

# Residential Tenancies Board

Presentation for Trinity  
Postgraduates

22 September 2020



# About the RTB

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- Established in 2004, RTB is a public body established to support and develop a well functioning rental sector.
- One of the only housing regulators in Europe.
- *Vision: An effectively regulated residential rental sector that is fair, accessible and beneficial to all.*

# Key Areas

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- Registration of Tenancies.
- Dispute Resolution.
- Information and Education.
- Research/Rent Index.
- Investigations & Sanctions.



# 2019 Overview of Rental Sector

**364,099**

tenancies were registered with RTB

**169,960**

landlords registered tenancies with RTB

**165,453 calls**

**67,791 emails**

**46,182 WebChats**

**279,426 total customer service contacts**

**28,414**

Student Specific Accommodation tenancies registered with the RTB

**32,662**

Approved Housing Body tenancies had been registered with the RTB

# Tenancies not under RTB Remit

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- Holiday lets
- Rent a Room scheme
- Tenant lives with the spouse, civil partner, parent or child of the landlord and there is no written letting agreement in place
- Dwelling shared with landlord

# Tenants' Rights

What am I entitled to?

- A property that is in good condition
- Privacy ('peaceful & exclusive occupation')
- A rent book / a written contract or lease
- Be told about any increase in rent (in writing)
- Be able to contact the landlord or their authorised agent
- Be paid back monies from the landlord for any required repairs
- A valid notice of termination



# Tenants' Responsibilities

What is expected of me?

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- Paying rent in full and on time
- Keeping the property in good order
- Allowing a landlord to carry out inspections of the property\*
- Letting the landlord know who is living in the property
- Not engaging in anti-social behaviour
- Complying with the terms of the tenancy agreement, ie laundry...

# Tenants' Responsibilities

What is expected of me?

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- Giving correct notice when you plan to end the tenancy
- Keeping a record of repairs, payments and dealings with the landlord
- Ensure you do not do anything that could affect the insurance premium on the property e.g. engaging in hazardous acts, anti-social behaviour



# Landlords' Rights

## What am I entitled to?

- Set the rent of the property, and receive the rent in full
- End the tenancy in the first six months without reason (does not apply to a fixed term lease)
- Be informed of who is living in the property
- Be informed about any repairs needed and be given reasonable access to fix them
- Schedule a property inspection
- Not to have the dwelling altered or improved without written consent



# Landlords' Responsibilities

What is expected of me?

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- Allow tenant peaceful and exclusive occupation
- Provide the tenant with contact details, a rent book and receipts of payment
- Register the tenancy with the RTB within one month
- Maintain and carry out repairs when necessary
- Return any deposit promptly

# Landlords' Responsibilities

What is expected of me?

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- To make reasonable efforts to enforce tenants' obligations when a third party is negatively affected by a tenancy (Anti-social behaviour, rubbish)
- Give the tenant a written notice of termination
- Return any deposit promptly

# Minimum Property Standards

- All rented properties are required to meet the minimum standards for rented accommodation which are set out in legislation.

Responsibility for the enforcement of these standards rests with Local Authorities, who inspect properties and enforce regulations.



# Minimum Property Standards

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- Property must be free from damp and in good structural repair
- There must be hot & cold water available to tenant
- The building must have adequate ventilation & heating, which tenant can control
- Provision of laundry facility & access to a dryer, if no yard
- 4-ring hob, oven, grill, fridge, freezer, microwave must be provided

# Minimum Property Standards

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- Electrical wiring, gas and water pipes should be in good repair
- Appliances must be in good working order
- Access to refuse bins
- Suitable safety restrictors attached to a window which has an opening through which a person may fall & the bottom of the opening is more than 1400mm above the external ground

# Minimum Property Standards

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- Properties should contain, where necessary, devices that trigger alarms for carbon monoxide
- Each bathroom or shower room should contain a permanently fixed heater that is properly maintained and it should be properly ventilated
- Access to a fire blanket and fire alarms. In multi-unit buildings, each unit must have a mains-wired smoke alarm, a fire blanket, an emergency evacuation plan & emergency lighting in common areas.

