designated between December 2016 and January 2017, however two more designations were made in March and September 2017.

In 2018, no new areas were designated as rent pressure zones. There remained five local authority areas and 16 Local Electoral Areas designated as Rent Pressure Zones which covered 55% of the total of registered tenancies.

While some areas came close to qualification in 2018, e.g. parts of Limerick City, the Dublin market, which is the largest in the country, had a considerable impact on the national standard average rent, driving the overall national average upwards. This had an impact on other areas with high rental inflation and growth rates, but still not reaching the national standardised average rent.

Despite a large proportion of the country within Rent Pressure Zones, the RTB Rent Index has shown that rental inflation has increased above 4% in these areas. With the RPZ measures and the exemptions that are built in, it would not be expected that the market would grow in line with 4% rent inflation e.g. if a new high priced development came into the rental market, the Rent Index may grow above the 4%. There are limitations that currently restrict the ability of the RTB to gain a full insight into the impact of the measures and the level of compliance. The Index captures data on new tenancies registered and tenancies which are renewed after 4/6 years and there is no visibility on the tenancies registered where landlords are applying the exemptions.

The RTB is moving towards annual registration, rather than the current one-off registration when a tenancy is registered and then subsequently renewed. This move will fundamentally change the data available to the RTB to enable a move to 'smarter', proactive and enabling regulation. The annual registration will allow the RTB to produce more reliable and up to date data on rental sector trends. This along with the requirement for landlords to register exemptions to the RPZs, will enable the RTB to undertake detailed analysis to create a better understanding of the drivers and trends in the rental indices.

In the interim, the RTB in conjunction with the ESRI, continues to develop the Rent Index and carry out robust analysis of the data from information provided through the registration process to gain an in-depth understanding of the rental market. Further analysis was incorporated in 2018 into the composition of the market to provide an important insight on trends showing where people are

renting, for how long and the type of properties being rented.

A new indicator was also developed to examine the difference in rent inflation between new and existing tenancies. The new analysis suggested that landlords with an existing, longer term tenant are not increasing rents at the higher rates seen when properties are re-let to new tenants on the rental market.

## RTB Research Programme

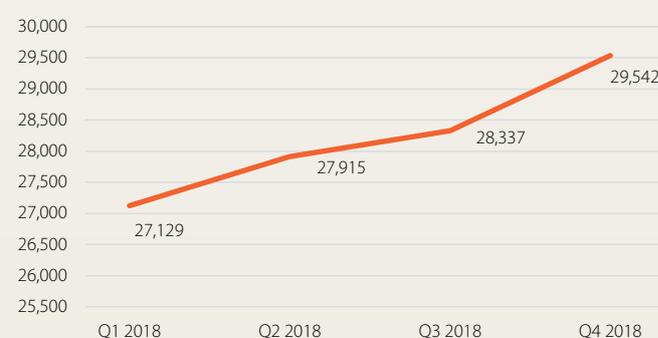
The focus of the RTB research programme in 2018 was on the impact of Rent Pressure Zones and two reports were commissioned. The first, a study on the experiences of landlords and tenants of the Rent Pressure Zone measures and the second a quantitative econometric analysis of the effect of Rent Pressure Zones on rental price inflation in Ireland. Both reports will be published in 2019.

## Approved Housing Bodies Snapshot

Approved Housing Bodies (AHBs) are not for profit organisations that provide and manage social rented housing. The Residential Tenancies (Amendment) Act 2015 amended the 2004 Residential Tenancies Act and brought AHB tenancies under the remit of the RTB. This means that all AHB tenancies must be registered with the RTB.

At the end of 2018, Approved Housing Bodies (AHBs) in Ireland had 29,542 active tenancies registered with the RTB. This represents an annual increase in AHB tenancy registrations of 11.7% or 3,097 tenancies, from 26,445 at the end of 2017. The graph below outlines the total number of AHB tenancies registered with the RTB at the end of each quarter in 2018, showing a steady increase in tenancy registrations throughout the year.

### Number of AHB Tenancies Registered with the RTB Q1-Q4 2018



At the end of 2018, 20,101 (68%) of all AHB tenancies registered with the RTB were associated with just nine AHBs. In Q4 2018 each of the nine AHB's had more than 500 tenancies associated with them.

**Table 28:** Number of Tenancies Associated with Approved Housing Bodies (end of 2018)

Number of Tenancies	Number of AHBs	Number of AHB Tenancies
10–19	91	1,306
20–49	82	2,454
50–99	14	905
100–199	10	1,534
200–299	3	733
300–499	5	1,659
500+	9	20,101

### AHB Registration Trends

In 2018, AHBs registered 3,738 new tenancies with the RTB. In 2016/2017, AHBs were required to register all their tenancies with the RTB. This requirement accounts for the significant difference between the number of AHB tenancy registrations in 2017 in comparison to 2018.

**Table 29:** Number of Tenancies Registered Annually with the RTB 2015-18

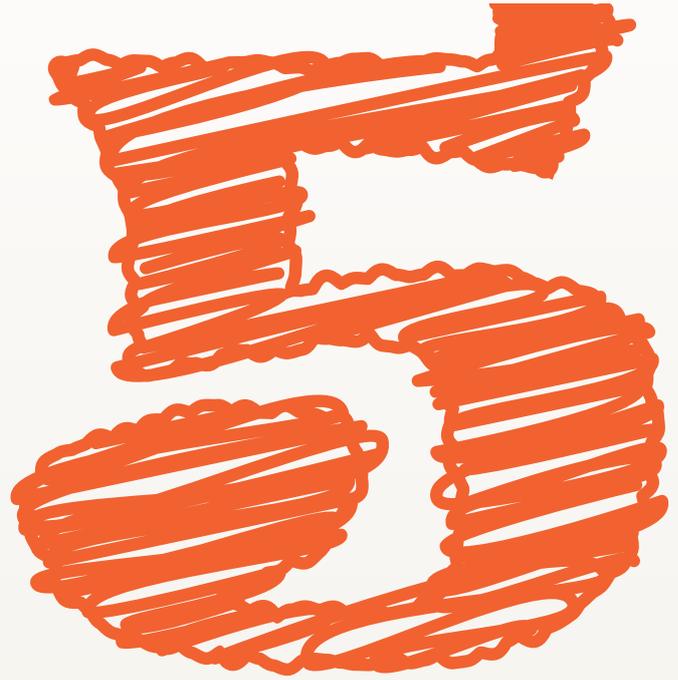
	2015	2016	2017	2018
Private Rental Tenancies	105,566	106,177	101,640	98,362
AHB Tenancies Registrations	0	5,452	23,092	3,738
Total Number of Tenancy Registration Applications	105,566	111,629	124,732	102,100

*"At the end of 2018, 68% of all Approved Housing Body Tenancies were associated with nine AHBs."*



# Rent Tribunal

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# Chapter 5

## Rent Tribunal

### Function

The Rent Tribunal, established in August 1983, was the arbitrating body in the determination of rent and other terms of tenancy of dwellings which were formerly rent controlled under the Rent Restrictions Acts 1960–1981. This role was carried out by the District Court in 1982–1983. The Tribunal may determine new cases or may review cases previously determined by the District Court or by the Tribunal itself.

