

1 April 2022

Mr Sam Keenan  
Committee Secretariat  
Committee of Public Accounts  
Leinster House  
Dublin 2

**Ref: S0816 PAC33**

Dear Mr Keenan,

Your letter of the 21 March sought additional information arising from the meeting between the Public Accounts Committee and the Residential Tenancies Board (RTB) on the 24/02/2022. The RTB has collated the requested information, which I now submit for the attention of the Committee.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,



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Niall Byrne  
Director



## Follow up information for the Public Accounts Committee

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## 1. The number of dispute resolution cases involving the RTB at the end of 2020, and the number there of that have since been resolved (pg. 9).

In 2020, 5,178 dispute resolution applications were received by the Residential Tenancy Board (RTB). Of which, 58% were taken by tenants, 39% by landlords and 3% by Third parties. The largest dispute type taken by tenants was for deposit retention (26%) and for landlords it was rent arrears and overholding (61%).

In 2020, 2,732 Telephone Mediation and Adjudication hearings took place, and 1,719 determination orders were issued. This marks a significant decrease of 41.3 % compared to 2019 which saw 4,655 hearings being held. This was due to the impact of Covid-19 as the Adjudication process was put on hold and impacted for a number of months while new processes were introduced.

The pandemic also had an impact on the number of cases which were withdrawn. 30% of complete applications were withdrawn before the hearing took place. A case can close at any stage through the dispute resolution process and may be withdrawn by the applicant at any stage. Please see Table 1 below for more detail on withdrawals.

**Table 1 Reasons for Withdrawals of Applications 2020**

| Reason for Withdrawal   | Numbers Withdrawn |
|---|-------------------|
| Number of cases withdrawn before hearing scheduled following early RTB intervention | 1587              |
| Applications assessed as incomplete/RTB has no jurisdiction/tenancy is unregistered | 931               |
| Hearing scheduled but case withdrawn before Determination Order issued              | 568               |
| <b>TOTAL</b>  | <b>3,086</b>      |

## 2. The number of private tenancies registered with the RTB that relate to households in receipt of:

- the Housing Assistance Payment scheme (HAP),
- the Rental Accommodation Scheme (RAS), and
- rent supplement (pgs. 9, 10 and 37).

Please note the RTB does not collect this data. See point three for data analysis relating to rent subsidies for private tenancies.

### **3. A copy of the report carried out in 2021 by the Central Statistics Office (CSO) on the private rental sector in Ireland (pg. 10).**

In 2019, the CSO published a report on rental supports (HAP/Rent Supplement) and the proportion of tenancies registered with the RTB that were reliant on them. The CSO combined data from the RTB's private Tenancy register with data from HAP and the Department of Social Protection to complete this report.

Link CSO Report: <https://www.cso.ie/en/releasesandpublications/ep/p-hhwl/socialhousinginireland2019-analysisofhousingassistancepaymenthapscheme/haproperties/>

### **4. Information on the number and percentage of tenants receiving rental subsidies, including HAP and RAS, within the RTB's 2021 survey of landlords, tenants and letting agents (pg. 10).**

In 2021 the RTB published the results from the rental sector survey project. In the survey tenants were asked whether they were in receipt of any rental assistance. The survey results indicated that 19% (202) of all tenants were in receipt of rental assistance. One in ten (11% (112)) stated that they were in receipt of Housing Assistance Payment (HAP). A further 5% (56) were in receipt of Rent Supplement and 3% (34) were on the Rental Accommodation Scheme

The RTB did not set a quota for rent subsidies in the survey. A review suggests that the number of tenants that participated that were in receipt of rent subsidies was lower than the general population. The RTB will look into setting a quota on this for the next survey.

### **5. Information on the process through which the RTB monitors the compliance of landlords in receipt of HAP or RAS registering with the RTB, including the frequency of any monitoring undertaken (pg. 11)**

In 2022, the RTB conducted a review of HAP registration referrals received from the Department of Employment Affairs and Social Protection which were not registered with the RTB. The review aimed to see after an RTB intervention how many tenancies then registered. The review found a compliance rate of 98%. The RTB's current compliance processes are under review. However, it is anticipated that regular monitoring will form part of this new model.

In addition, the RTB provides registration data to Local Authorities to support the inspection of HAP properties.

## **6. A note outlining the manner in which the RTB monitors rent pressure zones, and any powers it has to regulate same (pgs. 12-13).**

On 1 July 2019, the Residential Tenancies (Amendment) Act 2019 expanded the role of the RTB to allow the RTB to investigate and sanction landlords who engage in certain breaches of the law, defined in the Act as Improper Conducts. This brought about a fundamental change in the operation of the RTB by expanding its regulatory remit.

There are a number of Improper Conducts that can be investigated including, failure to comply with RPZ requirements in regard to raising the rent above the amount allowed and, false reliance upon Rent Pressure Zone exemption forms and/or failing to submit a Rent Pressure Zone Exemption form where required. If a landlord is found to have committed an Improper Conduct a sanction can be applied of a written caution and/or up to €15,000 and €15,000 in costs.

A decision to apply a sanction must be confirmed in the Circuit Court and monetary sanctions applied by a Decision Maker are paid to the Exchequer.

For the full list of improper conducts that can be investigated and more information on them please click [here](#).

An important aspect of this regulatory role is that the RTB can commence investigations both on information received from members of the public as well as by using open-source data and data available to the RTB, as outlined in the legislation.

The RTB identifies potential improper conducts through:

- information provided by members of the public as formal complaints or via our unrecorded phone line and email address,
- examining its own records and the records available to it under the Residential Tenancies Act,
- engaging with other government bodies to obtain relevant information. In particular, the RTB has engaged in a pilot scheme with some of the local authorities where the local authorities have provided information on the previous tenancies and the reasons for termination of those tenancies of people who reported to their homeless services. It is hoped to expand this scheme to more local authorities in 2022.