# Part 4 Tenancy

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- After living in your rented home for 6 months you gain some additional security.
- Part 4 of the legislation allows a tenant to rent their property for a further 5 and a half years, the tenancy can only be ended if there is no fixed term lease in place and the landlord has a valid reason.



# Part 4 Tenancy

## How tenancy can be ended

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- Breach of obligations (opportunity to remedy the breach)
- Rent Arrears
- Dwelling no longer suitable to the accommodation needs of the tenant and other persons residing in the property
- Landlord intends to sell the property within 9 months of the termination of the tenancy – must provide statutory declaration

# Part 4 Tenancy

## How tenancy can be ended

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- Landlord requires the property for own use or family member occupation – must provide statutory declaration
- Landlord intends to substantially refurbish or renovate the dwelling – must provide a Statement
- Landlord intends to change the use of the dwelling- must provide statement

# Ending a Tenancy

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- A landlord or tenant can only end a tenancy by serving a valid written notice of termination.
- In the first 6 months of a tenancy, if not subject to a fixed term, a landlord/tenant can end the tenancy without reason giving a minimum of 28 days notice.
- An email, text message or phone call is not sufficient as notice.

# Ending a Tenancy

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- A notice must be signed, contain a date of service, specify the date the tenancy will terminate, allow the correct period of notice & contain certain further information.
- If a party receives a notice of termination and is unsure as to its validity or the right of the other party to serve it, they may bring a case to the RTB, but they must do so within 28 days of receiving the notice.
- See [www.rtb.ie](http://www.rtb.ie) for template notices.

# Rent Reviews

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- Must provide a minimum of a 90 days' rent review notice period
- Notice must be in the prescribed format, can not be by text
- Must provide evidence of 3 comparable dwellings

## Rent Pressure Zones (RPZs)

- If a tenancy is in a RPZ, a landlord can review the rent each year and it can only be increased up to a maximum of 4%.
- The landlord must apply the Rent Pressure Zone formula to determine the rent increase.

## Non RPZs

- 24 month period between rent reviews.
- The proposed rent cannot be more than market rate.



An isometric illustration of a city street scene. In the foreground, a canal flows from the bottom left towards the right. On the left bank of the canal, there are several multi-story buildings with many windows. A street with a few small figures and a bicycle runs along the top bank. The entire scene is rendered in a monochromatic teal color scheme with white highlights and shadows to create a three-dimensional effect.

# Student Specific Accommodation

# The Legislation

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- SSA is housing built for students or designated for students.
- Higher Educational Institutions who provide SSA to students during the academic year are under the remit of the RTB since August 2019.
- The legislation also clarifies that SSA provided by the private sector is clearly within the jurisdiction of the RTB, regardless of whether there is a lease or license agreement in place.

Further info on SSA can be found here:

<https://www.rtb.ie/new-changes-to-rental-legislation/student-specific-accommodation/>



# What applies and does not apply

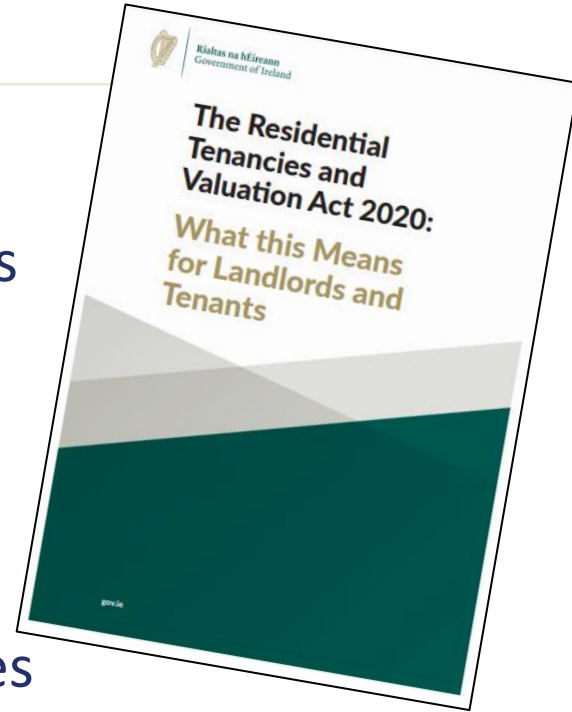
- RPZ rules still apply
- Must register with the RTB
- General rights and responsibilities apply, e.g. peaceful occupation
- Access to RTB services

- Part 4 rights do not apply
- **But**, required to give 28 days' notice to terminate tenancy
- Students not allowed to sub-let/assign
- Unlikely the new protections apply

# New Protections Introduced for the Rental Sector

# What are the new protections?

- If a tenant's ability to pay rent has been impacted by Covid-19 and the tenant meets specific criteria, they:
  - cannot be made to leave their rental accommodation on or before 10th January 2021, and
  - it is prohibited for them to pay any increases in rent until after 10th January 2021.



