Application for Mediation - Part 1



INTERNAL USE ONLY

Background

The Residential Tenancies Board (RTB) provides a Dispute Resolution Service for landlords, tenants and third parties who are in dispute in relation to a residential tenancy.

Mediation is a fast, simple, convenient, and efficient option for resolving tenancy issues. It is a free service provided by the RTB and the aim is to give landlords, tenants and third parties a shared understanding of any issues, so that they can work towards reaching a mutually satisfactory agreement. An RTB appointed mediator acts as a neutral facilitator and supports each party through the process, explaining each step of the process whilst informing parties on their rights and responsibilities.

Mediation is offered via telephone or oral hearing. Where no agreement is reached the dispute can be referred to be heard by a Tenancy Tribunal.

Third party disputes: A third party is someone who is adversely affected by the failure of a landlord to enforce their tenants obligations under the Residential Tenancies Act 2004. (Usually a Neighbour). The third party may take a case to the RTB if an initial attempt to resolve the issue with the landlord fails. A case may not be taken if the landlord has not been informed. If the third party does not have contact details for the landlord, they may request them from the RTB, please see our website for more information.

It is important to complete all questions where appropriate and provide details on the address of the dwelling in dispute, the addresses and contact details for the applicant, respondent, and representatives, so the RTB can contact all the relevant parties. Ensure you provide as much information about the issues under dispute as you can. Supporting documentation can be submitted to explain your application and is on the case for the mediators reference only. Mediation is not evidence based.

If the landlord is submitting the application, the tenancy, which is the subject of the dispute, must be registered with the RTB and the tenancy registration number (i.e. RT No. provided in confirmation letter issued by RTB following registration) must be provided on page 8.

There are strict timelines that must be complied with where a tenant disputes a notice of termination. The dispute application must be submitted to the RTB within:

- ▶ 28 days if the notice of termination was served because of an alleged breach of obligation by the tenant(s) (e.g. rent arrears, anti-social behaviour, damage to property that is beyond wear and tear)
- ▶ **90 days** if the notice of termination was served for any other reason that is <u>not</u> a breach of obligation (e.g. the landlord wants to sell or requires the rented property to live in).

If your dispute is in relation to validity of notice of rent review / rent more than market rate your application must be submitted within 28 days of receipt from Landlord/Agent or prior to a rent review taking effect the new rent taking effect (whichever is later).

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

Return of Application Form:

Having completed all relevant sections of the form, please email to disputes@rtb.ie or return via post to:

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

Applicant Details: (The applicant is the person submitting this dispute application.)

Please note, if there is more than one applicant, you must assign one applicant as the point of contact for the mediator to contact. The Mediator can only speak to the nominated applicant during the hearing.

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Second Applicant Details: (The applicant is the person submitting this dispute application.)

Please note, if there is more than one applicant, you must assign one applicant as the point of contact for the mediator to contact. The Mediator can only speak to the nominated applicant during the hearing.

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Representative details:

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Respondent Details: (Respondent is person who the dispute application is against.)

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Second Respondent Details: (Respondent is person who the dispute application is against.)

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Respondent Representative details:

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Application for Mediation - Part 2



THIS WILL BE CIRCULATED TO ALL PARTIES AND THE MEDIATOR.

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Reason(s) for Dispute

Has warning notice been served?

Please only tick / answer below options that apply to your dispute. 1. Rent arrears Total amount of rent owed? € Has warning notice been served? Yes No **Date served** Has notice of termination been served? No **Date served** Yes Attempts to repay been made? Yes No 2. Overholding Has notice of termination been served? **Date served** Was notice of termination copied to RTB on same day it was served to tenant? Yes Note: All notices must be copied to the RTB the same day it was served to the tenant in order for the notice to be valid. Evidence of this should be provided by the applicant as part of their dispute case. 3. Rent arrears and overholding Note: Please tick this reason if the tenant is in rent arrears and has not vacated following receipt of a valid notice of termination. 4. Validity of notice of termination Date notice received How was notice sent (letter, email, text, verbally) Note: Notices must be served via letter and must be posted or hand delivered to the tenant. The notice will be found invalid if not delivered correctly. A copy of the notice MUST be submitted with the application. 5. Breach of Landlord obligation

Note: Breaches of landlord obligations may include entering property without tenant approval, not providing the tenant with peaceful and exclusive occupation of the dwelling or failure to carry out repairs to the dwelling.

No

Yes

Date served

Has notice of termination been served?	Yes No Date served / / / /
Notice of termination copied to RTB	Yes No
Give a brief description of the breach that	has occurred

6. Standard and maintenance of dwelling
Are both parties aware of the issues? Yes No
Have attempts been made to fix issues highlighted? Yes No
Give a brief description of the issues that need to be resolved
7. Deposit retention
Was full/partial deposit retained? Full Partial Amount of deposit retained € Amount of deposit retained €
Was there any rent arrears owed when the tenant vacated? Yes No Amount owed €
Was there any outstanding utilities bills owed when the tenant vacated? Yes No
Note: In order to receive the deposit back, the tenant must vacate the dwelling.
8. Breach of Tenant Obligation
Note: Breaches of tenant obligations may include damage to property that is beyond wear and tear, failure to permit a landlord access to the dwelling to
carry out an inspection. Has warning notice been served? Yes No Date served / / / / / / / / / / / / / / / / / / /
Has notice of termination been served? Yes No Date served / / / / / / / / / / / / / / / / / / /
Notice of termination copied to RTB Yes No Give a brief description of the breach that has occurred
dive a brief description of the breach that has occurred
9. Anti-Social Behaviour
Has warning notice been served? Yes No Date served / / / / / / / / / / / / / / / / / / /
Has notice of termination been served? Yes No Date served / / / / / / / / / / / / / / / / / / /
Notice of termination copied to RTB Yes No
Give a brief description of the breach that has occurred
10. Damage in excess of normal wear and tear
How often were inspections carried out?
How often were repairs made?
Give a brief description of the damage that is beyond normal wear and tear

11. Validity of Rent Review
How was notice served:
Date served / / / / / / / / / / / / / / / / / / /
Note: A copy of rent review notice should be submitted as evidence.
Give a brief description of why you think the notice is invalid
12. Rent more than market rate
Market rate for dwelling €
What increase was requested €
Was three comparable dwellings provided to you? Yes No
What do you think the market rate is and supply your 3 examples
13. Rent review not in line with Rent Pressure Zone (RPZ) Have you used the RPZ calculator on RTB website Yes No
Current rent amount €
Date rent was last set / / / / / / / / / / / / / / / / / / /
Date new rent is set / / / / / / / / / / / / / / / / / / /
New rent amount requested €
Give a brief description of the breach that has occurred