These changes established the RTB as a proactive regulator of the rental sector. In addition, by taking cases on its own volition, the RTB aims to investigate and sanction Improper Conducts which may not otherwise have been identified and to encourage compliance with rental law throughout the sector, levelling the playing field for the majority of landlords who are compliant with rental law.

By regulating the rental sector in this way, the RTB aims to prevent tenants and landlords being unfairly disadvantaged by unlawfully heightened rent and unlawful practices which artificially inflate market rent and disrupt the protection of tenure set out in the Residential Tenancies Act

## 7. The number of cases taken by tenants to the RTB, including the number thereof that concerned rent pressure zones (pgs. 13-14).

In 2021, the RTB received a total of 5,657 applications for the RTB's dispute resolution service. In total, 222 (3.92%) of these applications were made with the dispute type recorded as 'rent review not in line with rent pressure zones'.

**Table 2: Applications for the RTBs Dispute Resolution Service 2021**

| Dispute Type   | 2021 Total   |
|--|--------------|
| Anti-social behaviour  | 469          |
| Breach of fixed term lease   | 172          |
| Breach of landlord obligations   | 951          |
| Breach of tenant obligations   | 548          |
| Damage in excess of normal wear and tear   | 262          |
| Deposit retention  | 1093         |
| Other*   | 716          |
| Overholding  | 690          |
| Rent arrears / Rent Arrears and Overholding  | 1805         |
| Rent more than market rate (Not Applicable to Approved Housing Body Tenancies)                       | 122          |
| <b>Rent review not in line with Rent Pressure Zone</b>   | <b>222</b>   |
| Standard and maintenance of dwelling   | 570          |
| Unlawful termination of tenancy (Illegal eviction)   | 371          |
| Validity of notice of rent review  | 283          |
| Validity of notice of termination (if you are disputing the validity of a termination notice issued) | 970          |
| <b>Total Dispute types</b>   | <b>9,244</b> |
| <b>Total Cases</b>   | <b>5,657</b> |
| <b>Average Number of Dispute Types cited per Application</b>   | <b>1.6</b>   |

## **8. A detailed note outlining the reason(s) for the increase in the cost of the RTB's new tenancy management system, RTB 360 (pg. 14).**

The original scope for the new Tenancy Management System was agreed in 2017 and the project estimate was circa €3.3M. This was a major project to replace the RTB's legacy system which had been developed around 10 years earlier. After the project started the RTB underwent a significant expansion of its mandate with the introduction of the *Residential Tenancies (Amendment) Act 2019*. Therefore, the scope of the new Tenancy Management System had to be changed to encapsulate the new aspects of the RTB's mandate. For example, Annual Registration of tenancies was new in the 2019 Act and required to be supported by the new system.

Some issues arose with the system development and the project experienced delays which increased the cost. The increased cost was reflective of the extended timeline, the impact of Covid-19, the need to support significant legislative change which expanded the scope during system development, and an underestimation of the complexities involved with replacing a legacy system based on obsolete technology with a more sophisticated solution. The RTB also commissioned additional code review and security work on the system to mitigate the risk of material issues arising after the system went live for customers. This was done during the period when the HSE had experienced a crippling cyber-attack, so the RTB judged it prudent to seek extra assurance in the area of system security.

The cost of developing the new tenancy management system for customer registrations, until it went live in November 2021, was approximately €6.9 million. While this cost does not include all planned functionality which was originally intended to be included within the original contract price, it does include the additional costs arising from subsequent legislative change and necessary security reviews. The new system for customer registrations went live for customers on Monday November 15, 2021. The RTB has allowed the new system to bed in for the past several months while closely monitoring performance and stability.

It is clear now that the new online system is stable and performance is good. It was critically important to take the time post 'go live' to get this assurance before rolling out Annual Registration of Tenancies to customers in April 2022. Since the system is performing well, the RTB is confident it will accommodate the significant uplift in activity which the new Annual Registrations regime will introduce – expected to be a tripling of tenancy registration volumes. The new system is the core building block for the next stages in the RTB's digital roadmap and it is expected to support roll out of additional functionality and features as the RTB mandate continues to expand.

## 9. A detailed note on the research undertaken by the RTB on:

- **Why landlords are leaving the rental sector.**

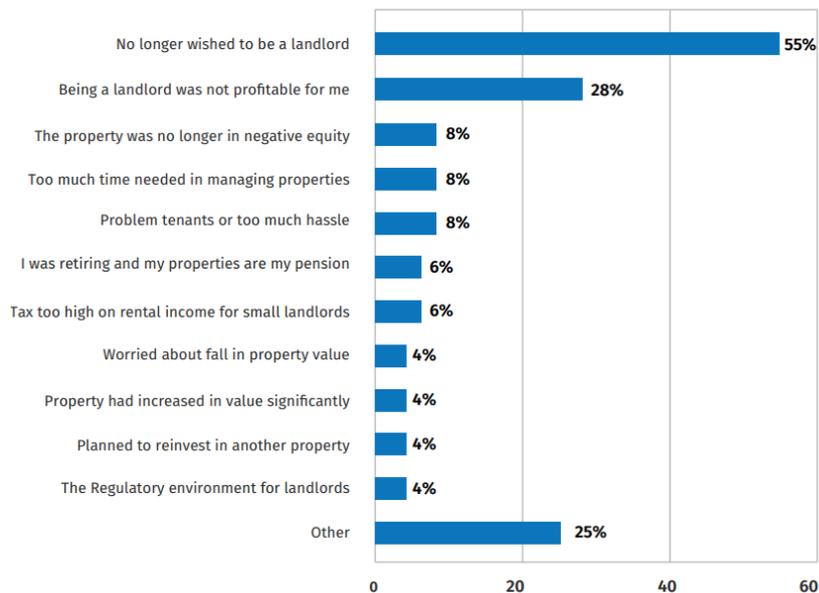
In 2021, the RTB published a report on small landlords (1-2 tenancies) operating in the private rented sector. As part of this report (74) short telephone surveys were conducted with landlords who left the private rental sector and were no longer operating as landlords.