# What is the Criteria?

Tenants who are currently (or at any stage between 9 March 2020 and 10 Jan 2021):

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## ▪ Criteria A

- in receipt of Illness Benefit for COVID-19 absence; OR
- in receipt of (or entitled to receive) the Temporary Wage Subsidy, Employment Wage Subsidy or any other social welfare payment or State support paid as a result of loss of earnings due to Covid-19 (this includes the rent supplement or a supplementary welfare allowance); **AND**

## ▪ Criteria B

- at risk of losing their tenancy.

*If a tenant meets this criteria, they must fill in and sign a Self- Dec form which can be found on our website.*

*In addition, the Money Advice and Budgeting Service (MABS) can outline the financial supports available to help the tenant facing rent arrears to sustain their tenancy.*

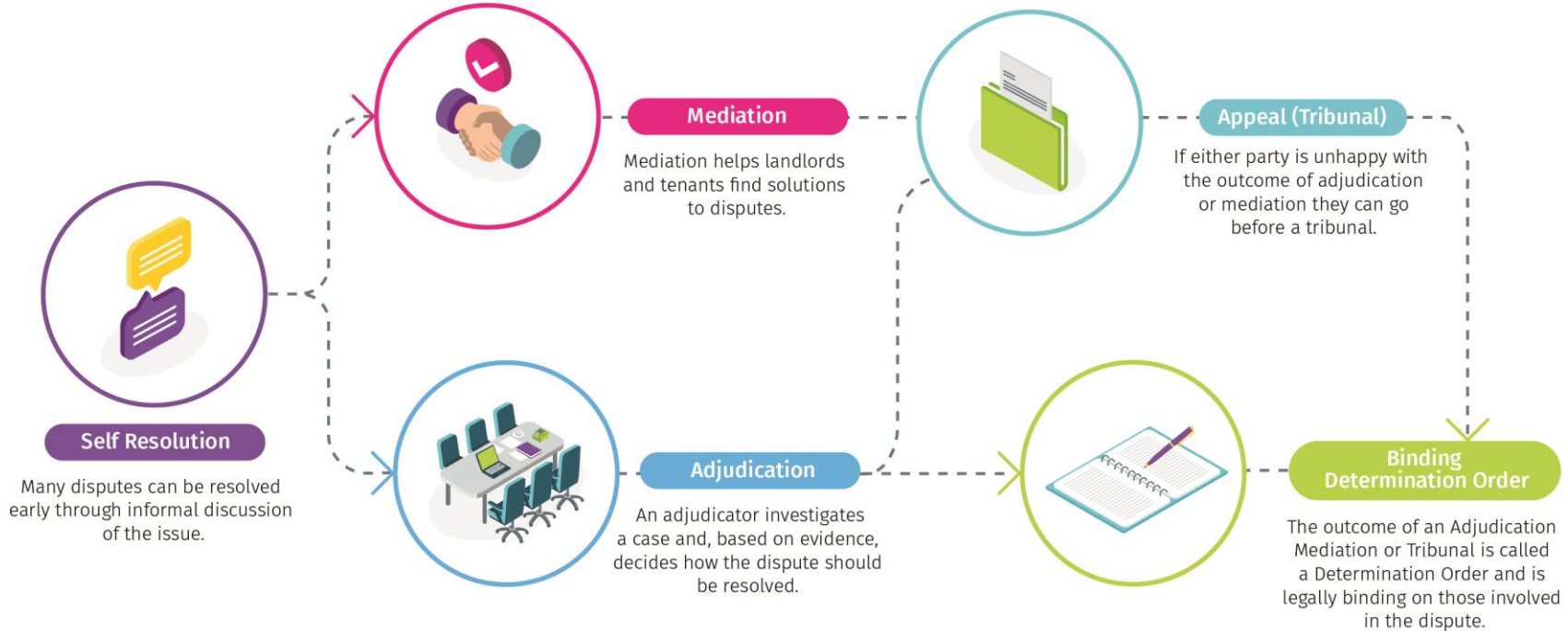
# NEW Rent Arrears Procedure and Requirements

