

# Private Residential Tenancies Board

## Annual Report 1/9/2004 - 31/12/2005



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## Chairman's Statement



I am pleased to submit the first Annual Report of the Private Residential Tenancies Board (PRTB) which covers the period since its inception on 1 September, 2004 to the end of 2005.

The Government's action to reform and develop the private rented sector resulted in the enactment of the Residential Tenancies Act 2004. One of the main outcomes of the Act was the establishment of the PRTB which is mainly responsible for the operation of the new landlord and tenant regime. The Act brought about comprehensive reform of the legislation through a modernised code that strengthens tenants' rights and also supports a more professional approach by landlords. This new legal code provides the basis for a much-improved quality of tenancy relationships. The quality and choice of rental accommodation has also improved with the extent of new housing provided in recent years.

Since its establishment the Board has dealt with and will continue to deal with many challenges in developing what is a largely a new service. In the initial stages it had to cope with a huge volume of pent up demand for assistance and information. As is the case with most new ventures, there were teething problems. The PRTB has dealt with literally thousands of queries and complaints over the past two years. There is great credit due to the administrative staff of the Board for the way they coped with the pressures and the success that is now being achieved.

During the fifteen month period to end December 2005 the number of tenancies registered was almost 84,000. While significant progress has been made since then both in terms of the numbers registered and the reduction in processing time the Board continues to work to improve its services to its customers. Further details of these improvements will be highlighted in the 2006 Annual Report which it is hoped will be published before the end of June 2007.

There are areas where the PRTB could improve its services with the co-operation of landlords and tenants. A significant number of application forms have to be returned on a daily basis because they are incomplete. This involves unnecessary delay in registration and increases in the workload of staff of the PRTB. Landlords have also reported difficulties in getting tenants to sign the application form and provide PPS numbers. The PRTB have through the media highlighted this problem and hopes that with time these issues will no longer delay the registration process. The PRTB is continuing to develop its processes for pursuing unregistered landlords and tenants or landlords who do not comply with orders of the Board in dispute cases. While no prosecutions had been initiated by the end of 2005 the position has changed in relation to 2006 and the success of the PRTB in its enforcement proceedings will be a feature of our 2006 Annual Report.



The operation of a dispute resolution service for landlords and tenants, and in some cases third parties, is a key role of the PRTB, and one that is continuing to develop. At the end of 2005 the level of applications for the dispute resolution service reached almost 900 with that number already exceeded so far in 2006. The residential tenancies legislation sets out clearly the obligations of both landlords and tenants and gives landlords as well as tenants a means of having problems addressed and also enables third parties adversely affected to bring complaints against landlords for failure to enforce tenant obligations. This report highlights the nature of the dispute cases referred to the PRTB. Up to end 2005 almost 67% of dispute cases referred were from the tenant, 28% by the landlord and the remainder by third parties.

While tenancy registration and dispute resolution are two core functions of the PRTB it also has an important role in information, research and policy advice. In 2006 the Board entered into a partnership arrangement with the Centre for Housing Research, and they are managing a number of research projects on behalf of the PRTB. Further information in relation to these initiatives will be reported on in the 2006 Annual Report.

The PRTB is continuing to implement a range of improvements in its services to the public. Payments are now being accepted by credit and debit card and enhancements to the database system are underway which will provide for a better overall service to landlords and tenants. Consideration is also being given to the introduction of an online registration facility, which will make the whole process simpler and faster. The Board has improved its website [www.prtb.ie](http://www.prtb.ie) which contains much useful information, forms, determination orders and tribunal reports. The Board is also considering a move to more centrally located premises with better facilities. This we hope will make our services more accessible for hearings and will, in tandem with the other improvements that are in train, including proposed improvements to the telephone service, enable it to provide a better quality of service generally.

Despite the significant expansion in good quality rental accommodation in recent years, there is still a proportion of sub-standard units. The new partnership agreement, *Towards 2016*, contains a commitment that minimum standards regulations in the private rented sector will be updated and effectively enforced. The Minister for Housing and Urban Renewal announced, in September 2006, a comprehensive Action Programme to pursue these objectives and promote improvement in standards of private rented accommodation generally. The PRTB would hope that the tenancy registration data will help local authorities in enforcing the standards regulations, as will increased resources from the proceeds of tenancy registration fees.

The PRTB is still very much in a developmental stage. In addition to improving its services, a great deal of work has been carried out in developing its corporate structures. An important part of this is the transition from initially being almost entirely reliant on the Department of the

Environment, Heritage and Local Government, to a fully stand alone operation. The Board would like to acknowledge the support of the Department, in particular, the units responsible for the private housing sector, IT, corporate services and accounting. The Board also acknowledges the financial support received from the Department through the grant-in-aid of €617,776 and €1,703,279 in respect of 2004 and 2005 respectively. An increased provision of €3.707 million was made available for 2006 to support the transition to stand alone operation. The financial statements of the Board for 2004 and 2005, which are currently being audited by the Comptroller and Auditor General, will reflect the way these amounts were expended. These accounts will be published once the audit is finalised. The Board appointed its own permanent Director, Margaret Taheny-Moore, in July 2006 but would like to pay tribute to Shirley Groarke of the Department of the Environment, Heritage and Local Government who carried out the role of Director for most of the period to which this Annual Report relates. I would also like to acknowledge the contribution of the panel of Mediators and Adjudicators who have contributed significantly to the work of the Board. Finally I would like to thank my member colleagues on the Board for their support and dedication.



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Tom Dunne  
Chairman



## *Membership of the Board*

The 15 members of the Board of the Private Residential Tenancies Board were appointed by the Minister for the Environment, Heritage and Local Government in October 2004. The members are professional and experienced individuals with expertise in the legal, arbitration, valuation or social policy fields. The members are as follows:

Tom Dunne (Chairperson)	Head of School of Real Estate and Construction Economics, Dublin Institute of Technology
James Bridgeman	Barrister-at-Law, Lecturer in Law, ITT Dublin
Anne Colley	Solicitor
Aideen Hayden	Solicitor and Chairperson of Threshold
Mary Heaslip	Auctioneer and Valuer
Sheila McMahon	Assistant Principal Officer, Department of the Environment, Heritage and Local Government
Fintan McNamara	Irish Property Owners' Association
Marjorie Murphy	Solicitor
Conn Murray	City Manager, Waterford City Council
Liam O'Donnell	Auctioneer and Valuer and C.E.O. of the Institute of Professional Auctioneers and Valuers
Dr. Eoin O'Sullivan	Lecturer in Social Policy, School of Social Work and Social Policies, Trinity College Dublin
Dervla Quinn	Solicitor
Dr. Bairbre Redmond	Vice Principal, College of Human Sciences, University College Dublin
Pat Riney	Chartered Surveyor, Auctioneer and Valuer
Tony Taaffe	Solicitor

# *Functions of the Board*

## **Responsibilities**

The Private Residential Tenancies Board (PRTB) was established as an independent body on a statutory basis on 1 September 2004 following the enactment of the Residential Tenancies Act 2004. It has 3 main areas of activity: the operation of a national registration system for all private residential tenancies; the operation of a dispute resolution service; and the provision of information, carrying out of research and the provision of policy advice regarding the private rented sector.