The purpose of the survey was to identify the reasons why these landlords ceased to operate as landlords in the sector. The majority (80%) of these former landlords let out one property. A small proportion (8%) rented out two or more properties and 12% said they didn't know how many properties they previously rented out.

When asked why they do not rent these properties anymore, nearly three in four (72%) landlords stated that they 'sold the properties'. A significant proportion (23%) of landlords said that the properties was 'recovered for use by myself or family member' and 9% said the 'property is in the process of being refurbished'.

Landlords that sold their rental properties were asked how recently they sold a property. Nearly nine in ten (87%) landlords sold the last of these rental properties between 2018 and 2020. The main reason given for selling their rental properties was that they 'no longer wished to be a landlord' (55%). This was followed by 'being a landlord was not profitable for me' (28%). A variety of other reasons were mentioned, and these are set out below in figure 2.73. [Link to report](#)

Figure 2.73: Q45 Reason(s) for selling excluding landlords that did not sell rental properties (n=53 landlords)



### • The experience of older renters within the sector (pgs. 19-20).

In 2021, the RTB published the findings from the rental sector survey. In total 70% (724) of tenants surveyed were aged between 25 and 44. Young adults aged 19-24 represented 13% (137) of the total and 17% (176) were aged 45 years or older. The experience of older renters age 45+ was also examined.

#### Profile of Older Renters Aged 45+

- The majority (61%) of older renters were aged 45-54. One-third (33%) were aged 55-64 and the remainder (6%) were 65 years or older.
- In terms of employment status, while the majority of older renters (57%) were employed, a higher than average proportion were 'unable to work due to sickness or disability' (15% vs 4% of all private tenants) or 'retired' (9% vs 2%).
- More than one in four (26%) older renters were living alone. This compares to 12% of all private tenants.
- Amongst those renting for one year or longer, the average time renting was 8.44 years (vs 6.18 years for all private tenants).
- On average, older tenants moved into their current property 7.40 years ago.
- Before moving into their current rental property, 68% of older renters were 'living in another rental property' (vs 58% of all private tenants) and 10% were 'living in a property that I owned' (vs 3% of all private tenants).
- The average number of properties rented by older renters was 2.86, whereas the average number for all private tenants was 2.43.
- Property ownership was higher **amongst older renters than private renters in general (16% vs 7%)**.

Link to report:

[https://www.rtb.ie/images/uploads/general/RTB\\_Tenant\\_Survey\\_Report\\_July\\_2021\\_3.pdf](https://www.rtb.ie/images/uploads/general/RTB_Tenant_Survey_Report_July_2021_3.pdf)

**10. A note on the breach of rent pressure zone regulations by 28 landlords in 2021, including the number thereof that received a monetary fine, and whether the RTB audited any other properties those landlords owned (pg. 21).**

On 9 December 2021, the RTB published particulars of the first 29 sanctions imposed on landlords. These sanctions were the first to be confirmed by the Circuit Court. 28 out of these 29 sanctions were for breach of RPZ regulations.

The landlords in these cases opted to acknowledge the alleged improper conduct at the beginning of the investigation. By taking this approach, the landlord speeds up the process and demonstrates that they are co-operating with the investigation. This is taken into consideration by the Decision Maker, along with any steps taken by the landlord to rectify the breach of rental law, when they are deciding on the type of sanction and the amount of any monetary sanction.

As a direct result of the investigations conducted by the RTB:

- Over a quarter of a million euro in overcharged rent has been returned to tenants by landlords.
- The rents in these cases have also been reset to amounts in compliance with the legislation preventing these, and any future tenants, from being overcharged.
- Over twenty thousand euro has been paid to the exchequer by landlords in sanctions imposed by Decision Makers.

**Current Figures**

To date the Courts have confirmed all 47 Sanctions brought before them. 44 of these sanctions related to investigations contained an allegation of failure to comply with RPZ legislation requirements by unlawfully raising the rent.

**2021**

In 2021 39 Sanctions were confirmed across Dublin, Louth, Kildare and Galway Circuits

Which resulted in

- 14 Written Cautions
- 20 Written Cautions and Fines
- 4 Fines
- 1 Written Caution, Fine and costs

**2022**

A further 8 sanctions have been confirmed in the Dublin and Trim Circuits in 2022 to date. Some of these will still be within the period in which the landlord can appeal to the High Court

- Monetary sanctions were applied in 5 of these cases

The RTB will continue to publish sanctions that have been confirmed by the Circuit Court once all legal and administrative procedures have been completed on an ongoing basis. A dedicated webpage where all sanctions are published has been set up [here](#).

The RTB will continue to work with the Courts Services and will be making applications to relevant Circuit Courts for confirmation of sanctions on an ongoing basis. The RTB expects an increase in the through put of cases to be confirmed in 2022 as more cases come through the investigation pipeline, efficiencies in the process develop and access to the Circuit Court returns to pre-Covid operations.

**Portfolio checks**

As part of the assessment of all information sourced by the RTB from complaints, information submitted by members of the public and data available to the RTB under the Residential Tenancies Act, a review is conducted of the portfolio of the landlord to identify further potential improper conducts.

