

# Investigations and Sanctions:

## Complaint Form

### 1. About this Form

Complete this form if you wish to make a Formal Complaint about a landlord you believe may have breached the areas of rental law outlined below. Please provide as much information as possible as this will assist the RTB in handling your Complaint. For further information on the Complaints process, please read the "Guide to Making a Complaint" which is available on the RTB website [www.rtb.ie](http://www.rtb.ie).

If an investigation takes place, a copy of this form, any attachments and any further submissions you provide will be sent to the landlord in question. Your personal contact details will not be provided to the landlord, but he/she will be aware of the name of the complainant.

If an investigation cannot take place, a letter will issue to you and to the landlord. The landlord will be informed that a Complaint was made against them and of the nature of the Complaint. Your name will not be sent to the landlord.

### 2. Your Details

Name

Address

Eircode

Phone Number

Email

Relationship  
to tenancy

Current Tenant

Former Tenant

Other\*  \_\_\_\_\_

*\*For example, neighbour, elected representative, Local Authority, representative body.*

### 3. Details of the Landlord

Name	<input type="text"/>
Address	<input type="text"/>
Eircode	<input type="text"/>
Phone Number	<input type="text"/>
Email	<input type="text"/>

### 4. Details of the Rental Property and Tenancy

Address of Rental Property	<input type="text"/>
Eircode	<input type="text"/>
Name of Tenant(s) <i>(if known and if different to Section 2)</i>	<input type="text"/>
Duration of Tenancy <i>(Approx. dates, if exact dates are not known)</i>	From: <input type="text"/>
	To: <input type="text"/>

### 5. Type of Improper Conduct You Wish to Report

(Please tick all the relevant boxes that apply)

**A. Failure to comply with Rent Pressure Zone (RPZ) requirements when setting rent.**

Prior to 16 July 2021 in a RPZ rent could only increase by up to 4% per year or 24 months in an area newly designated as an RPZ.

After 16 July 2021 rent in an RPZ can only increase by up to the percentage difference between the Harmonised Index of Consumer Pricing (HICP) on the date that the rent was previously set and the date the new rent is set.

After 11th December 2021, when setting the rent at the start of a tenancy in an RPZ or when carrying out a rent review in an RPZ, rent increases are capped at 2% per year on a pro rata basis, where HICP inflation is higher.

Please state the previous rent amount, the date it was set, the new rent amount and the date this new rent was set in Section 6 Details of the Complaint about the Landlord if this applies to you.

**B. Incorrectly relying on an exemption to RPZ requirements.**

There are two exemptions to RPZ rules, which may allow a landlord to increase rent by more than 4% per year. If a property:

- ▶ has not been rented in the previous two years (one year for a protected structure) or
- ▶ has undergone a substantial change (as defined in law).

Tick the one that applies above.

**C. Failure to notify the RTB if relying on an exemption to RPZ rules.**

Where a landlord seeks to rely on an exemption to RPZ rules, they must notify the RTB within one month of the new rent being set.

**D. Failure to register a tenancy with the RTB.**

All landlords are obliged to register new tenancies with the RTB within one month of the tenancy commencing.

**E. Failure to notify the RTB of changes to the rent or any other particulars of a tenancy.**

The details of a registered tenancy must be updated within one month of a change to the rent payable under the tenancy. The details to be updated include the amount of rent now being charged, the date that rent change took place and any other details of the tenancy which have changed since the tenancy was registered or last updated.

**F. Providing a reason for ending a tenancy in a Notice of Termination which is known to be false or misleading. (Please submit a copy of the Notice of Termination with this form if this applies to you. If you have mislaid the Notice of Termination, please include the date of the Notice of Termination and the reason stated in the Notice for ending the tenancy in Section 6 Details of the Complaint about the Landlord.)**

A Complaint can be made if you believe that the reason given in a Notice of Termination is known by the landlord to be false or misleading.

**G. Failure to offer a tenancy back where it has been terminated for certain reasons which are no longer relevant. (Please also tick the reason for termination that applies in 1 - 4 below)**

The following grounds for termination require the landlord to offer the tenant a chance to return to their tenancy in certain circumstances.

If the Notice of Termination was served before 06/07/2022 please confirm whether you provided your contact details in writing to the landlord for this purpose within 28 days.