The principal functions of the Board include:

- the resolution of disputes between tenants and landlords in accordance with the provisions of Part 6 of the Residential Tenancies Act 2004;
- the registration of particulars in respect of tenancies in accordance with the provisions of Part 7 of the Residential Tenancies Act 2004;
- the provision to the Minister of advice concerning policy in relation to the private rented sector;
- the development and publication of guidelines for good practice by those involved in the private rented sector;
- the collection and provision of information relating to the private rented sector, including information concerning prevailing rent levels;
- where the Board considers it appropriate, the conducting of research into the private rented sector and monitoring the operation of various aspects of the private rented sector or arranging for such research and monitoring to be done;
- the review of the operation of the Residential Tenancies Act 2004 (and in particular Part 3) and any related enactments and the making of recommendations to the Minister for the amendment of the Act or those enactments; and
- the performance of any additional functions conferred on the Board by the Minister.

## **Corporate Governance**

The PRTB is committed to maintaining the highest standards of corporate governance and embedding the culture of good governance in the PRTB's offices. Significant progress has been achieved in this area and a number of key corporate governance documents were approved by the Board. This will be reported on in greater detail in the 2006 report.

## **Committees**

In accordance with Section 157 of the Residential Tenancies Act 2004 the Board has established a number of committees, detailed below, to assist in the discharge of its responsibilities. Under Section 158(4) of the Act all of the Committees operate under terms of reference and procedures determined by the Board. Details of the membership of these committees are included at Appendix 1.



### ***Dispute Resolution Committee***

The Dispute Resolution Committee was established in December 2004 and comprises members of the Board and other individuals. Tenancy Tribunals that are established to hold hearings into disputes consist of 3 persons drawn from this committee. The rules and procedures for the conduct of the Dispute Resolution Committee's meetings and the performance of its functions have been agreed by the Board in consultation with the Minister for the Environment, Heritage and Local Government. They may be amended at any time with the approval of the Board and the Minister. The Dispute Resolution Committee and any Tenancy Tribunal established by it will at all times act in accordance with the provisions of the Act.

### ***Section 189 Committee***

The Board established a Section 189 Committee in May 2005. The Committee meets whenever called upon to meet by the Director on foot of a request received by the Board for an application under section 189 of the Act. Section 189 provides for the Board applying to the Circuit Court for interim or interlocutory relief where the Board considers it appropriate to do so, for example in cases of serious anti-social behaviour or illegal evictions. The function of the Committee is to decide whether or not the Board should make an application to the Circuit Court under section 189 of the Act. Decisions of the Committee are not subject to confirmation by the Board and are decisions of the Board.

### ***Research Committee***

The Board established a Research Committee in June 2005. The functions of the Committee are to decide what research it would be appropriate, necessary or desirable for the Board to undertake having regard to the information that is available to the Board, to make arrangements for the carrying out of such research and to consider the research findings when available and report thereon to the Board.

# Background

## Establishment of the PRTB

The Residential Tenancies Act, enacted in July 2004 and commenced in two phases on 1st September and 6th December 2004, implements the vast majority of the recommendations of the 2000 report of the Commission on the Private Rented Residential Sector. The Private Residential Tenancies Board (PRTB) was established on a statutory basis on 1st September 2004. In anticipation that enactment would take a certain amount of time, the Government set up the Board on an interim basis in October 2001 in order to inform the development of the draft legislation and to offer a mediation service for disputes referred on a voluntary basis by both parties.

Preparations for the statutory services in the period before September 2004 involved mainly:- development of the mediation and adjudication service; commissioning, implementing and testing the IT system to support the registration and dispute resolution services; drafting of relevant forms, rules and procedures; compiling informational material; and general administrative arrangements, including sourcing and equipping suitable premises from which to operate.

A considerable effort was invested in developing the dispute resolution service. Panels of some (200) mediators and adjudicators, with excellent qualifications and experience, were assembled. The Board arranged information, training and support for these personnel in relation to landlord/tenant issues and the new residential tenancies legislation. A significant amount of resources were applied in providing and publicising a “voluntary” mediation service in advance of the full statutory dispute resolution service. Take up of the voluntary service was unfortunately low due to the requirement for joint landlord and tenant agreement to use the service. In this period, the Board contributed significantly to the refinement of the dispute resolution provisions in the Residential Tenancies Act.

Many of the provisions of the 2004 Act came into operation on the Board’s establishment date of 1 September 2004. These included;- improved security of tenure through a system of 4-year tenancy cycles (Part 4); new tenancy termination procedures, including longer notice periods linked to length of tenancy (Part 5); a new system of tenancy registration with the PRTB (Part 7); and the provisions relating to the PRTB itself (Part 8).

The remaining sections of the Act came into force on 6 December 2004. These included;- the new dispute resolution service through the PRTB instead of the Courts (Part 6); provisions setting out clearly the statutory tenancy obligations of landlords and tenants (Part 2); and rent provisions whereby landlords are not entitled to seek a rent greater than the market rate and rent reviews (whether up or down) may not occur more than once a year unless warranted by a substantial change in the accommodation (Part 3).



In the period under review the PRTB was in a transitional phase from its purely advisory role to operating statutory services and moving onwards to a point, where it is a fully stand-alone operation with its own staff corps and directly providing or procuring various support services.

The residential tenancies legislation enacted in 2004 has had considerable impact and the level of awareness of the existence of the PRTB and its functions was high among tenants and landlords from its establishment. At the same time there has been no evidence that this major reform of the legislation in this area has interfered with the operation of the market and the supply of and access to rental accommodation. Given that the legislation was enacted at a time of quite static rent levels and less attractive capital yields, the fact that it did not result in any departure from the market by investors is an encouraging vote of confidence in the new regime. It is also good to note that the PRTB has no evidence that there was a higher than normal instance of termination of tenancies before pre-existing tenants qualified for the security of tenure rights on 1st March 2005.



# Activities

## **Tenancy Registrations**

The registration requirement contained in Part 7 of the Act, which replaced the 1996 Regulations requiring landlords to register their tenancies with local authorities, has applied since 1st September 2004. Landlords had a period of 3 months in which to apply to register existing tenancies while applications to register new tenancies are required to be made within one month of their commencement. Where a landlord does not register a tenancy, the PRTB is precluded from dealing with any dispute relating to the tenancy that may be referred to it by the landlord. Non registration does not affect tenant rights and tenants will have access to the dispute resolution service irrespective of whether or not the tenancy is registered.