In 2016, the Rent Tribunal was dissolved by the Minister for Housing, Planning, Community and Local Government and its functions were transferred to the Residential Tenancies Board (RTB).

**Of the cases determined in 2018, the rents ranged from €433.30 to €606.67 per month**

### Mission statement

The mission of the Rent Tribunal is to determine the terms of tenancy of dwellings which were formerly rent controlled under the Rent Restrictions Acts 1960 – 1981, in accordance with the statutory requirements and to do so in an equitable, efficient and expeditious manner.

### Membership

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

Members in 2018 were:

- Catriona Walsh, Chairperson
- Patricia Sheehy Skeffington
- John Fitzgerald
- James Leahy
- Mary Donovan
- Tim Ryan
- Justin O'Brien
- Paul White
- Paddy Gray
- Julia Carmichael
- Audry Deane
- James Doorley

### Funding

Overall, the costs of the Rent Tribunal in 2018 were €2,284.00 compared to €6,390.92 in 2017. These costs relate to applications received in 2017 as no applications were received in 2018.

### Number of formerly rent controlled dwellings

Formerly, rent controlled dwellings had to be registered by the landlord with the appropriate housing authority. Following a survey carried out by local authorities on behalf of the Department of the Environment, Community and Local Government in early 2001, it was estimated that at that time there were upwards of 1,700 formerly rent controlled tenancies remaining, of which an estimated 1,300 are original tenants and the remaining 400 are successor tenants. The number of registered dwellings continues to decrease, and definitive figures are difficult to estimate.

### Applications

An application for the rent to be reviewed can be submitted to the RTB by either the landlord or tenant. The fixing of the terms of tenancy of a formerly rent controlled dwelling involves the fixing of the rent and a determination of the division of responsibility for the care and maintenance of the dwelling between landlord and tenant.

### Review of Rent

An application for a review of rent may be made, provided at least 4 years and 9 months have expired since the last determination was made. However, where a landlord carries out substantial improvements to a dwelling, he/she may apply for a review at any time before the expiry of that period.

### Number of applications made

During 2018, no applications were made to the RTB. This compared with two applications in 2017.

## Hearings

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

## Number of hearings

There were two hearings in 2018, compared with four in 2017. These were carried forward from 2017. Both cases were determined by written determination.

## Persons attending oral hearings

Both the landlord and the tenant may be present at an oral hearing. Both sides are entitled to have legal representation or to have assistance from, or be represented by, a property valuer, agent or other competent person.

## Determinations

In 2018, the Tribunal determined two applications. Both of these related to dwellings in Cork. Of the cases determined, all related to a review of rent previously set. Table 13 overleaf sets out details of these determinations. Both of the determinations in 2018 were in relation to a whole house.

## Rents determined

The rents set by the Tribunal in 2017 ranged from €476.00 to €900.00 per month. Of the cases determined in 2018, the rents ranged from €433.30 to €606.67 per month.

In determining rents, the RTB is obliged to take into account the nature, character and location of the dwelling, the other terms of tenancy, the means of the landlord and of the tenant, the date of purchase of and the amount paid by the landlord for the property, the length of time a tenant has lived there, and the number and ages of the tenant's family living with the tenant. In addition, allowances may be made in certain cases for improvements carried out by the tenant.

## Rent allowance

In cases where tenants would suffer hardship by virtue of increases in the rents of their dwellings arising from a Board determination, a rent allowance may be paid by the Department of Social Protection. At the end of 2018, the total number of tenants, whose terms of tenancy had been determined by the Rent Tribunal and who were in receipt of the rent allowance was 68.

## Annual Statistics

Tables 24 contains summary statistics of determinations made and levels of rents set in each year since the Tribunal was established.

**Table 24:** Determinations Made

Year	Total	First Time	Review
2018	2	0	2
2017	4	0	4
2016	4	0	4
<b>TOTAL</b>	<b>10</b>	<b>0</b>	<b>10</b>



## Chapter 6

# RTB Governance and Summary Financial Information

The RTB is committed to maintaining the highest standards of corporate governance and is fully compliant with the requirements set out in the Code of Practice for the Governance of State Bodies.

### RTB Board



**Julia Carmichael**  
Respond Housing Association



**Audry Deane\*\***  
Public Policy Analyst



**James Doorley\*\***  
Deputy Director, National Youth  
Council of Ireland



**John Fitzgerald**  
Property Professional



**Paddy Gray**  
Professor Emeritus of Housing, Ulster  
University



**James Leahy\***  
Former member of Kilkenny  
Borough Council and I.T. Technician

*\* Members whose terms expired in 2018 – James Leahy, Patricia Sheehy Skeffington and Tim Ryan's terms expired on 31 May 2018*

*\*\* Members whose terms began in 2018 – Audry Deane and James Doorley's terms began on 23 April 2018*

The role of the RTB Board is to provide strategic direction and oversight for the organisation. The Board sets strategic objectives and targets and makes strategic decisions on related business issues. The senior management team implement the necessary targets, processes and procedures to achieve these objectives and run the business at an operational level reporting monthly to the Board. As a state body, the RTB has certain legislative obligations it must meet which are set out in detail in this chapter including GDPR, FOI and procurement requirements.

The Governance Statement outlines in detail the responsibilities of the Board and the Board report discloses the activities of the Board members. Finally the summary financial information provides a summary of the RTB's financial information.



**Justin O'Brien**

Former Chief Executive of Circle Voluntary Housing Association



**Mary O'Donovan**

Operations and ICT Management Professional



**Tim Ryan\***

PR and Public Affairs Consultant



**Patricia Sheehy Skeffington\***

Barrister



**Catriona Walsh**

Chairperson, Solicitor



**Paul White**

Director and Principal, Governance Ireland Ltd.

## Senior Management Team



**Rosalind Carroll**  
Director



**Claire Diggin**  
Head of Dispute Resolution Services



**Carmel Diskin**  
Head of HR and Corporate Services



**Janette Fogarty**  
Head of Enforcement and Legal Affairs



**Caren Gallagher**  
Head of Communications and Research



**Bryan Kelly**  
Head of Finance, Governance & Risk Management





**Clodagh Memery**  
Head of Registrations, Outsourcing  
and Customer Services



**Pdraig McGoldrick**  
Head of Strategic Projects and  
Procurement



**Brinsley Sheridan**  
Head of ICT



**Kathryn Ward\***  
Head of Enforcement



## Procurement

The RTB focused on delivering and improving its capacity for procurement and contract management in 2018. The RTB continues to take responsibility for overseeing the development and management of procurement activities, ensuring the organisation is fully compliant with national and EU procurement procedures.