**11. The number of complaints received annually by the RTB from tenants in recent years, and the proportion thereof of overall disputes handled by the RTB (pg. 24).**

The [RTB Research and Data Hub](#) provides information on the number applications for the RTBs dispute resolution service. The below tables outline the number of applications from tenants handled by the RTB.

**Table 3: Dispute Resolution Service Applications by Applicant Type Q1 2019- Q4 2021 by Percentages**

| Applicant Party | Q1 2019 | Q2 2019 | Q3 2019 | Q4 2019 | Q1 2020 | Q2 2020 | Q3 2020 | Q4 2020 | Q1 2021 | Q2 2021 | Q3 2021 | Q4 2021 |
|-----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Tenant          | 59.60%  | 56.40%  | 54.60%  | 56.90%  | 54.90%  | 63.00%  | 57.50%  | 59.10%  | 57.00%  | 55.00%  | 52.00%  | 54.00%  |
| Landlord        | 38.80%  | 41.50%  | 43.10%  | 40.60%  | 43.60%  | 31.70%  | 40.50%  | 37.90%  | 40.33%  | 41.00%  | 46.00%  | 44.00%  |
| Third Party     | 1.60%   | 2.10%   | 2.20%   | 2.60%   | 1.50%   | 5.30%   | 2.00%   | 2.90%   | 2.67%   | 3.00%   | 3.00%   | 2.00%   |
| Total           | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |

**Table 4: Disputes Resolution Service Application Type Q1 2019 - Q4 2021**

| Applicant Party | Q1 2019 | Q2 2019 | Q3 2019 | Q4 2019 | Q1 2020 | Q2 2020 | Q3 2020 | Q4 2020 | Q1 2021 | Q2 2021 | Q3 2021 | Q4 2021 |
|-----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Tenant          | 894     | 899     | 879     | 843     | 808     | 607     | 825     | 773     | 684     | 761     | 855     | 771     |
| Landlord        | 583     | 661     | 694     | 601     | 641     | 306     | 582     | 496     | 484     | 567     | 754     | 628     |
| Third Party     | 24      | 33      | 36      | 38      | 22      | 51      | 29      | 38      | 32      | 46      | 44      | 31      |
| Total           | 1,501   | 1,593   | 1,609   | 1,482   | 1,471   | 964     | 1,436   | 1,307   | 1,200   | 1,374   | 1,653   | 1,430   |

## **12. A note outlining what actions the RTB has taken to resolve issues in Limerick with the non-registration of student accommodation (pg. 28).**

In 2021, there were approximately 540 referrals made to the RTB in relation to suspected unregistered tenancies in Limerick City and County. These are currently being progressed by the RTB.

Referrals come from a variety of sources including the Department of Employment Affairs and Social Protection, the Housing Assistance Payment office, members of the public and arising through the day-to-day business of the RTB. It is important to note, however, that not all referrals constitute an unregistered tenancy. Some referrals may be made for tenancies which fall outside of the RTB's jurisdiction, including local authority tenancies and the rent-a-room scheme, which are not covered by the Residential Tenancies Act 2004 (as amended).

### 13. The number of landlords that left the rental market each year from 2018 to 2021 (pgs. 31-32). Tenancies being Ended by Landlords

Please note that Notices of Termination (NoTs) were only required to be sent to the RTB from the 4 June 2019, therefore the RTB does not hold data pertaining to 2018.

Table 5 provides the total number of NoTs the RTB has received between Q2 2019 and Q4 2021. It shows, based on the NoTs that the RTB received, that the most common reason for issuing a NoT is the landlord intends to sell the property. This has been consistently the most common reason each quarter since Q2 2019.

**Table 5: Notice of Termination Received by the RTB, Q2 2019 - Q4 2021**

| Types of NoTs Q2 2019 – Q4 2021  | Q2-<br>Q4<br>2019 | Q1<br>2020 | Q2<br>2020 | Q3<br>2020 | Q4<br>2020 | Q1<br>2021 | Q2<br>2021 | Q3<br>2021 | Q4<br>2021 | Grand<br>Total (N) | % of<br>Total<br> * |
|--|-------------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------------|---------------------|
| Landlord intends on selling the property                                 | 367               | 395        | 53         | 186        | 263        | 161        | 498        | 550        | 614        | 3,087              | 54.9<br>6%          |
| Landlord/Landlord's family member intends on moving into the property    | 134               | 193        | 42         | 135        | 111        | 102        | 202        | 176        | 211        | 1,306              | 23.2<br>5%          |
| Breach of tenant obligations   | 130               | 114        | 23         | 109        | 102        | 50         | 80         | 92         | 76         | 776                | 13.8<br>2%          |
| Terminating before a Part 4/further Part 4 tenancy commences             | 17                | 29         | 3          | 20         | 10         | 11         | 22         | 17         | 16         | 145                | 2.58<br>%           |
| Landlord intends to substantially refurbish/renovate the property        | 11                | 25         | 4          | 7          | 15         | 10         | 20         | 28         | 14         | 134                | 2.39<br>%           |
| Dwelling is no longer suitable to the accommodation needs of the tenants | 7                 | 6          | 6          | 8          | 13         | 10         | 10         | 14         | 20         | 94                 | 1.67<br>%           |
| Missing Data   | 7                 | 8          | 0          | 5          | 7          | 6          | 8          | 5          | 4          | 50                 | 0.89<br>%           |
| Landlord intends to change the use of the property                       | 4                 | 4          | 0          | 2          | 4          | 2          | 1          | 5          | 3          | 25                 | 0.45<br>%           |
| <b>Total</b>   | <b>677</b>        | <b>774</b> | <b>131</b> | <b>472</b> | <b>525</b> | <b>352</b> | <b>841</b> | <b>887</b> | <b>958</b> | <b>5,617</b>       | <b>100<br/>%</b>    |

Note: Revisions of the data may occur.

