

# SEANAD ÉIREANN

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## AN BILLE UM PLEANÁIL AGUS FORBAIRT (TITHÍOCHT) AGUS UM THIONÓNTACHTAÍ CÓNAITHE, 2016 [*Meastar a tionscnaíodh i nDáil Éireann*]

### PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES BILL 2016 [*Considered as initiated in Dáil Éireann*]

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#### *Leasuithe Tuarascála Report Amendments*

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*[The page and line references in this list of amendments  
are to the text of the Bill as passed by Dáil Éireann]*

1. In page 25, lines 5 to 7, to delete “, and the circumstances in which the Board shall not pay any proportion of the fee to such planning authority or authorities”.

*—Senators Victor Boyhan, Gerard P. Craughwell.*

2. In page 39, to delete line 33 and substitute the following:

“ $R \times (1 + c \times t/m)$ , where  $c$  is the percentage change in the consumer price index since the last setting of the rent,”.

*—Senators Trevor Ó Clochartaigh, Rose Conway-Walsh, Máire Devine, Paul Gavan,  
Pádraig Mac Lochlainn, Niall Ó Donnghaile, Fintan Warfield.*

3. In page 39, to delete lines 33 to 37, and in page 40, to delete lines 1 to 11 and substitute the following:

“ $R \times (1 + c)$

where—

- (a)  $R$  is the amount of rent last set under a tenancy for the dwelling,  
and

- (b)  $c$  is the change between—

- (i) the All Items Consumer Price Index Number last published by the Central Statistics Office before the date the rent will come into effect after its determination under this subsection, and
- (ii) the number so published in respect of the month that was 12 months before publication of the number referred to in subparagraph (i),

expressed, in decimal form as a fraction of 1, as a percentage of the first-mentioned number.”.

*—Senators Kevin Humphreys, Aodhán Ó Ríordáin.*

4. In page 40, to delete lines 25 to 30 and substitute the following:

“(6) Where immediately before the relevant date a notice under section 22(2)—  
(a) has been served on the tenant, or  
(b) the rent review concerned has commenced,  
then subsections (3) and (4) shall still apply to the new rent referred to in section 22(2), if such said notice or review has not expired before the relevant date.”.

—*Senators Frances Black, Colette Kelleher.*

5. In page 43, between lines 11 and 12, to insert the following:

“(f) Cork County Council;  
(g) Limerick City and County Council;  
(h) Waterford City and County Council;  
(i) Galway City Council;  
(j) any Local Electoral Areas or District Electoral Divisions where rent price inflation has been 5 per cent or above on the preceding 12 months as determined by the Residential Tenancies Board National Rent Index;”.

—*Senators Trevor Ó Clochartaigh, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Fintan Warfield.*

6. In page 44, line 40, to delete “10 or more” and substitute “1 or more”.

—*Senators Trevor Ó Clochartaigh, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Fintan Warfield, Kevin Humphreys, Aodhán Ó Ríordáin.*

7. In page 44, line 40, to delete “10 or more” and substitute “5 or more”.

—*Senators Trevor Ó Clochartaigh, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Fintan Warfield.*

8. In page 45, between lines 25 and 26, to insert the following:

**“Receivers appointed to mortgaged properties and their obligations**

41. (1) Receivers appointed to mortgaged properties and lenders who have initiated repossession proceedings are regarded as the landlord in relation to existing tenancies.
- (2) Where appointed, the receiver of the property shall be under the same tenancy obligations as landlords as specified in Part 2 of the Residential Tenancies Act 2004 and associated regulations.
- (3) Where appointed, a receiver of the property shall be responsible for promptly refunding the tenancy deposit, subject to conditions in section 12(4) of the Residential Tenancies Act 2004.”.

—*Senators Trevor Ó Clochartaigh, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Fintan Warfield.*