The Strategic Projects and Procurement (SPP) Unit continued to support all RTB business units in 2018 by managing all procurements with a value greater than €25,000. During the year the team completed and commenced numerous procurement procedures with the Board and/or the Director approving the award of eleven (11) contracts for the following services:

- the development of RTB360, a replacement for the current tenancy management system
- the establishment of a multi-party framework for the provision of ICT personnel services
- the provision of stenography services
- legal services
- internal auditing services
- the provision of business consultancy services with the purpose of developing a Work Force Plan
- the provision of communication services
- the provision of research services, focusing on Rent Pressure Zones
- the provision of ICT related research and advisory services
- the provision of HR recruitment services
- the provision of personal computers

## Freedom of Information & Access to Information on the Environment

The RTB came under the provisions of the Freedom of Information Act 2014 on 14 April 2015. In 2018, the RTB received 31 Freedom of Information requests. One request was received in 2018 under the Access to Information on the Environment (AIE) regulations.

## Protected Disclosures

The Protected Disclosures Act 2014 requires every public body to establish and maintain procedures for dealing with protected disclosures, and to provide written information relating to these procedures to employees. During 2018, no protected disclosures were made by any RTB employee under the terms of the legislation.

## Ethics in Public Office

The RTB falls within the scope of the Ethics in Public Office Act 1995 and it has adopted procedures to comply with this Act. Where required, Board members and senior management have completed statements of interest in compliance with the provisions of the Act. Procedures are in place for ongoing disclosure of interests and Board members are asked to declare any potential conflicts of interest at the outset of every Board meeting.

## Prompt Payments

The RTB is aware of its responsibilities under the Prompt Payment of Accounts Act, 1997, and the Late Payment in Commercial Transactions Regulation, 2002, and has established appropriate procedures to make sure our payments are made in accordance with these regulations. During 2018 we paid €117.44 in late payment interest and compensation relating to two invoices that were paid late. There was no interest or compensation due for late payments of invoices in 2017. The RTB confirms that it had procedures in place to ensure it adhered to all relevant aspects of the Public Spending Code during 2018.

## Taxation

Procedures are in place to ensure that the RTB is in compliance with its obligations under taxation law and that all tax liabilities are paid on or before their due dates.

## Data Protection and GDPR

The RTB are committed to complying with our obligations under the General Data Protection Regulation (GDPR) and the Data Protection Acts. As a data controller dealing with large volumes of data, we take the privacy of our staff, stakeholders and service users very seriously. The RTB has achieved significant milestones since GDPR became enforceable on 25th May 2018. Each business unit developed a major project plan to ensure successful GDPR compliance.

The journey to compliance has been based on assessing risk and prioritisation. As such, several key areas were addressed to ensure the adequate overall management of data in line with our responsibilities, including:

- The development and implementation of a consistent set of policies and procedures across all business units that complement the GDPR. One key policy is the RTB's Privacy Statement. Available on the RTB's website, this document aims to ensure that our service users have a transparent understanding of how the RTB use and protect their data.
- The RTB has developed an inventory detailing the lifecycle of all personal data ('Record of Processing'). This is a requirement under the GDPR. This record is under continuous review to ensure any changes or new processes are included.
- Training and Communication has been a fundamental aspect of our journey to compliance. Implementing our new suite of policies and procedures depended on training and communicating to all staff, panel and board members. The RTB made the decision to reduce the risk of non-compliance by implementing a training programme for all. Our data protection training and awareness raising is an ongoing commitment.
- A GDPR Steering Committee consisting of the Director and all members of the Senior Management team meets on a regular basis to review new developments in data protection in the RTB and ensure continued compliance.

In 2018, GDPR was a critical project for the RTB given the nature of our services and the categories of personal data we hold on over a million records. Considering this, and the RTB's digital transformation which complements our data protection activities, this resulted in a sizeable body of work and staff commitment on an organisation wide basis.

The introduction of the GDPR impacted every business unit in the organisation throughout 2018. However, GDPR compliance is merely one component of effective information governance and the RTB aims to be at the forefront of ensuring the privacy of our service users. Our activities around data protection continue into 2019, with emphasis on the areas of:

- Data Classification & Data Protection by design.
- Ensuring continued privacy protection throughout legislative change and the introduction of our new tenancies management system RTB360.

## Public Sector Equality and Human Rights Duty

The Residential Tenancies Board is subject to the public sector equality and human rights duty. The duty requires the RTB to have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights for staff and service users in implementing all business functions. We have committed to ensuring that equality and human rights are considered in our day to day operations of the business functions.

### Training & Awareness

In 2018, the RTB invited a representative from the Irish Human Rights and Equality Commission to make a presentation to Senior Management on our obligations under the duty. In early 2019, equality and human rights training was provided to all staff as part of its commitment to ensuring equality of treatment for all people who use our services and the protection of our employees and others with whom we do business.

### Dignity at work Policy

The RTB is committed to protecting dignity and respect across the organisation and adheres to the Dignity at work policy which was developed by the Department of Public Expenditure and Reform in 2015. The policy aims to promote respect, dignity, safety, and equality in the workplace.

### Access Officer

Our Access Officer is responsible for providing or arranging for and co-ordinating assistance and guidance to persons with disabilities, helping to accessing services provided by the RTB and generally to act as a point of contact for people with disabilities wishing to access our services. The RTB's Access Officer received 8 such requests in 2018.

### Oireachtas Members' Queries

The RTB processed a total of 35 queries from Oireachtas Members compared with 46 in 2017.



# Governance Statement and Board Report

## Governance

The Board of the Residential Tenancies Board (“RTB”) was established under the Residential Tenancies Act (2004) (“the Act”). The functions of the Board are set out in Part 8 of the Act. The Board is accountable to the Minister for Housing, Planning and Local Government and is responsible for ensuring good governance at the RTB. The Board performs this task by setting strategic objectives and targets for the organisation and taking strategic decisions on all key business matters.

The day-to-day management, control and direction of the RTB has been delegated by the Board to the Director of the RTB and her senior management team. The Director and her team follow the broad strategic direction set by the Board and ensure that all Board members have a clear understanding of the organisation’s key activities and issues, the types of decisions the Board is required to make, and all significant risks the organisation is faced with. The RTB Director acts as a direct liaison between the Board and RTB management and she has a reporting line to the Board Chair.

## Board Responsibilities

The work and responsibilities of the Board are set out in the Board’s terms of reference and the schedule of matters specifically reserved for Board decision. In general these incorporate the functions vested in the Board by the Act, governance decisions such as the appointment of Committee members or the approval of policies, key strategic and financial decisions such as the approval of plans, or the commitment of significant resources, and risk oversight of the RTB’s activities.