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- There is an 8-step process which outlines the new rules and requirements for both landlords and tenants facing rent arrears.
- Failure to adhere to these steps will lead to a Notice of Termination being deemed invalid.
- The full 8 step process can be found here on our website:  
<https://www.rtb.ie/emergency-measures-ended-new-protections-introduced-for-the-rental-sector>
- Please note that if the tenant meets the criteria set out previously, they are not required to vacate their accommodation on or before the 10th of January 2021 and are not required to pay an increase in rent during the period up to 10th of January 2021.
- A tenant meeting the criteria can fill out the Self-Declaration form at any time and benefit from the protections.

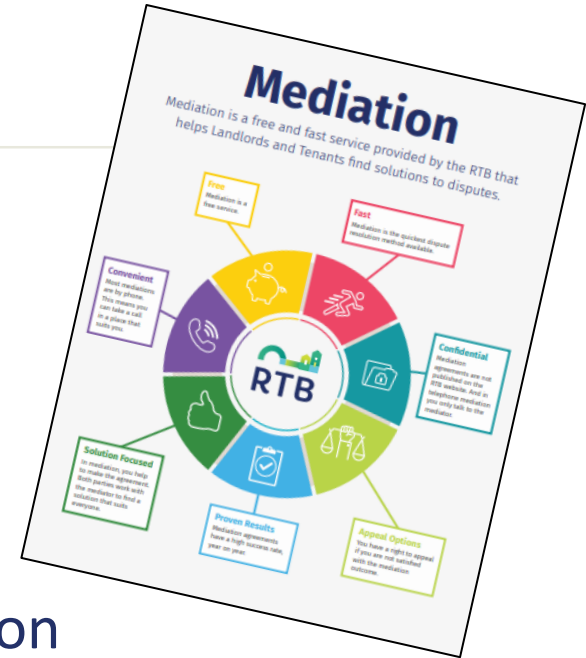
# Dispute Resolution Process

## Options for Landlords and Tenants



# Adjudication v Mediation

- Cost attached v Free service
- Attendance in person v Take a telephone call
- Evidence based v Negotiated solution
- Formal v Informal
- Told what to do v In control of the situation
- Win / Lose v Win / Win
- Both legally binding decisions
- Both appealable





# Case Studies



# Overpaid rent during Covid (not returned)

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- Rent for SSA paid for in advance by student tenant
- Tenant vacated the dwelling early to return home as college closed due to Covid-19
- Found not entitled to refund of rent. The lease was a fixed term and had included a clause stating that overpaid rent would not be refunded if the tenant vacated the dwelling early

# Deposit Retention (Returned in full)

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- Agreement for tenant to rent dwelling for academic term
- Tenant served notice to landlord of wish to vacate early and offered to find replacement tenant
- As replacement tenant was found, it was deemed that the landlord was not at a loss in respect of the early termination

# Deposit Retention (partial return)

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- Tenant broke tenancy early by sending a text to the landlord and did not offer to find a replacement tenant
- Landlord claimed dwelling left dirty
- Determined that deposit be returned less cleaning costs and outstanding rent

# Communications, Engagement and Support

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- National and regional public awareness advertising campaigns
- Stakeholder engagement – programme of events & information sessions on legislative change
- Stakeholder Forums - Tenants, landlords, AHBs, property professionals and agents
- Updated Good Landlord Tenant Guide
- Direct mail
- RTB website & resources [www.rtb.ie](http://www.rtb.ie)
- Supported via webchat service & 0818 303037 / 01-7028100

# Questions?



An isometric illustration of a cityscape in shades of teal. It features various buildings, streets, and a canal with a boat. The scene is viewed from an elevated perspective, creating a sense of depth and urban layout.

# Thank you!