\* Due to rounding percentages may not add up to 100%.

In November 2021, the RTB launched a new tenancy management system that will enhance the data analysis capabilities within the organisation. This new system, combined with the introduction of 'annual registration' will provide the RTB with tools to identify properties that are removed from the sector. It will be possible to identify where these properties were located and the types and sizes landlords that that previously managed them. A full year of registrations received under annual registration will be required to undertake this work.

**14. The vacancy rate of apartments that are owned by investment funds (pg 31).**

The RTB does not hold information on vacancy rates.

**15. With regard to landlords exiting the rental market due to the sale of their property/properties, the number thereof that were found not to be in compliance with the requirement to sell the property/properties within nine months of the tenancy/tenancies ending (pg. 32).**

If a landlord has ended a tenancy for the reason that they intend to sell the property, they are obliged to sell within 9 months after the termination of the tenancy, or, if the property is not sold within that period, to offer it back to the original tenant. In order for a landlord to be obliged to offer the tenancy back the tenant must have provided their contact details to the landlord in writing with 28 days of receipt of the Notice of Termination for the purpose of having the tenancy returned to them.

Non-compliance with these regulations is identified to the RTB or identified by, the RTB in a number of ways.

- A tenant brings an RTB dispute against the landlord. If a tenant believes that a landlord has issued an invalid NoT stating that they intend to sell the property or, that the landlord failed to offer a tenancy back if the property is not sold, the tenant can make an application for Dispute Resolution. In 2020 there were 79 determination orders issued in relation to the validity of an NoT on the ground of intending to sell. 31 of which were found to be invalid.

**Table 6 Breakdown of Notices of Termination Related to 2020 Determination Orders, by Frequencies of Types of Notice Served, Percentage of Notices Served that Valid /Invalid per Type of Notice Served, and Overall Types of Notices Served by Percentage of Cases**

| Not Types   | Invalid    | Valid      | Total      | Total %     |
|---|------------|------------|------------|-------------|
| Termination for rent arrears  | 52         | 124        | 176        | 45%         |
| Termination for when landlord intends to sell the dwelling                              | 31         | 48         | 79         | 20%         |
| Termination for when landlord requires dwelling for own or family use                   | 15         | 11         | 26         | 7%          |
| 7 Day Notice of Termination for anti-social behaviour                                   | 13         | 10         | 23         | 6%          |
| Termination for breach of tenant obligations  | 9          | 12         | 20         | 5%          |
| Termination for when landlord intends to substantially refurbish or renovate            | 13         | 3          | 16         | 4%          |
| Terminating a tenancy in the first six months (not applicable to a fixed term lease)    | 4          | 10         | 14         | 4%          |
| Terminating a tenancy before a further Part 4 tenancy commences                         | 3          | 12         | 15         | 4%          |
| 28 Day Notice of Termination for anti social behaviour                                  | 6          | 3          | 9          | 2%          |
| Reason for Notice of Termination not specified.   | 6          | 0          | 6          | 2%          |
| Termination by tenant - no reason required  | 5          | 0          | 5          | 1%          |
| Termination The dwelling is no longer suitable to the accommodation needs of the Tenant | 2          | 0          | 2          | 1%          |
| Termination for breach of landlord obligations  | 1          | 0          | 1          | 0%          |
| Termination for sub-let or assignment of fixed term tenancy                             | 1          | 0          | 1          | 0%          |
| <b>Total</b>  | <b>161</b> | <b>233</b> | <b>394</b> | <b>100%</b> |

- A complaint or a referral is made to the RTB which if applicable can be investigated and sanctioned. In its first years of operation of the new powers given to it, the RTB focused on failure to comply with Rent Pressure Zone requirements. However, the RTB is continuing to use its proactive powers of investigation to identify and investigate all potential improper conducts.

Since the 1 July 2019, 3% of investigations have involved an allegation of citing a false or misleading reason for termination in a notice of termination where the reason given was the sale of the property or failure to offer the tenancy back to the tenant when obliged to due to the failure to sell the property within the time allowed.

Investigations can involve more than one allegation and these two allegations are often brought together. Aside from referrals from the public the RTB can pursue these matters by:

- examining its own records and the records available to it under the Residential Tenancies Act .
- engaging with other government bodies to obtain relevant information. In particular, the RTB has engaged in a pilot scheme with some of the local authorities where the Local Authorities have provided information on the previous tenancies and the reasons for termination of those tenancies of people who reported to their homeless services. It is hoped to expand this scheme to more local authorities in 2022.

### **16. A note detailing the reason(s) for the significant increase in the RTB's expenditure on High Court appeals from 2019 to 2020 (pgs. 34-35).**

The RTB received six appeals on a point of law in 2020 pursuant to Section 123 of the *Residential Tenancies Act 2004*. Four appeals on a point of law were dealt with by the courts. The fees include Solicitor fees, disbursements, Junior and Senior Counsel and the legal costs of unsuccessful applications. Fees would include applications for cases received in previous years and concluded in 2020.

### **17. A note outlining the following information:**

#### **• The number of cases concerning registered and unregistered tenancies in breach of RTB regulations pursued by the RTB on an annual basis,**

The RTB can receive referrals from a number of sources including exchange of information with other government bodies, internal referrals, or from members of the public. In 2021, there were 845 referrals from the public. A total of 244 of these were made by a current or former tenant.

- **The remedies available to the RTB if a landlord ignores, post mediation, an adjudication from the RTB or health and safety recommendations relating to a property,**

Enforcement is an important function of the RTB. When landlords, tenants and third parties access the RTB dispute resolution service through mediation, adjudication or tribunal, they receive a legally binding Determination Order. If an order is not complied with, there are two options for enforcement.