The RTB has responsibility for the direct implementation of legislation and Government policy relating to the rental housing sector. It has a quasi-judicial role and is independent in its decision-making functions. As a quasi-judicial service, there is a significant commitment made by the Board in overseeing certain decisions. Along with its monthly meetings, the Board frequently convenes to consider decisions in relation to jurisdiction issues and order enforcement in fulfilment of its quasi-judicial role.

During 2018, the Board met on 58 occasions (88 in 2017), both for ordinary board meetings and in meetings to deal with matters relating to its quasi-judicial role. The Board held 12 ordinary Board meetings and 46 Board Tenancy Disputes meetings. Standing items considered by the Board at every ordinary Board meeting include declarations of interest of Board members, risk management, financial

matters, a report from the Director, Board and Committee membership, meeting minutes, and Committee reports.

Section 177 of the Residential Tenancies Act (2004) requires the Board of the RTB to keep, in such form as may be approved by the Minister for Housing, Planning and Local Government with consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of money received and expended by it.

In preparing these financial statements, the Board of the RTB is required to:

- select suitable accounting policies and apply them consistently,
- make judgements and estimates that are reasonable and prudent,
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that it will continue in operation, and
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Board is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enable it to ensure that the financial statements comply with Sections 177 to 179 of the Act. The maintenance and integrity of the corporate and financial information on the RTB’s website is the responsibility of the Board.

The Board is responsible for approving the RTB’s annual business plan and budget and for ongoing monitoring of performance. Throughout 2018 the Board evaluated the RTB’s performance against budget and received quarterly reports from the senior management team on each department’s performance against its departmental business plan. The final financial outturn and performance against the 2018 business plan was formally reviewed by the Board at its meeting on 5 April 2019.

The Board is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities. The Board considers that the financial statements of the RTB give a true and fair view of the financial performance and the financial position of the Residential Tenancies Board at 31 December 2018.

## Board Structure

The Board consists of a Chairperson and up to 11 ordinary members who are appointed by the Minister for Housing, Planning and Local Government. The members of the Board were appointed for varying periods and meet on a monthly basis. The table below details the appointment information for Board members during calendar year 2018.

Board member	Role	Board term
Catriona Walsh	Chairperson	16 Apr 2013 – 30 Apr 2019
John FitzGerald	Member	01 Apr 2013 – 30 Sept 2020
James Leahy	Member	10 Jun 2014 – 31 May 2018
Patricia Sheehy Skeffington	Member	31 May 2015 – 31 May 2018
Tim Ryan	Member	31 May 2015 – 31 May 2018
Mary O'Donovan	Member	01 July 2016 – 30 Jun 2020
Justin O'Brien	Member	15 June 2017 – 30 June 2021
Paul White	Member	15 June 2017 – 30 June 2021
Paddy Gray	Member	01 July 2017 – 31 July 2021
Julia Carmichael	Member	01 Dec 2017 – 30 Nov 2022
Audry Deane	Member	23 April 2018 – 22 Apr 2021
James Doorley	Member	23 April 2018 – 22 Apr 2021

On 11 January 2019, the Board performed an annual evaluation of its own effectiveness during 2018 and will do so annually in compliance with the Code of Practice for the Governance of State Bodies (2016) ("2016 Code").

## Board Committees

The Board is assisted in its oversight role by a number of Board Committees which are comprised of board members and external members with subject matter expertise in the Committees' respective areas of responsibility. These Committees are charged by the Board with in-depth consideration of certain matters and they provide advice to help with Board decision-making. The minutes of Board Committee meetings are circulated to the Board to keep the Board informed of the work of the Committees.

Board Committees are periodically reviewed by the Board to consider their effectiveness against their terms of reference. In October 2017, following a review, the

Board dissolved the Research, Education & Awareness Committee and replaced it with a new Research Committee, under new terms of reference. The Research Committee met for the first time on 23 May 2018.

During 2018 the Board had the following Board Committees in place:

- Audit & Risk Committee
- Legislative Committee
- Research Committee
- Section 189 Committee

## Audit and Risk Committee

The Audit and Risk Committee ("ARC") comprises three Board members and two external members with skills and executive experience in risk management, governance, and finance. The ARC had five meetings during 2018.

The ARC reports to the Board after each meeting, and formally in writing annually. The papers and minutes of the ARC meetings are circulated to the Board subsequent to each meeting. At 31 December 2018 the members of the Audit and Risk Committee were: Board members Julia Carmichael (Chairperson), Mary O'Donovan and Paul White, and external members Shane O'Keeffe and Paul Dunne. The schedule of Committee attendance during 2018 is below.

Committee member	Meetings attended
Meetings Held	5
Julia Carmichael — Board	5
Mary O'Donovan — Board	5
Paul White — Board	4
Shane O'Keeffe — external (appointed 12/01/2018)	4
Paul Dunne — external (appointed 12/01/2018)	3
Tim Ryan — Board (term ended 31/05/2018)	2
Dermot Byrne — external (term ended 11/01/18)	1
Earnan O'Cleirigh — external (term ended 15/01/2018)	0

## Legislative Committee

The Legislative Committee comprises four Board members and three external members and is charged with assisting the Board in its consideration of legislative matters. It had 5 meetings during 2018. The members of this committee at 31 December 2018 were Board members Catriona Walsh, John Fitzgerald, Justin O'Brien and James Doorley, and external members Finian Matthews (Chairperson), Anne Colley, and Karen Murphy.

Committee member	Meetings attended
Meetings Held	5
Catriona Walsh (interim term began 09/03/2018)	1
John Fitzgerald — Board	3
Patricia Sheehy Skeffington — Board (term ended 31/05/2018)	0
Justin O'Brien — Board	5
James Doorley — Board (term began 07/12/2018)	0
Anne Colley — external	4
Finian Matthews — external	5
Karen Murphy — external	5

## Research Committee

The Research Committee, which provides strategic direction and oversight for the development and delivery of the RTB research programme, met twice during 2018. Committee members as of 31 December 2018 were Board members Paddy Gray (Chairperson), John Fitzgerald, Justin O'Brien and Audry Deane, and external members Lorcan Sirr, Christine Whitehead and John McCartney.

Committee member	Meetings attended
Meetings Held	2
Paddy Gray — Board	2
John Fitzgerald — Board	2
Justin O'Brien — Board	2
Audry Deane — Board (term began 13/12/2018)	0
Lorcan Sirr — external	1
Christine Whitehead — external	2
John McCartney — external	2

## Section 189 Committee

The Section 189 Committee consists of all Board members throughout their tenure as members of the RTB Board. It meets only as required by circumstances prescribed in section 189 of the Act to consider whether to apply to the Courts for interlocutory relief in cases of alleged illegal evictions by landlords. The Section 189 Committee met 4 times in 2018. Board members' attendance at the Section 189 Committee is set out in the table in the next section.