The requirement on landlords to register details of their tenancies with the PRTB is necessary for a number of reasons. In particular, the tenancy details are relevant to disputes relating to rents, rent reviews, terminations, security of tenure and other matters. There is also a need to capture systematically relevant information required to understand more fully the operation of the market for rented residential property. Markets work more efficiently where reliable information and credible statistics are available. Both landlords and tenants as well as the state can only benefit from the greater understanding of the market that will be possible from gathering the information from the registration process.

## **Tenancy Registration Fees**

The fee payable is currently €70 per tenancy being registered on time i.e. within 1 month after the commencement of the tenancy or €300 for multiple tenancies in the one building being registered at the same time and all on time (i.e. within one month of the commencement of the respective tenancies) by the one landlord. No fee is payable where 2 payments in respect of the dwelling have been made to the Private Residential Tenancies Board in the previous 12 months. No fee is payable for an update of details of a tenancy currently registered.

Registration lasts the length of the tenancy, which is up to a maximum of 4 years. If the same tenant is in occupation after 4 years the new tenancy that then comes into existence must be registered anew with the PRTB. It is appreciated by the board that where tenants move frequently it places a heavier burden on the landlord.

## **Late Fee**

Where a tenancy is being registered more than 1 month after the commencement of the tenancy, an additional fee of €70 (i.e. €140 in total) is payable for these late registrations. There are no exceptions to the late fee and the composite fee is not available to late registrations of multiple tenancies within the one building. The Residential Tenancies Act 2004 does not allow for any exemptions from the requirement to pay the late fee in any case regardless of the circumstances or the reasons for the delay.

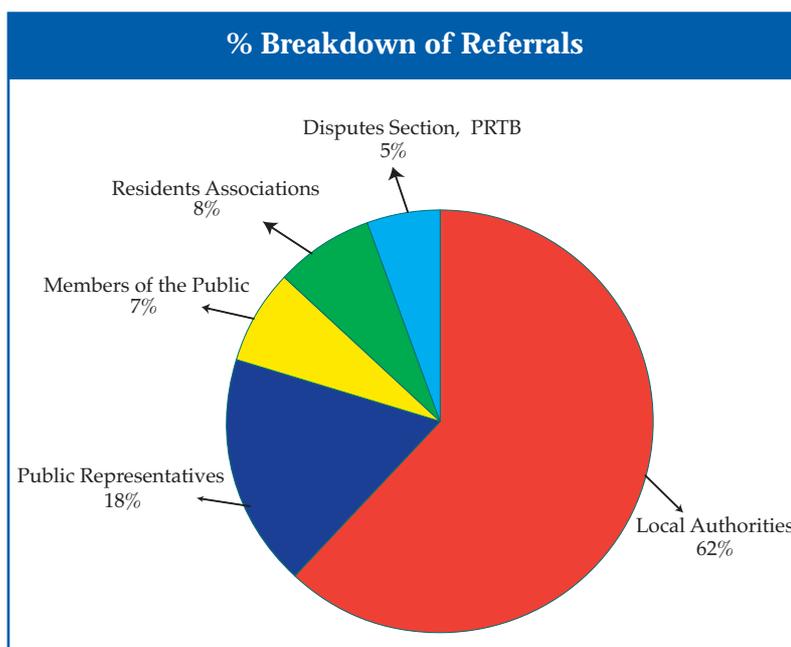


### **Statistics on Tenancy Registration**

Since September 2004, tenancy registrations were received from landlords or their agents and processed for registration by the PRTB. At the end of 2005, the total number of registrations was 83,983. On average, 231 tenancy applications were received on a daily basis and approximately 38% of these were incomplete and as such were required to be returned to the landlords or their agents as appropriate. Applications are routinely returned as incomplete where the PPS number is missing or invalid, incorrect fee is submitted, landlord or tenant signature or both are missing, tenancy commencement date not inserted etc. While the Board appreciates that it takes some time for those registering to get used to completing the form, it asks both landlords and their agents to take greater care when filling out the form. Detailed registration statistics are shown in Appendix 4.

### **Enforcement of registration requirement and action plan on non-compliance**

Under the Residential Tenancies Act 2004, the PRTB has powers to enforce the requirement to register tenancies. The PRTB follows up on any information received in relation to tenancies that are not registered with the PRTB. Such information comes from a number of sources including local authorities, members of the public, residents' associations and from tenants referring disputes to the PRTB or otherwise contacting the PRTB.



The number of referrals received in 2005 and the action taken is shown in Appendix 4.

The Act, and accordingly the registration requirement, does not apply to:

- Business premises, even where partly residential to which Section 13(a) of the 1980 Landlord and Tenant Act applies;
- A dwelling to which Part II of the Housing (Private Rented Dwellings) Act 1982 applies (i.e. formerly rent controlled dwelling occupied by the “original tenant” or his/her spouse) or to which section 13(b) of the 1980 Landlord and Tenant Act applies (i.e. long occupation equity lease tenancies);
- A dwelling let by or to a local authority or other public authority or a voluntary housing body as social housing;

- A dwelling occupied by the owner under a lease or a shared ownership lease;
- A holiday let;
- A dwelling in which the landlord is also resident;
- A dwelling in which the spouse, parent or child of the landlord is resident and there is no written lease or tenancy agreement; and
- A dwelling that is occupied rent free;

If a dwelling is available for renting but has not yet been let, there is no requirement to register.

### ***Sanctions against unregistered landlords***

The steps being taken by the PRTB to pursue compliance with the registration requirement are in accordance with the provisions of the Residential Tenancies Act 2004 and, in particular, sections 144 and 145. They include the issue of notices to landlords and/or occupiers of the dwellings in question, and the prosecution of offenders for non-compliance with the registration requirement.

Details of these notices are set out below:

- ***Landlord 1st Notice - section 144(2)***  
Where the landlord's address is available to the PRTB, a notice is served on the landlord stating that, in the PRTB's opinion, there is a tenancy in the dwelling in question that requires to be registered and that an application for registration must be made. The notice requests the landlord to furnish within 14 days the reasons why the landlord may consider that the registration requirement is not applicable.
- ***Landlord 2nd Notice - section 144(3)***  
Where the landlord fails to respond to the 1st notice, within the 14 day period or a response was received within the 14 day period which did not result in the PRTB changing its opinion on the registration requirement applying, a notice is served on the landlord stating that the landlord is required to register within 14 days and failure to register within this timeframe will result in the landlord being guilty of an offence under the Residential Tenancies Act 2004.
- ***Occupier's Notice - section 145(4)***  
Where the landlord's name or address is not supplied, a notice is served on the occupiers requiring them to supply within 14 days any information in their possession that could lead to the PRTB ascertaining the identity of the landlord or his/her address. That notice also states that failure to respond within the 14 days will result in the occupier being guilty of an offence under the Residential Tenancies Act 2004.