1. A party can request assistance from the RTB to enforce an Order in the District Court. The RTB aims to take as many enforcement cases as possible subject to budgets and its own internal policy. Please see [here](#) for more information.
2. A Party can take their own enforcement cases directly to the District Court and the RTB offers supports to the parties by compiling case files and proofs for the court.

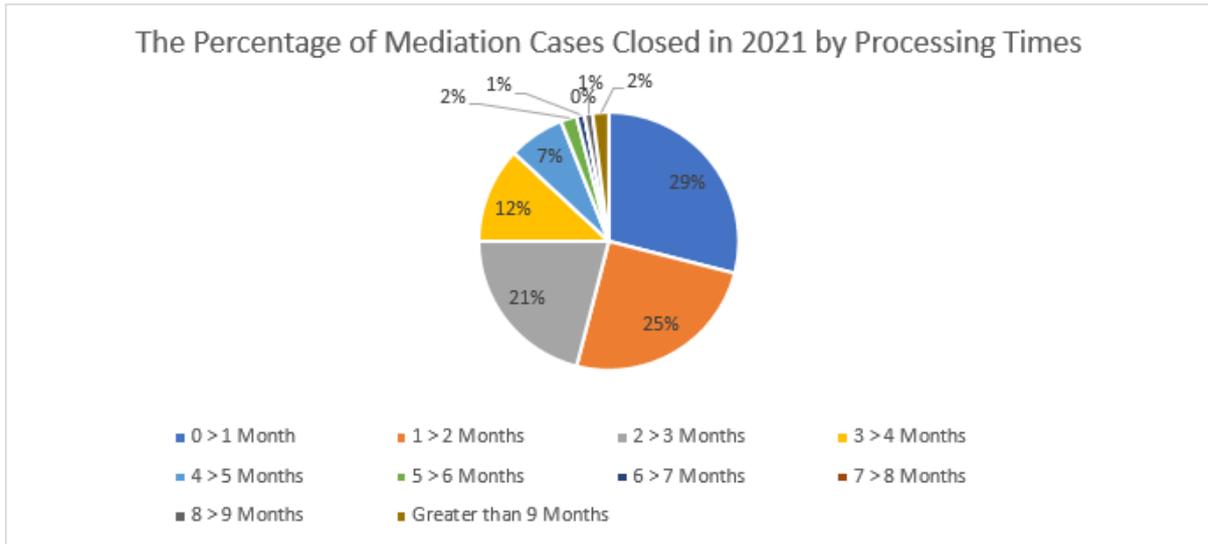
- **The remedies available to the RTB if a tenant has received mediation and ignores it (pg. 35).**

(Please see above answer)

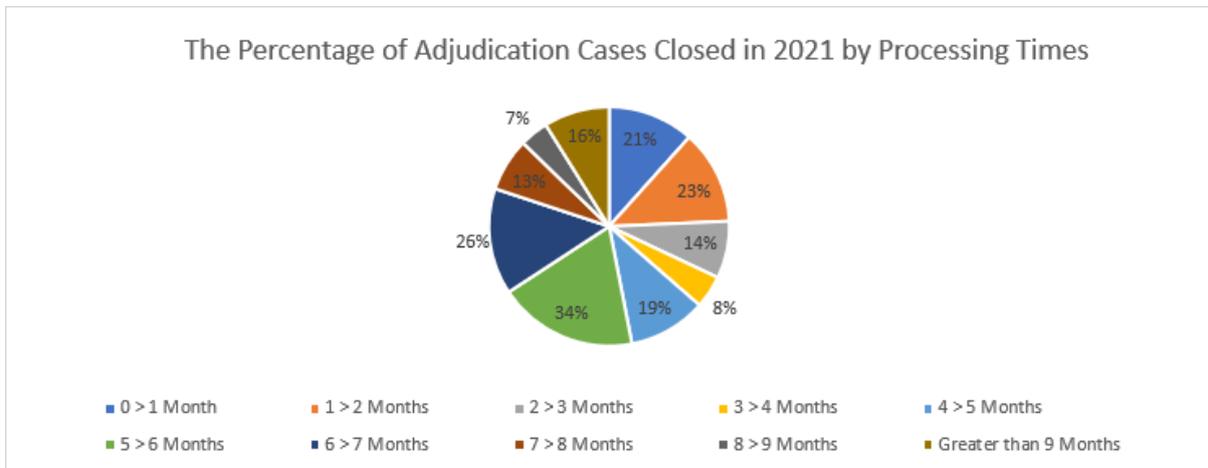
## **18. The longest any party that has engaged with the RTB has had to wait for a resolution for their case, including the 2021 figure for same (pg. 36).**

The RTB's Telephone Mediation service has consistently been the fastest method available for RTB customers for dispute resolution. Despite the pandemic, more than 60% of all mediation cases were resolved within eight weeks in 2020. During the pandemic, RTB adapted speedily to amend the RTB Adjudication processes to ensure the safety of customers and staff. Timelines were impacted a little, yet over 50% of applications were closed within the timelines achieved in 2019.