## Schedule of Board Members' Fees, Attendance and Expenses

During 2018 Board members were paid €151,448 (€211,163 in 2017) for their attendance at meetings. This amount includes fees for attendance at Board and Committee meetings, for participating in training events and interviews, and for fulfilling their duties as members of the Board. The fees are set by the Department of Public Expenditure and Reform and the Department of Housing, Planning, and Local Government. The fee basis for the RTB Chairperson and Board members was changed during 2018 as set out below. The change came into effect on 24 July 2018.

The per meeting fee schedule in operation until 23 July 2018 was as follows:

Activity	Chairperson	Member
Board meetings, Committee meetings and training	€217	€196
Disputes meetings	€509	€329
Tribunals	€1,020	€506

The annual fee schedule in operation from 24 July 2018 is set out in the table below. The amounts paid were pro-rated for the period between 24 July 2018 and 31 December 2018.

Activity	Chairperson	Member
Annual amount for Board work and attendance at Board and Board Committee meetings	€8,978	€5,985
Annual amount for meetings in which the Board exercises its powers under the Act with respect to its quasi-judicial role	€7,700	€5,250

The tables on the following two pages set out the Board members' fees and expenses paid for 2018 and Board members' attendance at meetings during the year.

## Board Member Fees & Expenses 2018

Board Member	Board Work	Disputes Fees	Rent Tribunal	Training / Other	Travel & Subsistence (T&S)	Total (Fees & Expenses)
Catriona Walsh	€9,230	€3,054	€0	€0	€0	€12,284
John FitzGerald	€7,463	€12,744	€802	€588	€6,311	€27,908
James Leahy	€588	€8,765	€0	€196	€1,128	€10,677
Patricia Sheehy Skeffington	€588	€0	€680	€0	€0	€1,268
Tim Ryan	€1,568	€8,436	€802	€196	€292	€11,294
Mary O'Donovan	€7,071	€11,248	€0	€588	€3,583	€22,490
Justin O'Brien	€7,485	€12,775	€0	€588	€0	€20,848
Paul White	€6,875	€11,906	€0	€196	€0	€18,977
Paddy Gray	€6,700	€11,906	€0	€196	€7,595	€26,397
Julia Carmichael	€1,435	€0	€0	€196	€0	€1,631
Audry Deane	€5,307	€1,645	€0	€0	€0	€6,952
James Doorley	€5,503	€4,128	€0	€0	€30	€9,661
<b>Total</b>	<b>€59,813</b>	<b>€86,607</b>	<b>€2,284</b>	<b>€2,744</b>	<b>€18,939</b>	<b>€170,387</b>

In compliance with the 'One Person, One Salary' principle, Board fees ceased to be paid to Ms. Julia Carmichael from June 2018 onwards.

In compliance with Department of Public Expenditure and Reform guidelines, Board members were reimbursed a total of €18,939 for travel and subsistence incurred for attendance at meetings and training.



## Board Members' Attendance and Fees in 2018

Board Member	Board Meeting	Board Disputes Meeting	Section 189 Committee Meeting	Rent Tribunal	Audit & Risk Committee	Legislative Committee	Research Committee	Total (Fees & Expenses)
Meetings Held	12	46	4	2	5	5	2	
Catriona Walsh	12	12	2			1		€12,284
John FitzGerald	12	42	4	2		3	2	€27,908
James Leahy <sup>1</sup>	3	25	1					€10,677
Patricia Sheehy Skeffington	3			2				€1,268
Tim Ryan <sup>1</sup>	6	24		2	2			€11,294
Mary O'Donovan	9	37	3		5			€22,490
Justin O'Brien	11	43	3			5	2	€20,848
Paul White	10	38	1		4			€18,977
Paddy Gray	11	43	2				2	€26,397
Julia Carmichael	9	1	1		5			€1,631
Audry Deane	6	11	1					€6,952
James Doorley <sup>2</sup>	7	16	3					€9,661
<b>Total Fees</b>								<b>€170,387</b>

<sup>1</sup> The Board terms of James Leahy, Patricia Sheehy-Skeffington, and Tim Ryan expired on 31 May 2018.

<sup>2</sup> The Board terms of Audry Deane and James Doorley commenced on 23 April 2018.

## Dispute Resolution Committee

The Dispute Resolution Committee ("DRC") is the panel from which members of the three-person Tenancy Tribunals are drawn. Since tribunal determinations can only be appealed on a point of law to the High Court, members of the DRC perform an important quasi-judicial function. There were 618 tribunal hearings in 2018. The table below shows payments to Tribunal members for 2018.

### Tribunal Members

Panel Member	Fees	Training	Total
Andrew Nugent	€18,380	€980	€19,360
Anne Leech	€17,519	€1,176	€18,695
Brian Murray	€20,598	€0	€20,598

Panel Member	Fees	Training	Total
Ciara Doyle	€21,977	€980	€22,957
Claire Millrine	€9,027	€0	€9,027
Dairine MacFadden	€29,073	€980	€30,053
Dervla Quinn	€32,899	€980	€33,879
Donald Menzies	€24,498	€784	€25,282
Elizabeth Maguire	€13,947	€784	€14,731
Eoin Byrne	€38,987	€392	€39,379
Finian Matthews	€27,825	€980	€28,805
Fintan McNamara	€26,399	€588	€26,987
Grainne Duggan	€5,095	€196	€5,291
Healy Hynes	€28,590	€588	€29,178
Helen Claire O'Hanlon	€26,903	€196	€27,099
Hugh Markey	€18,543	€1,176	€19,719
Jack Nicholas	€11,043	€0	€11,043
James Egan	€24,029	€588	€24,617
John Conran	€8,672	€1,176	€9,848
John Keane	€24,203	€784	€24,987
John Keaney	€27,247	€1,176	€28,423
Karen Ruddy	€17,707	€392	€18,099
Kevin Baneham	€15,017	€980	€15,997
Louise Moloney	€25,721	€784	€26,505
Mary Doyle	€16,819	€784	€17,603
Mary H. Morris	€506	€392	€898
Maureen Cronin	€16,496	€784	€17,280
Mervyn Hickey	€11,880	€0	€11,880
Michael Valleley	€19,085	€784	€19,869
Michelle O'Gorman	€24,876	€1,176	€26,052
Monica Brennan	€10,564	€392	€10,956

Panel Member	Fees	Training	Total
Nesta Kelly	€28,586	€1,176	€29,762
Niall Buckley	€4,422	€0	€4,422
Owen Donnelly	€6,473	€0	€6,473
Peter Shanley	€14,460	€196	€14,656
Roderick Maguire	€16,512	€0	€16,512
Rosemary Healy Rae	€24,542	€392	€24,934
Simon Noone	€1,195	€0	€1,195
Siobhan Phelan	€5,103	€784	€5,887
Suzy Quirke	€17,002	€980	€17,982
Vincent P. Martin	€17,882	€1,176	€19,058
<b>Total</b>	<b>€750,302</b>	<b>€25,676</b>	<b>€775,978</b>

## Adjudicators & Mediators Panel

An important function of the RTB is to provide a dispute resolution service for landlords, tenants and third parties. To ensure impartiality in the dispute resolution process, the adjudicators and mediators on our panel are appointed independently, and they undertake their functions in an autonomous capacity. Adjudicators are paid a flat fee of €616 per day for three hearings, or €616 for three telephone mediations where both parties agree to enter the mediation process. The table below shows payments made to Adjudicators/Mediators for 2018.

