

Tribunal Procedures



Bord um Thionóntachtaí Cónaithe
Residential Tenancies Board



Please note, the RTB is conducting all tribunals as virtual Tribunals.

Please read the tribunal procedures carefully before linking into the hearing. If there is anything that is not clear to you our staff will be pleased to discuss it with you.

Before the hearing:

- 1. Failure to link into the virtual tribunal will be considered as failure to attend.** Except for very exceptional circumstances, where an appellant fails to attend before the Tribunal, without just cause, the Tribunal may deem the appeal to be abandoned. It is not the policy of the Tribunal to cancel or postpone hearings and as such, a minimum of 24 hours' notice is normally required in the event of any such exceptional circumstances and documentation substantiating the circumstance will be required in order to consider any postponement. If the appeal is withdrawn by the appellant, the respondent may seek to have the hearing opened and the appellant may be held liable for costs of up to €1,000.
- 2.** Parties should make sure that they submit all evidence (documentation, correspondence, photographs, statements, etc.) to the RTB at least **5 days before the hearing** or at the earliest possible date after that. Tribunals hearing are conducted virtually and to ensure fairness to the parties, **evidence cannot be submitted on the day of the hearing.** If the hearing is as a result of an appeal of an adjudicator's decision, the Tribunal, under Section 100 of the Act, may have regard to the report of the Adjudicator.
- 3.** All submissions of evidence relevant to the case will be copied over to the other party in the form of a Case File.
- 4.** The RTB will, where possible, circulate all relevant papers submitted by a party in relation to a Dispute to the other party/parties involved and to the Tribunal in advance of a hearing in the interests of fair procedures. **Parties should take care in submitting their evidence in respect of sensitive information and ensure any such information is sufficiently redacted or obscured.** Please see attached evidence leaflet for further instruction on submitting evidence.
- 5.** If you would like to have a representative or to have witnesses attend the hearing, please inform the RTB in advance of the hearing and we will send on the virtual meeting details to the additional parties.
- 6.** The Tribunal may summon/ask witnesses to appear before it. If you want a witness to be subpoenaed to give evidence at the hearing, you must submit your request to the RTB at least 10 days before the scheduled hearing date. You subpoenaed, a witness must link into the virtual hearing on the scheduled day and time as notified to the witness. Witnesses are entitled to the same immunities and privileges as if before the High Court. The Tribunal may direct that a witness be reimbursed all or part of his/her reasonable expenses in attending before the Tribunal and, if so, usually to be paid after such attendance and giving of evidence.
- 7.** In order to ensure that suitable facilities and arrangements are in place, each party should tell the Tribunal in advance of the hearing, the number of people attending. Should a party require the services of a translator, please tell the Tribunal in advance.

At the Hearing:

1. The hearing will be conducted by a **virtual Tenancy Tribunal**. The Tribunal hearing will take place virtually. Please click the link (or type in http address into your internet window) in the hearing notification letter. The hearing will start at the designated time so please make sure you are on the meeting at the time specified. Failure to virtually link into the tribunal will be considered as failure to attend.
2. There will be three people on the Tribunal one of whom will chair the proceedings. All three people are members of the Dispute Resolution Committee of the Residential Tenancies Board (the RTB). During the proceedings you must do as the chairperson asks of you.
3. As the tribunal is conducted virtually, please wait for the chair to prompt you to speak and alert the chair to when you want to speak.
4. Hearings will not be very formal. At the start the chairperson will explain how the Tribunal will run and will at any time answer any questions you may have on the procedures.
5. At a hearing you will be entitled to and will be given the chance to:
 - ▶ speak
 - ▶ to have someone speak on your behalf
 - ▶ give evidence and have witnesses give evidence on your behalf
 - ▶ cross-examine/question witnesses about what they have said at the hearing
6. At the hearing, the party who referred the dispute or appeal, (applicant/appellant), will be asked to speak first. Each party will be given the opportunity to present their evidence to the tribunal and to cross examine the other party.
7. It is against the law for any party or witness to:
 - ▶ refuse to produce any document in his/her control required by the Tribunal, to be produced
 - ▶ refuse to answer any question put to them by the Tribunal
 - ▶ refuse to attend the hearing where the cost of attending has been reimbursed in advance
 - ▶ knowingly provide materially false or misleading statements or information to the Tribunal
 - ▶ do any other thing which would amount to contempt of Court if the Tribunal were a Court.
 - ▶ An offence may be prosecuted by the RTB through the Courts and a successful conviction could result in a fine of up to €4,000 or up to 6 months imprisonment or both.
8. **Hearings will not be adjourned/put off to another day, unless there are exceptional circumstances.** The Tribunal may give a direction for the purpose of providing interim relief to any of the parties. Such a direction must indicate that the relief being given may not necessarily be provided for in the final determination of the Tribunal.
9. Where a dispute relates to the termination of a tenancy by reason of a failure by a landlord or tenant to comply with his/her tenancy obligations, the Tribunal will not make any allowances for any steps taken to correct the failure by the non-compliant party after receiving the notice of termination. Where a dispute relates to the amount of rent that ought to be paid or when a rent review should occur, the Tribunal may not take into consideration the financial or other circumstances of the landlord or the tenant.
10. In most cases legal costs/expenses or costs/expenses of any other professional kind or of employing any person with technical expertise connected with giving evidence at the hearing will not be awarded by the Tribunal.

After the Hearing:

1. On finishing the hearing, the Tribunal will not give an immediate decision but will notify the RTB of its decision in accordance with the specified time limit for doing so. The RTB will then issue a Determination Order to the parties reflecting the Tribunal's decision. The Determination Order may be appealed within 21 days to the High Court, but only on a point of law. If the 21 days expire without an appeal, the Order will be binding. **Please note that it's Board policy to publish Determination Orders and the Report of the Tribunal on its website. [S.123 (7) & S.180 (4) refers].**
2. The RTB will not offer any advice to any party in respect of this matter but will provide general non legal information in relation to the Residential Tenancies Act 2004 as amended, the Tenancy Tribunal and procedures.
3. If a Determination Order has been issued, and one of the parties has not complied with it, it is open to the party seeking compliance (PSC) with the terms of a Determination Order to take their own proceedings against a non-compliant party (NCP).
4. The legislation governing enforcement proceedings is the Residential Tenancies Act 2004: Civil proceedings (under S.124 of the Act) can be instituted in the District Court. Please see the RTB's 'Guide to taking Enforcement Proceedings in the District Court'.
5. Alternatively, the RTB may initiate enforcement proceedings at the request of the PSC. However, enforcement by the RTB is discretionary under the Act and decisions on whether or not to pursue enforcement are made on a case-by-case basis in accordance with the RTB Enforcement Policy.