- ***Proceedings***

If the landlords and occupiers fail to comply with the provisions of the Residential Tenancies Act 2004 as outlined above, the PRTB will exercise the power open to it under the Act in relation to prosecutions. However this process may take time as in order to maximise success and secure a criminal conviction, it is essential that the information available to the PRTB is accurate and that the PRTB operates in accordance with the appropriate procedures. The successful conviction of landlords or tenants of criminal offences under sections 144 and 145 respectively requires a high standard of proof and a correct name and address is vital to this process. No prosecutions had been initiated by end of 2005.

### ***Published Register***

In September 2005 the PRTB published a register of tenancies extracted from the registration details submitted to it by landlords. The published register is available on the PRTB's website at [www.prtb.ie](http://www.prtb.ie) and a hard copy is available to view at the offices of the PRTB. The published register which is updated twice yearly, should be useful to members of the public but does not contain any information that discloses the identity of the landlord(s) or the tenant(s) of the dwelling, or the amount of the rent payable under the tenancy of the dwelling.

The published register is a snapshot of the register at a point in time, generally extracted from the computer system used by the PRTB to record details of all registrations of tenancies twice a year. Accordingly, it will not include tenancies registered in the intervening period or more recent applications for registration that are not fully processed.

### ***Register for Local Authorities***

In September 2005, the PRTB supplied to each local authority on a functional area basis, information from its register of tenancies that was reasonably necessary for the performance of the authority's functions in relation to the enforcement of standards and rent book regulations in houses, dwellings or other structures (either generally or those which have been provided by the authority).

### ***Funding to Local Authorities***

In accordance with the provisions of the Residential Tenancies Act 2004, funding was provided to the Local Authorities to take account of registration fee income foregone due to the introduction of the new system of registration. In December 2004 €462,885 was disbursed to local authorities in respect of the period 1st September 2004 to 31st December 2004 and in November 2005 €1.582 million was disbursed to local authorities in respect of 2005.

From 2006 onwards, distribution to local authorities of funding available from registration fee income, will be based on the statistics supplied by them relating to their level of activity in

enforcing the Standards and Rent Books Regulations, as well as the number of tenancies in each housing authority's functional area and adjusted to take account of the uneven distribution of registration fee income across the 4-year tenancy cycle.

### ***Revised Tenancy Registration Form***

Following a review of the tenancy registration form by the Board in 2005 and following consultation with representative landlords and tenants, a revised tenancy registration form was prepared and was available from November 2005.

### ***Issues arising from the registration process***

As can happen with any entirely new undertaking, the PRTB has encountered some teething problems in operating the registration system. The sheer volume of calls and repeat applications has been a major factor. A significant number of applications were, and continue to be, sent back to the landlords due to missing core essential information.

The Board is grateful to landlords for their co-operation during this initial period of operating the new registration system. It is very pleased with the relatively high level of compliance by landlords and intends to build from this good compliance base. Improvements to the registration system, including the possibility of an on-line registration system, which will require an amendment of the legislation, are being considered.

The important message that the PRTB would like to get across to landlords is that it is vitally important when entering into new letting arrangements to require the new tenants to insert their PPS number and sign the registration application form from the very outset of the tenancy. That way, the landlord can ensure that the application is made to the PRTB within the specified time limit thus rendering the landlord eligible to refer to the PRTB any dispute that arises in relation to the tenancy.

### ***Dispute Resolution Service***

Another significant area of PRTB activity is dispute resolution under Part 6 of the Act, which came into operation on 6th December 2004. The PRTB dispute resolution service replaces the courts in relation to the majority of landlord and tenant disputes. The Board operates a two-stage dispute resolution process. (See Appendix 6) The first stage consists of either mediation, if chosen by both parties, and adjudication. Both mediation and adjudication are confidential to the parties. The second stage is a public hearing by a Tenancy Tribunal if the matter is not resolved at stage 1. The Board refers some cases directly to stage 2.

### ***Appointment of panels of Mediators and Adjudicators***

A panel of mediators and adjudicators was established by the Board in December 2004 in accordance with section 164(4) of the Residential Tenancies Act 2004 for a term of at least 3 years.



Mediators and Adjudicators are chosen from a range of backgrounds, skills and experiences including valuation, arbitration, chartered surveying, legal and business. Drawing on their professional expertise, the Mediators and Adjudicators seek to resolve disputes between tenants and landlords. A list of Mediators and Adjudicators is included at Appendix 2.

### ***Seminar for Adjudicators and Mediators***

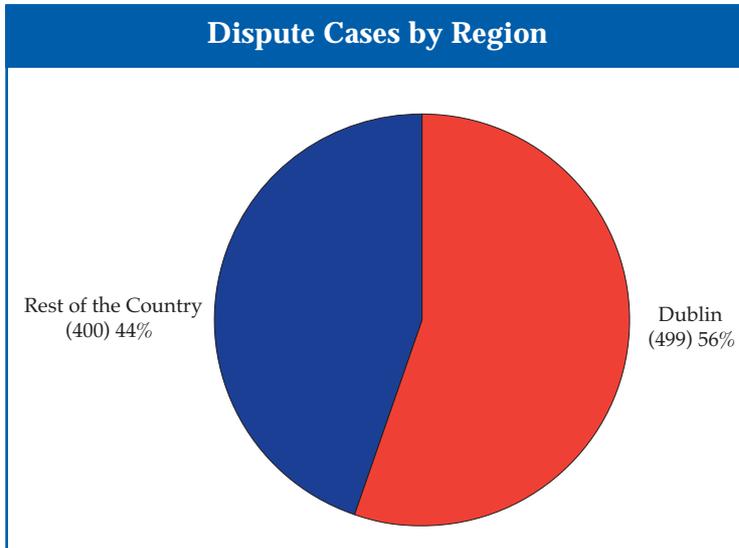
An information seminar for mediators and adjudicators was held on the 25th November 2005 in the Westin Hotel, Westmoreland Street. The purpose of the seminar was to reflect on the progress to date and the lessons learnt in operating the dispute resolution function. The seminar also provided an opportunity for adjudicators and mediators to discuss the processing of dispute cases.



Guidance notes on mediated agreements and agreements reached at adjudication as well as guidelines on preparing adjudication and mediation reports were circulated to participants at the seminar.