Panel Member	Fees	Training	Total
Angela Becker	€37,576	€784	€38,360
Brian Whelan	€65,296	€1,596	€66,892
Catherine McGuigan	€2,464	€392	€2,856
Catriona O'Connor	€46,200	€392	€46,592
Chris McDermott	€17,092	€196	€17,288
Ciara Fitzgerald	€16,016	€392	€16,408
Cynthia Lennon	€29,568	€784	€30,352
David Duncan	€67,144	€784	€67,928
Deirdre McGowan	€1,232	€0	€1,232
Denis Kelliher	€9,240	€196	€9,436
Dermot Sheehan	€36,344	€784	€37,128
Eithne Corry	€12,936	€0	€12,936

Panel Member	Fees	Training	Total
Emma Synnott	€11,704	€392	€12,096
Frank Brady	€61,600	€392	€61,992
Gerard N Murphy	€49,280	€196	€49,476
Laura Farrell	€40,656	€525	€41,181
Lauren Tennyson	€33,880	€196	€34,076
Linda Brophy	€31,416	€392	€31,808
Louise Beirne	€25,256	€588	€25,844
Mark Kane	€64,064	€196	€64,260
Mema Byrne	€29,568	€784	€30,352
Órla Ryan	€24,640	€588	€25,228
Sarah Brophy	€46,200	€392	€46,592
Shaun Smyth	€49,280	€917	€50,197
Simon Brady	€51,128	€392	€51,520
Stephen Brady	€6,160	€0	€6,160
Steven Dixon	€71,456	€392	€71,848
Susan Fay	€19,712	€588	€20,300
Thomas Dowling	€3,080	€0	€3,080
	<b>€960,188</b>	<b>€13,230</b>	<b>€973,418</b>

## Key Board and Personnel Changes

The terms of office of three Board members expired in 2018. The Minister appointed two new Board members during the year in accordance with his powers under the Act. These changes to the Board are shown in the table above titled Board Structure.

During the year, the RTB Director added a new role of Assistant Director (A/D) with responsibility for Registrations, Outsourcing, & Customer Service to her senior management team.

## Disclosures Required by Code of Practice for the Governance of State Bodies (2016)

The Board is responsible for ensuring that the RTB has complied with the requirements of the 2016 Code as published by the Department of Public Expenditure and Reform in August 2016. The following disclosures are required by the 2016 Code:

## Employee Short-Term Benefits Breakdown

Six staff members were paid short-term benefits in excess of €60,000 each in 2018. These payments are analysed in the RTB's Summary Financial Information and in Note 4a of the 2018 Financial Statements. For the purpose of this disclosure, employee short-term benefits during 2018 include salary, overtime, and other payments made to the employees but exclude employers' PRSI.

## Consultancy Costs

Consultancy costs include the cost of external advice to management and exclude outsourced 'business-as-usual' functions.

Consultancy	2018	2017
Legal Advice	€55,308	€64,893
GDPR Compliance	€60,512	€0
Communications & Research	€13,380	€12,509
Strategic Planning	€9,194	€14,238
Workforce Planning	€73,247	€0
HR & Pensions	€0	€3,321
Leasehold Improvements (Capitalised)	€18,058	€0
<b>Total</b>	<b>€229,699</b>	<b>€94,961</b>

No consultancy costs were capitalised during 2017, however €18,058 of architectural and other fees incurred in occupying additional office space were capitalised in 2018.

## Legal Costs and Settlements

The table below provides a breakdown of amounts recognised as legal expenditure in 2018. The primary driver of legal costs for the RTB is in carrying out our functions under the Act including the resolution of disputes between landlords and tenants, litigation where required to enforce an Order of the RTB, and prosecution in the case of unregistered tenancies. This table also includes legal costs incurred in compliance with other legislation including data protection, employment law, and freedom of information, and in the day to day running of the organisation. This does not include expenditure incurred in relation to general legal advice received by the RTB which is disclosed in Consultancy costs above.

Legal Costs and Settlements	2018	2017
Judicial Review	€0	€0
Registration Enforcement	€11,357	€37,762
Order Enforcement	€836,040	€997,937
Appeals	€211,151	€192,641
General Administration	€305,768	€285,383
Other Legal Support	€361,750	€298,366
<b>Total</b>	<b>€1,726,066</b>	<b>€1,812,089</b>

## Travel and Subsistence Expenditure

Travel and subsistence expenditure is categorised below.

Travel & Subsistence	2018	2017
RTB Staff & Secondees	€17,143	€17,903
Board Members	€18,939	€24,120
Tribunal Members, Adjudicators & Mediators	€40,130	€45,321
<b>Total</b>	<b>€76,212</b>	<b>€87,344</b>

Of the current year amount for RTB staff & secondees, €706 relates to international travel (2017: €530). There was no foreign travel for panel members or Board members in either year. All travel and subsistence expenditure is paid in compliance with Department of Public Expenditure & Reform guidelines.

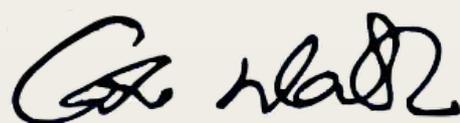
## Hospitality Expenditure

Hospitality expenditure includes refreshments provided for information sessions hosted by the RTB in fulfilment of its mandate to deliver education and awareness events to stakeholders. The expenditure is categorised below.

Hospitality Expenditure	2018	2017
Staff Hospitality	€3,144	€1,013
Education and Awareness Events	€ 9,824	€7,729
<b>Total</b>	<b>€12,968</b>	<b>€8,742</b>

## Statement of Compliance

The Board has adopted the Code of Practice for the Governance of State Bodies (2016) and has put procedures in place to ensure compliance with it. Significant work was done by management during 2018 on compliance with the 2016 Code. This work was carried out under the oversight of the Audit and Risk Committee, who acknowledge the efforts made in 2018 and are satisfied that the organisation was in full compliance with the 2016 Code at the end of 2018.



.....  
**Catriona Walsh**  
**Chairperson**

Date: 03 May 2019



.....  
**Rosalind Carroll**  
**Director**

Date: 03 May 2019

# Statement on Internal Control

## Responsibility for the System of Internal Control

As Chairperson of the Residential Tenancies Board (“RTB”), I acknowledge the Board’s responsibility for ensuring that an effective system of internal control is maintained and operated. In considering the effectiveness of the system of internal control, the Board has regard, amongst other things, to the requirements of the Code of Practice for the Governance of State Bodies (2016), hereafter referred to as the “2016 Code” and any associated regulatory or legislative requirements.