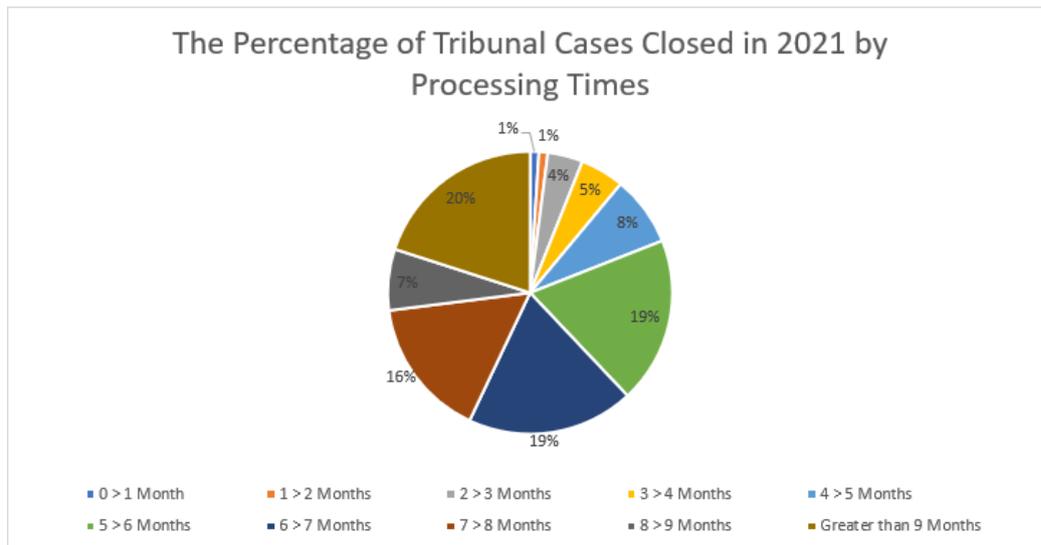
The below charts outline the processing times in 2021.



\*Due to rounding, totals may add up to more or less than 100%



\*Due to rounding, totals may add up to more or less than 100%



\*Due to rounding, totals may add up to more or less than 100%

There are numerous reasons why a case may be delayed. They can include issues around tracking down a case party if they have moved during the course of the dispute process, or if there is another legal matter in which a case party is involved which needs to take precedence. In this instance, the RTB would be obliged to pause proceedings until this other matter has been addressed. Or a case party may have insisted on a face-to-face hearing which were delayed due to COVID restrictions.

## **19. The number of private tenancies nationally according to the CSO (pgs. 36-37).**

Table 7 shows between 2017 and 2020 there was a steady fall in the total number of private tenancies registered with the RTB, falling from 313,002 in 2017 to 297,837 at the end of 2020. It also shows the number of AHB tenancies registered with the RTB over that period.

Please note that as a result of the impact of changes to the length of part four tenancies the RTB has not published any private tenancy figures for 2021. It is planned that an end of year estimate for 2021 will be published at the end of Q2 2022.

**Table 7: Registration figures 2017 -2020**

| Table 7 Registration figures 2017 -2020 |  |                                       |                               |
|---|--|---------------------------------------|-------------------------------|
| End of Year                             | Private Rented Tenancies Registered with the RTB | AHB Tenancies Registered with the RTB | Total Tenancies AHB & Private |
| 2017                                    | 313,002  | 26,445                                | 339,447                       |
| 2018                                    | 307,348  | 29,542                                | 336,890                       |
| 2019                                    | 303,023  | 32,662                                | 335,685                       |
| 2020                                    | 297,837  | 34,169                                | 332,006                       |

The Student Specific Accommodation (SSA) Register is a list of all SSA tenancies registered with the RTB at a point in time. You can download the register [here](#) on the website. The register went live on the 18 February 2022. Table 8 outlines the number of SSA tenancies registered with the RTB at the end of 2021.

**Table 8: Table 8: Student Specific Accommodation Registrations (Point in Time at the end of 2021)**

| Table 8: Student Specific Accommodation Registrations (Point in Time at the end of 2021) | 2021   |
|--|--------|
| Total SSA Registrations Complete (Paid)  | 21,681 |

Table 9 outlines the difference between the RTB tenancy registration figures for the end of year 2011 and 2016, with the Census night figures for the number of dwellings rented from a private landlord.

**Table 9: Difference between RTB Tenancy Registration Figures and CSO Rented from Private****Landlord Data 2011-16**

| <b>Table 9 Difference between RTB Tenancy Registration Figures and CSO Rented from Private Landlord Data 2011-16</b> |   |  |  |
|--|---|--|--|
| <b>Year</b>  | <b>Private Tenancies Registered with the RTB*</b> | <b>CSO Census Number of Dwellings Rented from Private Landlord</b> | <b>The difference between tenancies registered with the RTB and dwellings rented from private landlords as identified through the CSO Census**</b> |
| <b>2011</b>  | <b>260,144</b>                                    | <b>305,377</b>   | <b>-45,233</b>   |
| <b>2016</b>  | <b>319,822</b>                                    | <b>309,728</b>   | <b>+10,094</b>   |

\*RTB Private tenancy registration data is point in time taken at the end of each year.

\*\*CSO Census Undertaken in April 2011 & 2016.

## **20. A note on the RTB's expenditure on subscriptions, specifically on the expenditure therein for 2019, and the subsequent reduction during the pandemic (pg. 42).**

The 2020 Subscriptions cost reflects corporate subscription to a company search service. In 2019 this line also included corporate membership to housing forums and other professional housing sector bodies which did not recur in 2020.

## Supplementary Material

### Translation Costs

In the early months of the Covid-19 pandemic during 2020, the RTB experienced a reduction in application volumes for the Dispute resolution services. This was due to the added protections for tenants enacted in response to the pandemic. As a consequence, there was a reduction in the requirement to provide translation services for Disputes case parties for whom English is not a primary language.

### License vs Leases

A licensee is a person who occupies accommodation under license. Licensees can arise in all sorts of accommodation but most commonly in the following four areas;

- persons staying in hotels, guesthouses, hostels, etc.,
- persons sharing a house/apartment with its owner e.g. under the 'rent a room' scheme or 'in digs',
- persons occupying accommodation in which the owner is not resident under a formal license arrangement with the owner where the occupants are not entitled to its exclusive use and the owner has continuing access to the accommodation and/or can move around or change the occupants,
- persons staying in rented accommodation at the invitation of the tenant.