## Statistics on Dispute Resolution

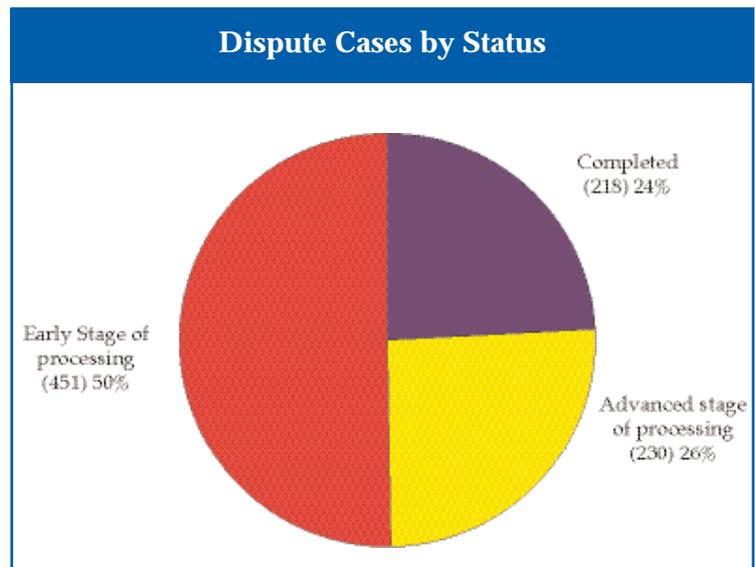


During 2005, almost 900 applications for dispute resolution were received by the PRTB. A very large number of disputes brought to the attention of the board were resolved by the Board providing information to the parties who then resolve their dispute without recourse to the formal dispute resolution service of the Board. The Board regards this as making an important contribution to resolving disputes between landlords and tenants.

At the end of 2005, almost 50% of the dispute cases were either completed or at an advanced stage of processing, while the remaining 50% were in the early stage of the process.

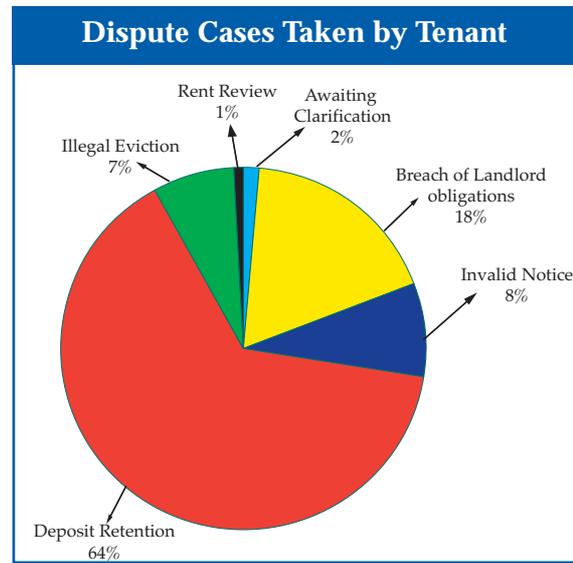
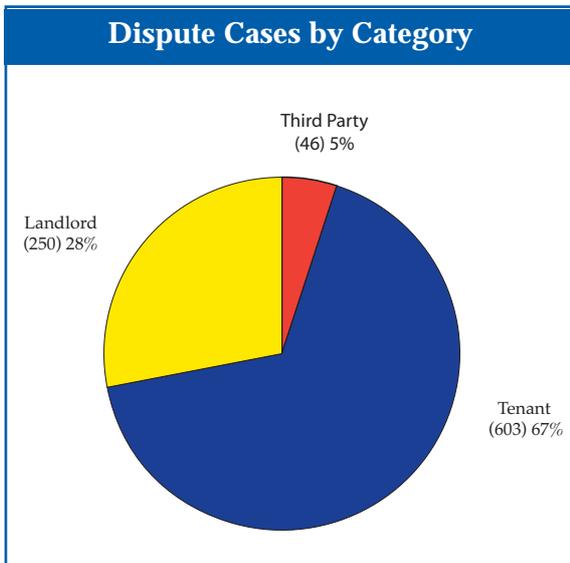
Note: Advanced stage of processing means hearings held or scheduled. Early stage of processing means awaiting documentation from the parties or being scrutinised.

On average, 25 dispute applications were received on a weekly basis.



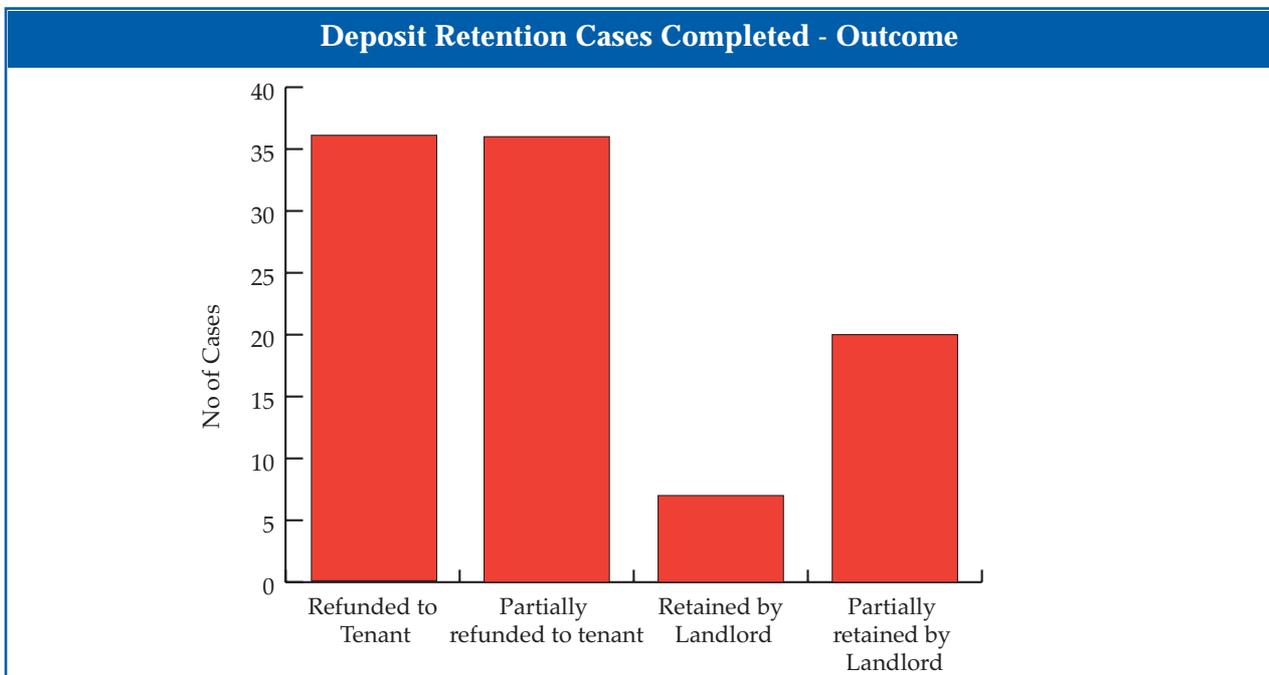
By end 2005 the PRTB had issued binding determination orders in respect of 99 cases details of 98 of which are published on its website – the PRTB does not publish determination orders reflecting agreements reached at mediation although it does publish orders reflecting agreements reached between the parties at adjudication. The nature of the dispute cases referred to the PRTB so far include deposit retention, illegal evictions, invalid Notices of termination, over-holding, rent arrears, other breaches of tenant obligations, breach of landlord obligations, and anti-social behaviour cases referred by third parties. Almost 67% of cases have been referred by the tenant, 28% by the landlord and the remainder by third parties.