## Purpose of the System of Internal Control

The system of internal control is designed to manage risk to an agreed tolerable level in line with the organisation’s risk appetite statement rather than to eliminate it. The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions are authorised and properly recorded, and that material errors or irregularities are either prevented or detected in a timely manner.

The system of internal control outlined in this statement, which accords with the guidance issued by the Department of Public Expenditure and Reform, has been in place in the RTB for the year ended 31 December 2018 and up to the date of approval of the financial statements.

## Capacity to Handle Risk

The Board of the RTB is responsible for ensuring that the RTB has an effective system of internal control in place. The Board is assisted in its work by the Audit and Risk Committee (“ARC”) which is comprised of three Board members and two external members with expertise in risk management, governance, and finance. The ARC met five times during 2018.

The Board has delegated executive authority to the Director who, along with her senior management team, operates the RTB’s risk management framework and reports on risk at every Board meeting or between meetings as required.

The RTB has an Internal Audit function which is provided by an external firm with the internal audit programme set by the ARC annually. In 2018, two internal audits were performed covering risk management and the quasi-judicial payments process, both of which were reviewed by the ARC. In late 2018, the ARC oversaw procurement of a

new internal audit service provider. On their appointment the new provider performed a detailed analysis of the risk environment at the RTB and produced a draft one year and three year audit plan which was approved by the ARC. Delivery against this plan will be overseen by the ARC who will recommend changes to the plan if necessary.

During 2018, the RTB completed a body of work to develop its risk management framework and governance practices in compliance with the 2016 Code. The ARC will continue to oversee developments in this area in accordance with RTB priorities.

In June 2018, the Board approved a Risk Management Policy which sets out a suite of processes to enhance and embed the culture of risk management in the organisation. The policy was developed with oversight and guidance by the ARC.

In December 2018, the Board approved a Risk Appetite Statement which will be used by the Board to ensure that risks are being managed to an acceptable level and that breaches of risk tolerances set by the Board will be reported by RTB management in a timely manner. The Board will formally review the Risk Appetite Statement at least annually.

The Director and the senior management team ensured that appropriate procedures were in place to identify emerging risks, assess and manage risk from a strategic and operational perspective, and to monitor the implementation of the Risk Management Policy and Risk Appetite Statement.

The Board expects that the period of considerable change which the RTB has experienced over the last few years will continue into 2019 and beyond as the Government’s proposed new legislation for the residential tenancies sector will significantly broaden the mandate of the organisation and increase its regulatory powers. The Board will continue to oversee the system of internal control and risk management and ensure that it evolves in line with the evolution of the RTB into the future.

## Risk and Control Framework

### Risk Register

The RTB maintains a corporate risk register which identifies the key risks, evaluates them using a risk-based scoring system, and identifies the controls in place and actions needed to reduce the risks or mitigate their impact. The register is prepared by management and reviewed by the ARC and the Board periodically. The outcomes of these

reviews are used to plan and allocate resources to ensure risks are managed to an acceptable level.

## Internal Control

The RTB has a system of internal control and risk management designed to identify and report key risks, and the management actions being taken to address and, where possible, to mitigate them.

The key elements of the system are as follows:

- A clearly defined organisational structure with appropriate segregation of duties and limits of authority designated by the Board
- A strategic plan, approved by the Board, which guides the annual business plan and budget
- An annual budget and annual business plan for each directorate, approved by the Board, with monthly and/or quarterly reporting of key variances to plan
- Documented policies and procedures covering key areas of risk which are periodically reviewed and approved by the Board
- Defined limits and authority for financial expenditure including procurement of goods and services and capital expenditure, approved by the Board
- Monthly management accounts prepared and presented to the Board
- An ARC which provides oversight and guidance in the areas of risk management, risk register review, risk appetite, risk reporting and policy development
- A number of other Board Committees which support the Board in its oversight role. These are listed in the Governance Statement & Board Members' Report
- Policies covering fraud, health and safety, and other key risk areas as well as a code of conduct for the Board, Officers, and staff
- Policies and procedures covering staff performance, training, and continuing education
- A procurement policy and plan which is reviewed and approved annually by the Board
- An Internal Audit function which reviews identified processes, systems and controls and reports on its work to the ARC
- The ARC which deals with any significant control issues raised by Internal Audit, the Office of the Comptroller and Auditor General, or other external reviews
- A corporate risk register which is prepared by management and reviewed regularly by the ARC and the Board

- Reporting on customer volumes and activity in our in-house and outsourced operations which records performance against service standards and triggers management intervention
- Customer surveys and feedback which we use to identify and address issues with the delivery of our services
- Systems and software in place to protect our ICT environment from threats and to ensure the security of the information we hold.

## Board Committees

The Board is assisted in its oversight role by a number of Board Committees which are comprised of Board members and external members with subject matter expertise in the Committees' respective areas of responsibility. The Committees are charged by the Board with in-depth consideration of certain matters and they provide advice to help with Board decision-making. The minutes of each Board Committee meeting are circulated to the Board in advance of the next Board meeting. Details of the Committees in operation during 2018 are included in the Governance Statement & Board Members' Report.

## Risk Management System

Risk is managed using the three lines of defence model. The first line is the RTB's management team which has primary responsibility for managing risk and internal control in their areas of responsibility. They are supported by the RTB's control functions (Finance, Risk, Human Resources, and Procurement) which are the second line. The third line of defence is comprised of the external bodies who review the system. The overall system of internal control at the RTB is reviewed independently by our Internal Audit service and, within the governance requirements of the 2016 Code, the Audit & Risk Committee of the Board.

Managers in all areas of the RTB have clearly defined responsibilities for the performance of their roles and staff are appropriately skilled and supported with training. Manager and staff performance expectations are set and monitored through the employee performance management system. Training is provided for staff when they take up a role and where special training needs are identified these requirements are supported by Human Resources.

In addition to RTB paid staff, customer servicing is supported by an outsourced customer care center which delivers the majority of frontline customer services. Internal controls for this service include transparent service level agreement requirements, frequent quality reviews, regular performance and quality reports, and weekly, monthly,

and quarterly meetings between the provider and RTB management. A separate quality assurance process is in place within the RTB to provide assurance to management and the Board that customers' needs are being met in a timely and professional manner. The review and monitoring of all outsourced work is a dynamic process and all significant risks arising must be recorded and notified to management, the ARC, and the Board.

Control functions, such as Finance, Risk, Human Resources, and Procurement have policies in place to control risk in their areas of responsibility and provide guidance and oversight to operational areas to ensure compliance with applicable laws, regulations, and policy. These units perform regular reviews to ensure managers and staff across the organisation are adhering to these policies and they escalate significant breaches through the management hierarchy so that corrective action can be taken.