YES  NO

If the Notice of Termination was served after 06/07/2022 please confirm whether the landlord was in possession of the tenants correct contact details at the time that they should have offered the tenant a chance to return to the tenancy.

YES  NO

If the Notice of Termination was served after 06/07/2022 and the landlord did not have your correct contact details please confirm whether you provided your contact details to RTB and gave permission to share them with the Landlord.

YES  NO

**1. Selling the property.**

The landlord is obliged to offer the property back to the tenant if the property is not sold within 9 months of the termination of the tenancy.

**2. Landlord requires the property for own or family member use.**

The landlord is obliged to offer the property back to the tenant if the landlord/family member vacates the property within 12 months of the termination of the tenancy.

**3. Substantial refurbishment or renovation of the property.**

The landlord is obliged to offer the property back to the tenant where the property becomes available for reletting by completion of the works.

**4. Change of use of the dwelling.**

The landlord is obliged to offer the property back to the tenant if the property is available for reletting within 12 months of the termination of the tenancy.

**H. Seeking a deposit in excess of one month's rent.**

A landlord cannot seek a deposit for a property that is more than the equivalent of one month's rent for that property. Please state the date that the landlord asked for the deposit in the body of the complaint.

**I. Seeking or requiring an advance payment of rent in excess of one month's rent.**

A landlord cannot seek an advance payment of rent for a property that is more than the equivalent of one month's rent for that property. Please state the date that the landlord asked for the advance payment of rent in the body of the complaint .

In the case of a Student Specific Accommodation provider, a student may, if he or she wishes, and with the agreement of his or her landlord/licensor, make an advance payment of rent exceeding an amount equivalent to one month's rent, only where the student is paying both rent and tuition fees to the same relevant provider (i.e. a public or private educational provider).

**J. Requesting or requiring by the landlord of a tenancy duration of more than 41 weeks (in the case of Student Specific Accommodation)**

A student cannot be sought/required to pay for SSA during the summer months when the accommodation is not required by the student. SSA tenancies/licences are limited to the academic year (a maximum of 41 weeks).

A student can request to rent for a longer term, with the agreement of the SSA provider.

## 6. Details of the Complaint about the Landlord

Please include as much information and detail as possible and attach additional pages if necessary.

Relevant documentation attached?      Yes       No

Relevant documentation can include a copy of lease agreement(s), Notice of Termination, evidence of rent paid or any other information relating to the Complaint.

Please specify any documents attached below:

1.
2.
3.
4.
5.
6.

## 7. Next Steps

Please send your completed form and any relevant supporting documents to the RTB by:

- ▶ Email: [investigations@rtb.ie](mailto:investigations@rtb.ie)
- ▶ Post: Residential Tenancies Board, P.O. Box 47, Clonakilty, Co. Cork

When the RTB receives your Complaint Form, we will:

- ▶ Write to you by email or letter to tell you we have received it;
- ▶ Review the Complaint Form to determine if an investigation can proceed;
- ▶ If your Complaint is being investigated, we will write to you and the landlord to inform you of details of the investigation (Notice of Investigation);
- ▶ If your Complaint is not being investigated, we will write to you to explain why an investigation cannot commence. We will also inform the landlord that a Complaint was received but is not proceeding.

## 8. Further Information

For further information on completing this form and on the investigation process, please read the “Guide to Making a Complaint” which is available on the RTB website [www.rtb.ie](http://www.rtb.ie).

It may be useful to phone us on our helpline before you submit this form at 0818 776297 or 023 8832811.

Please note that if you choose to withdraw a Complaint, the RTB may still proceed with an investigation on its own volition should there be good and sufficient reason for doing so.

The RTB respects your privacy and is committed to complying with Data Protection legislation. For information on how the RTB handles your personal data, please refer to the RTB Privacy Statement on the RTB website.

## 9. Declaration

If this Complaint is investigated by the RTB, I allow a copy of this form, and any documents or further submissions I provide, to be provided to the landlord that the Complaint is about.

I also acknowledge that if the Complaint is not investigated by the RTB, the landlord will be issued with a letter stating that a Complaint has been made but is not proceeding.

Signed

Date

## 10. Checklist

Have you:

Completed the form in full?

Signed and dated the form?

Selected the relevant reason(s) for the Complaint?

Attached any relevant supporting documents?