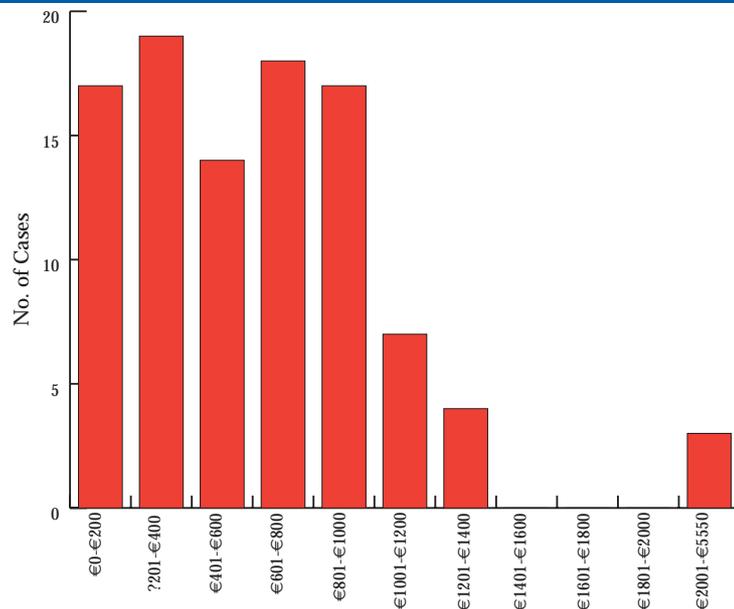
64% of dispute cases taken by tenants relate to deposit retention as outlined in the chart above.

At the end of 2005, a total of 99 Deposit Retention Dispute Cases were completed. An analysis of the outcome shows that in 72 cases (73%) the landlord was required to fully or partially refund the deposit to the tenant.

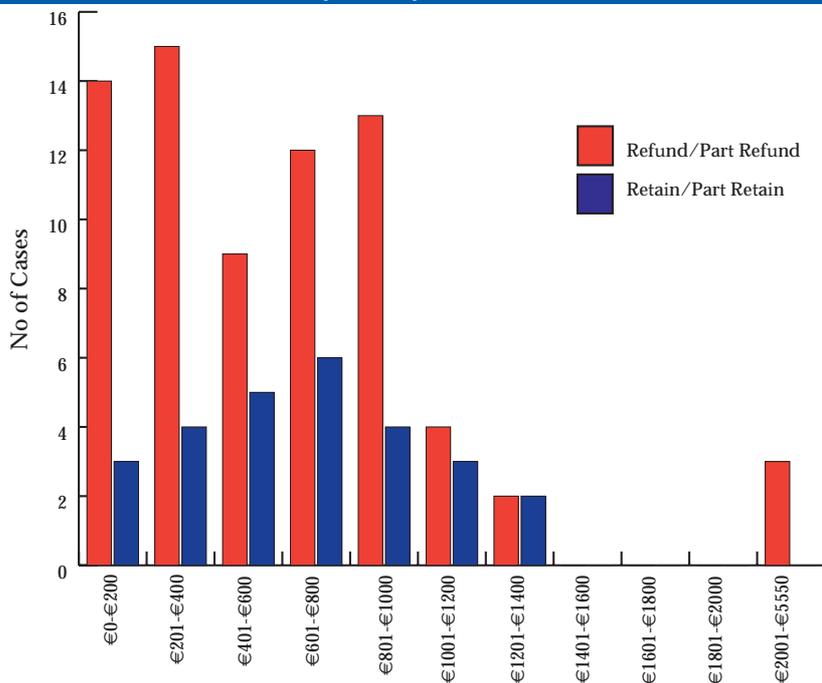


A further analysis outlined in the charts on page 18 show the range of values of the deposits retained and compares the number of deposits refunded/partly refunded with the number of deposits retained/partly retained.

### Deposit Retention Cases Completed - Value



### Deposit Retention Cases Completed - Deposits Fully/Partly Refunded v Deposits Fully/Partly Retained



The message that the PRTB would like to give to landlords is that the deposit, which they hold in relation to a tenancy belongs to the tenant and they are not entitled to spend this money on refurbishment etc. It should only be used to offset rent arrears where they may exist following the termination of the tenancy or to defray the cost of damage to the dwelling by the tenant that is beyond normal wear and tear. Landlords are advised to inspect the dwelling prior to the tenant vacating in order to resolve any issues in relation to damage.



### *Examples of 2 Deposit Retention Cases.*

#### **Case 1.**

At the end of the tenancy, having inspected the property with the applicant's (tenant's) husband, the respondent (landlord) stated that the house was in good condition and that he would return the deposit of €1,015. This statement was witnessed by a friend of the applicant. The landlord had requested that a garden shed be cleared out and this was done and was attested by a certificate from the new tenants.

Subsequently, the landlord said that the refrigerator was not working and he was only prepared to return half the deposit. The tenant listed a number of problems which she had to contend with during the course of the tenancy including a broken kitchen window, persistent dampness, inability to use the shower due to a leak in the bathroom, a breakdown in the heating system and problems with the electricity in the garden shed. The tenant also said that they had replaced carpeting in the house at their own expense, purchased a new bed for their child and her husband had fixed the electricity in the garden shed and repaired a broken garden wall.

The landlord stated that there was clear evidence that unauthorised sub-letting of the property had taken place, and in his view, over-use of the house through sub-letting contributed to the dampness problems mentioned by the tenant and explained the deterioration in the furniture that was beyond normal wear and tear. When the new tenants moved in it transpired that the refrigerator was broken. The landlord also stated that the quality of the replaced carpet was not as good as the original and the tenant should have sought his consent to its replacement. He indicated that he had not been made aware of the broken window in the house but had made arrangements to have the heating repaired as soon as it was brought to his attention. He acknowledged that the tenant's husband had repaired a small garden wall, but he had reimbursed the agreed cost of the materials used.

The tenant denied that sub-letting had taken place, but admitted that they had accommodated a friend for a few weeks. The tenant did not accept that the refrigerator problem was her responsibility and at the end of the tenancy had drawn the landlord's attention to the fact that it needed to be defrosted. She acknowledged the fact that the landlord had compensated them for the cost of materials used in repairing the wall, but that her husband was not paid for his labour in carrying out the work.

Having studied the relevant documentation on file and heard the evidence at the hearing the adjudicator found that:

- At a joint inspection carried out by the landlord and the tenants at the end of the tenancy, it was found that the house was in good order.