## Organisational Structure

The RTB management team is led by the Director and she has organised the RTB's operations into eight directorates, each headed by an experienced Assistant Director. The directorates are: Disputes & Tribunals; Registration & Dispute Enforcement; HR & Corporate Services; ICT; Registrations & Customer Services; Strategic Projects & Procurement; Communications & Research; Finance, Governance, & Risk Management. In response to the changing role of the RTB, during 2018 the Director added to her senior management team and reorganised responsibilities across directorates to deliver the enhanced demands of the RTB as a result of changes in the residential tenancies sector.

Also during 2018, the RTB engaged an external firm to conduct a review of its staffing and management structure in light of the changes in the sector and increasing demands on the RTB's services. The output of this review was a new workforce plan which will guide decisions around the staffing level and management structure in place at the RTB over the next several years.

## Ongoing Monitoring and Review

During 2018, the Minister approved the RTB Strategic Plan 2018 — 2022 which incorporates the changed mandate of the RTB and the expectations set for us in the Government's Strategy for the Rental Sector. The strategic plan was set with considerable Board input and was developed by the Director and her senior team with the assistance of outside advisors.

There is a comprehensive annual business plan and budget in place each year with operational and financial

objectives for all business areas driven by the goals in the strategic plan. Management and the Board review performance against the budget on a monthly basis and review performance against the business plan on a quarterly basis.

There is a suite of performance and quality reports produced by management on the RTB's in-house operations and outsourced service providers. These are used by management to monitor actual outcomes versus agreed service levels and quality standards. When issues are identified in the reports they are escalated to senior management to take appropriate action.

The RTB has procedures in place for monitoring controls, addressing control weaknesses, and communicating issues as they arise to senior management and to the Board in a timely way. The Board will continue to provide oversight to the evolving risk management and internal control system at the RTB and will draw on the support of its Committees and outside advisors in fulfilling its stewardship role.

## Procurement

I confirm that RTB has procedures in place to ensure compliance with current procurement rules and guidelines. Matters arising regarding controls over procurement are highlighted under internal control issues below.

## Review of Effectiveness

I confirm that the RTB has procedures to monitor the effectiveness of its risk management and control environment. RTB's monitoring and review of the system of internal control is guided by the work of the internal and external auditors, the ARC which oversees their work, the Board, and the senior management team which is responsible for the development and maintenance of the internal control framework.

I confirm that the Board conducted an annual review of the effectiveness of the internal controls for 2018. Aside from the procurement issues outlined below, I confirm that there have been no material weaknesses identified in the internal controls in relation to 2018 that require disclosure in the financial statements.

## Internal Control Issues

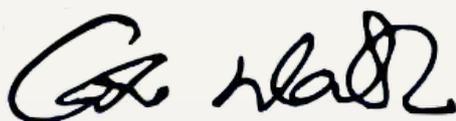
During 2018 the RTB spent €1.1 million on goods and services where the procedures employed did not comply with procurement guidelines.

The RTB spent €0.5 million on legal fees which were out of compliance with procurement guidelines. The non-compliant amount in 2018 was for expenditure prior to a new legal services contract being awarded. Since the awarding of this contract in March 2018, the RTB has been in full compliance with procurement guidelines for legal services.

The RTB spent €0.6 million on other goods and services which did not fully comply with procurement guidelines. The majority of this spending was on services the

procurement of which has since been dealt with as part of the RTB's efforts to bring all of its procurement into compliance.

The Strategic Projects and Procurement directorate has been tasked with ensuring the RTB's continued compliance with procurement rules and with enhancing our monitoring of non-compliant procurement and reporting it to stakeholders. We will continue to prioritise value for money, best practice and full compliance with procurement guidelines as the organisation continues to expand into the future.



**Catriona Walsh**  
**Chairperson**

Date: 25 March 2019



# Summary Financial Information

The following pages are summary RTB financial information for 2018 with a comparison to 2017. The 2018 summary financial information is unaudited as our external audit was not completed by 30 June 2019 which is the date by which the RTB must publish its Annual Report for the year.

When the 2018 external audit has been finalised we will publish the complete audited financial statements and audit opinion on our website ([www.rtb.ie](http://www.rtb.ie)).

Income Summary	Year Ended 31 December 2018, €	Year Ended 31 December 2017, €
Registration fee income	11,067,586	11,843,235
Disputes fee income	163,080	124,737
Exchequer funding received	5,340,000	2,329,180

Registration fee income represents the fees we receive from landlords as payment for the registration of their tenancies. Dispute fee income is the fee income we receive from parties who avail of the RTB's dispute resolution service. Exchequer funding represents the contribution we receive from the exchequer towards developing our systems and expanding our services in response to the Government's *Rebuilding Ireland — Action Plan for Housing and Homelessness*.

Staff Costs	2018, €	2017, €
RTB staff & secondees' pay	2,511,539	2,174,042
Staff training	74,728	45,449
Social welfare costs	196,477	142,355
Other staff costs	83,587	51,801
	<b>2,866,331</b>	<b>2,413,647</b>

There were 46 staff directly employed by the RTB in the year (2017: 43). A further 8 staff were seconded to the RTB from Government Departments and other public sector bodies (2017:12). No termination, post-employment, or other long-term benefits were paid to any employees during the year.

Key management personnel	2018, €	2017, €
Short-term benefits	635,726	460,170

The total value of short-term benefits, including salary, paid to the RTB's key management personnel is shown above. These amounts are included within RTB staff & secondees' pay under Staff Costs. Key management personnel at the RTB include the Director and her Assistant Directors.

The value of short-term benefits does not include the value of retirement benefits earned during the year. The key management personnel are members of one of the public service pension schemes and their entitlements do not extend beyond the terms of the model public service scheme.

<b>Directors' remuneration</b>	<b>2018, €</b>	<b>2017, €</b>
RTB Director's remuneration	97,609	87,741

The Director's remuneration is included within Short-term benefits under Key management personnel. The Director was not in receipt of any bonuses or benefit in kind in 2018 or 2017. The Director's pension entitlements do not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

<b>Range of total employee benefits</b>		<b>Number of Employees</b>	
<b>From</b>	<b>To</b>	<b>2018</b>	<b>2017</b>
€60,000	€69,999	4	2
€70,000	€79,999	1	1
€80,000	€89,999	–	1
€90,000	€99,999	1	–

Six staff members received gross pay in excess of €60,000 in 2018 (2017: 4). These payments are analysed above. The prior year figures have been subject to minor reanalysis on the same basis as the current year.

<b>Board &amp; Panel Member Costs</b>	<b>2018, €</b>	<b>2017, €</b>
Board members' fees	149,164	206,594
Rent tribunal members' fees	2,284	4,569
Tribunal members' fees	775,978	741,979
Adjudicators', mediators' & other fees	973,418	885,656
Travel & subsistence — Board	18,939	24,120
Travel & subsistence — panel members	40,130	45,321
	<b>1,959,913</b>	<b>1,908,239</b>

<b>Administration Costs</b>	<b>2018, €</b>	<b>2017, €</b>
Administration costs	8,236,998	7,454,734