#### **Do all tenancies come under the remit of the RTB?**

The RTB does not have remit if you:

- Are a tenant in local authority housing
- Live with your landlord under the "rent a room" scheme
- Are the spouse, parent or child of the landlord and there is no written letting agreement in place
- Are living in the property as part of a short-term holiday letting agreement

**Student Specific Accommodation (SSA)**

Student Specific Accommodation (SSA), i.e. accommodation built for the use of students, including accommodation provided for by educational authorities, is under the remit of the RTB.

Student Specific Accommodation All on-campus or Student Specific Accommodation provided to students during the academic year, normally provided by educational institutions and/or the private sector, are under the remit of the RTB. This includes both licenses and tenancies and whether or not the accommodation is self-contained. This is in recognition of the fact that student accommodation often consists of shared communal spaces. While a student tenant is entitled to 'peaceful occupation', they do not have the right to 'exclusive' occupation. This may mean that the landlord can enter communal areas without permission from the occupants, however 'house-rules' and any agreement in place, should make this clear from the outset of the tenancy. Good communication is crucial.

**RTB Research Programme**

The main elements of the RTB Research Programme for 2022 are as follows:

- The RTB Rent Index, including its further development to incorporate new data gathered through annual registration.
- The RTB Rental Sector Survey project will provide robust information on the landlords, tenants, and letting agents in the rental sector. The project will help create a better understanding of the rental sector, monitor trends, and inform policy decisions.
- The Research and Data Hub launched in 2021 and now hosts data on the following: private tenancies and landlords; AHB tenancies; Notices of Termination; Rent Levels; and the profile of landlords and tenants. It is a key element of the research programme to update the existing data as it becomes available and to expand the data included in the data hub.

## Energy incentives

One of the seven reasons that a Landlord can serve a Notice of Termination is for Substantial Refurbishment of the property. The notice must be served in writing and provide the correct notice period, depending on the length of the tenancy. In addition to this the landlord must provide additional documentation to support the need for vacant possession. To serve a valid Notice of Termination for substantial refurbishment the notice must;

- state if planning permission is required, state the name of the contractor (if any), the date on which intended works are to be carried out, and the proposed duration of the works.
- The notice must also contain, or be accompanied, with a certificate in writing of a registered professional (within the meaning of the Building Control Act 2007) stating that:
  - The proposed refurbishment or renovation works would pose a threat to the health and safety of the occupants of the dwelling concerned and should not proceed while the dwelling is occupied, and;
  - Such a risk is likely to exist for such period as is specified in the certificate which shall not be less than 3 weeks.

If the tenant vacates on foot of a valid notice of termination, a landlord must offer the property back to the tenant when it becomes available for let again. The law states that a landlord must offer the property back to the original tenant on completion of the works, if the tenant have provided their contact details to the landlord in writing within 28 days of receipt of the notice

If a tenant receives a notice of termination for substantial refurbishment and they believe it is invalid, they can take a case for Validity of Notice of Termination.

## Rent Index

On 17 December 2021, the RTB published the Q3 2021 Rent Index. Compiled in conjunction with the ESRI, the RTB Rent Index is the most accurate and authoritative report on the Irish rental market.

The Q3 2021 report showed the following:

- Nationally, rents grew by 8.3% year-on-year in Q3 2021. This is the highest national growth rate seen since Q4 2017.
- The national standardised average rent stood at €1,397 in Q3 2021, an increase of €44 compared to the previous quarter.

- Dublin remained the county with the highest standardised average rent, at €1,916 per month while the lowest standardised average rent was seen in Leitrim, at €731 per month.
- There was a 31% fall in the number of tenancies registered nationally when compared to Q3 2019.
- Twelve counties now have standardised average rents above €1,000 per month.

The Q3 2021 index was based on actual rents paid on 15,042 private tenancies newly registered with the RTB during the quarter. This included new tenancies in existing rental properties; new rental properties never let before; and new tenancies in properties that have not been let in the immediate two years prior to this tenancy. The Rent Index does not provide a measure of the rental prices faced by existing tenants.

Traditionally, Q3 sees the highest rate of tenancy registration with the RTB, coinciding with the start of the academic year. This usual pattern was not repeated in Q3 2021. While it does mark a small increase on Q2 2021 (14,361), there has been a substantial decline in the number of tenancies registered and included in the sample, with a 31% decline in the sample compared to a pre-pandemic Q3 2019. These figures show the continued challenges posed by the re-opening of the Irish economy.

## The RTB **Q3 2021** Rent Index



Link to Q3 2021 Rent Index report: [Rent Index Q3 2021 Final Report.pdf \(rtb.ie\)](#)

Publication of the Q4 2021 Rent Index will take place in April 2022.

## Rent Index Development 2022

In 2022, Annual Registration of all tenancies will be introduced. This introduction, coupled with the launch of the RTB's new tenancy management system will allow the RTB to provide additional insights into the private rented sector. These changes will facilitate the further development of the rent index.

At present the rent index is based on new tenancies registered with the RTB. This included new tenancies in existing rental properties; new rental properties never let before; and new tenancies in properties that have not been let in the immediate two years prior to this tenancy. With the introduction of Annual Registration and the launch of the new tenancy management system, it will be possible to further develop the rent index to include the standardised average and first quarter-on-quarter change for **existing tenancies**.

## Oireachtas Queries

The RTB maintains a designated Oireachtas Query inbox to deal with Members Queries. There is a statutory obligation to respond to all queries within 14 working days. In 2021, 116 such queries were received. 114 were responded to within the timeframe. Two queries were complex in nature and required assistance from another agency. In this instance a holding response was issued, and these queries were answered outside the deadline.