- There was no conclusive evidence brought forward at the hearing to show that any damage to furniture found subsequently was caused by the tenants.
- A request made by the landlord at the time of the inspection that the garden shed should be cleared out was complied with.
- The tenant denied sub-letting, but admitted providing short-term accommodation for a friend. The adjudicator did not consider that this had a bearing on the calculation of the amount of deposit that should be returned.

The adjudicator concluded that it was not shown that there were valid reasons for the retention by the landlord of all or part of the deposit and determined that the landlord refund the deposit.

## **Case 2**

The applicant (tenant) did not attend and was not represented at the hearing. In her application for Dispute Resolution Services, the tenant stated that she rented the property from February 1st 2003 until March 2005. She claimed that, early in 2005, she requested the respondent (landlord) to carry out some repairs to the house, but he refused to do so. She also claimed that she was advised by a social welfare worker to leave the accommodation because of the condition of the house. The tenant sought to use her €1,300 deposit to pay for the rent for the month of March 2005 i.e. the last month of her occupancy of the house, but the landlord refused to allow it.

The landlord denied all of the tenant's claims. He stated that he had checked with social welfare who assured him that they did not advise the applicant to leave the house. The landlord said that he had subsequently let the house to a tenant who was in receipt of rental subsidy from social welfare and that tenant was still in occupation.

The landlord stated that he had let the dwelling to the tenant on the 1st February 2003 at a rent of €1,300 per month and had obtained a deposit of €1,300 from her. He subsequently received a further sum of €500 from social welfare, which on their advice he paid over to the tenant and had got a receipt for it from the tenant.

The landlord stated that the tenant's rent was subsidised by the Department of Social & Family Affairs (DSFA). An amount of €1,148 was paid directly to the landlord's account by the Department and the balance of €152 was to be paid by the tenant. In the 1st year of the tenancy all DSFA payments were received but the tenant made only seven of the twelve payments of €152. The landlord received a further payment of €100 after he had threatened to issue a notice of termination of tenancy.

The landlord agreed to a further 12 month lease in April 2004 at a reduced rent of €1,200 payable monthly in arrears. This was subject to certain guarantees regarding payment of the DSFA element of €1,148, the payment of the balance of €52 by the tenant and a requirement for notice



of one month in writing to terminate the tenancy. On the 24th March 2005, the landlord was informed by the tenant that she and her family were leaving the house. The landlord subsequently found that he was owed rent for the month of March and having checked with the DFSA discovered that the tenant had in January 2005, arranged to have the DSFA payment cheques forwarded to her directly.

The landlord said that when he met the tenant at the rented dwelling, she informed him that the DSFA cheque for rent for the month of March had not arrived. He said that she then left the house abruptly, refusing to sign a letter in which he had listed damages to the property and items of equipment that he said were missing from the house. The landlord provided documentation supporting his evidence.

In summary the landlord stated that when the tenant vacated the property she gave notice of only one day although the tenancy agreement required that notice of one month be given. He received no rent for the last month of tenancy and he also suffered loss of rent for a further month due to the fact that the required notice was not given. The landlord estimated the total cost of loss of rent, remedying damages to property and replacing missing items of household equipment at €3,821.

The adjudicator found that:

- In February 2003, the tenant paid a deposit of €1,300 to the landlord in respect of her tenancy.
- The applicant failed to pay rent of €1,200 due for the final month of her tenancy.
- The tenant gave notice of one day in terminating her tenancy although a notice period of one month had been agreed at the commencement of her tenancy. Section 66 of the Residential Tenancies Act 2004 requires that notice of 35 days be given by the tenant in cases such as this, where the duration of the tenancy is 6 or more months but less than 1 year.
- Costs were incurred by the respondent in remedying damages to property and replacing missing items of household equipment. In the absence of the applicant from the hearing it was not possible to establish the extent to which such costs were attributable to the applicant's tenancy of the property.

The adjudicator concluded that the losses incurred by the landlord in respect of unpaid rent for the month of March 2005 and lack of required notice on termination of tenancy exceeded the value of the deposit paid by the tenant. Under Section 12, Sub-section 4 of the Residential Tenancies Act 2004, the landlord is not required to return the deposit in such circumstances. The adjudicator determined that the tenant was not entitled to the return of a deposit of €1,300.

Both landlords and tenants are urged to adopt a pragmatic and reasonable approach to issues around the retention of deposits.

More detailed Dispute Resolution Statistics are shown in Appendix 5.

### ***Notices of termination***

In many of the dispute cases processed by the PRTB it was found that the Notice of Termination served by the landlord or tenant was not valid, as it did not comply with the provisions of the new legislation. Accordingly, the Board has made available on its website a template Notice of Termination. Landlords and tenants can also obtain standard notices of termination from the Dublin Solicitors' Bar Association and the Irish Property Owners' Association.

### ***Legal Services***

Under the Residential Tenancies Act 2004 the functions of the PRTB involve it in a considerable volume of Court cases. These arise from failure to comply with determination orders or with registration requirements, etc. and also in Circuit Court and High Court appeals of PRTB decisions or judicial reviews. In 2005, the Board made 99 Determination Orders and by year-end 13 of these Orders (13%) were referred to the Circuit Court for enforcement. 7 of these cases involved the Dublin Circuit Court while the remaining 6 involved Circuit Courts outside of Dublin. In 2 of these cases, solicitors were involved in responding, on the PRTB's behalf, to judicial review proceedings taken by the aggrieved parties. Senior counsel opinion and junior counsel advice were also sought on 2 separate issues during the year. During 2005, the PRTB incurred expenditure of almost €90,000 in legal fees. At year end discussions were ongoing with regard to making new arrangements for the provision of legal services.

### ***Information and Research***

#### ***Media launch***

The offices of the PRTB were formally opened by the Minister for Housing and Urban Renewal, Mr. Noel Ahern T.D. on 6th December 2004.

#### ***PRTB Website***

At the end of May 2005, the PRTB launched its own website [www.prtb.ie](http://www.prtb.ie). The aim of the website is to provide accurate and practical information to landlords and tenants. Copies of the PRTB's leaflets and application form for registration of tenancies are all posted on the site. Some frequently asked questions and answers are on the site and these are updated on a regular basis. In addition, the Determination Orders made by the Board in respect of completed dispute cases are published on the site.



### ***Presentation to the Oireachtas Committee on Environment and Local Government***

On the 6th July 2005, Mr. Tom Dunne, Chairman of the PRTB made a presentation to the Oireachtas Committee on Environment and Local Government on the operations of the Board to date and its strategy and objectives for the future.

### ***Publication of leaflets***

A series of leaflets dealing with landlord obligations, tenant obligations, dispute resolution, registration, licensees and termination of tenancies, as well as a quick guide, providing an overview of the main provisions of the Residential Tenancies Act 2004 have been widely disseminated and are available on the PRTB's website, [www.prtb.ie](http://www.prtb.ie).



### ***Level of queries received***

Since its commencement, the PRTB has been actively engaged in providing information on the new legislative provisions affecting landlords and tenants. Staff have responded to many queries received about various aspects of the new legislation and other tenancy matters. Many of these calls concern particular issues affecting individual cases that take some time to explain to the Board's staff who often have to take great care not to proffer legal advice. It is important to appreciate that the Board cannot give legal advice to members of the public about their particular circumstances.



The level of queries has been such that some callers have experienced difficulty in getting through to the Board. Additional staff have been assigned to the PRTB to deal with queries and improvements have been made to our telephone system to make it easier to get through to our staff.

## Resources

### *Staff*

Section 167 of the 2004 Act allows the Minister to provide services to the Board including the services of staff. In accordance with this section the Board has been primarily staffed by Departmental officials in a combination of formal assignments and loaned and temporary staff. It has also engaged varying numbers of agency or contract staff to undertake specific duties mainly in relation to the registration system.

As is the norm with State bodies all aspects of staffing, including the grades of staff, the numbers in each grade, the level of remuneration for each grade and the terms and condition of employment are subject to the consent of both the Minister for the Environment, Heritage and Local Government and the Minister for Finance.

The preliminary estimate for the number of staff required for the ongoing statutory operation was around 20 staff and this was revised to 26 in light of experience with the full services. In October 2005 sanction was received from the Department of Finance for a permanent staff complement of 26. In December 2005 Dublin City Council agreed to assign 2 staff to the PRTB for a period of 12 months.

Transition to a fully standalone operation which is likely to be completed over the next 6 to 8 months will impose its own overheads as the PRTB will no longer have the use of other services currently being provided by the Minister such as payroll, accounts branch processing payments, IT Unit, accommodation services, staff training, etc.



### *Training*

To date the staff of the PRTB have been facilitated in training courses through the Department of the Environment, Heritage and Local Government.

### *Safety, Health and Welfare*

The well being of the PRTB's employees is safeguarded through adherence to health and safety standards. The Safety, Health and Welfare at Work Act, 1989 imposes certain requirements on employers and the PRTB, in the transitional period of moving to a stand-alone position, has met these requirements in accordance

with the Health and Safety Statement of its parent Department, the Department of Environment, Heritage and Local Government. Work will commence on a Health and Safety Statement for the PRTB in 2006.



### ***Customer Care***

It is the policy of the PRTB to treat all of our customers properly, fairly, impartially and with courtesy. It aims to ensure that the right of customers to equal treatment established by equality legislation is upheld in the delivery of its services and aims to meet any special needs that customers may have. In 2006 work will commence on the development of a Customer Charter and Customer Service Action Plan for the PRTB.

### ***Finance***

The Financial Statements of the Board are currently being audited by the Comptroller and Auditor General and will be published as a separate document when the audit is complete.

# Appendices



*Number 27 of 2004*

**RESIDENTIAL TENANCIES ACT 2004**



# Appendix 1

## LIST OF COMMITTEES AND THEIR MEMBERSHIP

### Dispute Resolution Committee

Tom Dunne (Chairman of Committee)  
James Bridgeman  
Anne Colley  
Charles Corcoran  
Tom Dowling  
John C. Elliott  
Michael Farry  
Aideen Hayden  
Mary Heaslip  
Bill Holohan  
Paulyn Marrinan-Quinn  
Bernard McDonagh  
Sheila McMahan  
Fintan McNamara  
Marjorie Murphy  
Conn Murray  
Liam Nolan  
Liam O'Donnell  
Dr Eoin O'Sullivan  
Dervla Quinn  
Dr Bairbre Redmond  
Pat Riney  
Tony Taaffe

### Section 189 Committee

Tom Dunne (Chairman)  
James Bridgeman  
Anne Colley  
Fintan McNamara  
Dr. Eoin O'Sullivan

### Research Committee

Dr. Eoin O'Sullivan, (Chairperson)  
Tom Dunne  
Aideen Hayden  
Mary Heaslip  
Fintan McNamara  
Dr. Bairbre Redmond  
Pat Riney

## Appendix 2

### LIST OF ADJUDICATORS AND MEDIATORS

Name	County	Adjudicator/Mediator
Eithne Leahy	Carlow	Adjudicator
John Keogh	Carlow	Mediator
Paul Good	Carlow	Adjudicator
Tom Mooney	Carlow	Mediator
Dolores Winters	Clare	Mediator
Paddy Darmody	Clare	Adjudicator and Mediator
Seamus Bane	Clare	Mediator
William Moloney	Clare	Adjudicator and Mediator
Alex Gibbons	Cork	Mediator
Barry Cogan	Cork	Adjudicator
Bill Holohan	Cork	Adjudicator and Mediator
Dan Sullivan	Cork	Mediator
David Daly	Cork	Adjudicator and Mediator
Derek Nolan	Cork	Mediator
Eamon Carey	Cork	Mediator
Hugh O'Callaghan	Cork	Mediator
John Kerr	Cork	Adjudicator
Kevin Murray	Cork	Adjudicator
Kevin O'Sullivan	Cork	Adjudicator and Mediator
Kieran Coughlan	Cork	Adjudicator
Kieran McCarthy	Cork	Adjudicator
Lorraine Griffin	Cork	Mediator
Maurice O'Donoghue	Cork	Mediator
Nicholas O'Sullivan	Cork	Adjudicator and Mediator
Patrick Burke	Cork	Adjudicator
Patrick Kelly	Cork	Mediator
Peter van der Walt	Cork	Mediator
Richard Nagle	Cork	Adjudicator
Thomas Rigney	Cork	Mediator
Billy Johnston	Donegal	Adjudicator and Mediator
Francis Brennan	Donegal	Mediator
Patrick McCarroll	Donegal	Adjudicator and Mediator
Adele Gannon	Dublin	Mediator
Alan Kelly	Dublin	Adjudicator
Alan Redmond	Dublin	Adjudicator
Anne Carroll	Dublin	Mediator

## Appendix 2

Name	County	Adjudicator/Mediator
Audrey O'Carroll	Dublin	Mediator
Brenda Moran	Dublin	Mediator
Brendan Schutte	Dublin	Mediator
Brid O'Sullivan-Pentony	Dublin	Adjudicator
Catherine Kearns	Dublin	Mediator
Charles Corcoran	Dublin	Adjudicator and Mediator
Con Guiney	Dublin	Adjudicator
Diarmuid Teevan	Dublin	Mediator
Fionnula Cassidy	Dublin	Mediator
Frank Guinnane	Dublin	Mediator
Fred Devlin	Dublin	Adjudicator
Geraldine Feeney	Dublin	Adjudicator and Mediator
Gerard Sweeney	Dublin	Mediator
Gus Cummins	Dublin	Adjudicator
Helen Fletcher	Dublin	Mediator
Henry Murdoch	Dublin	Adjudicator and Mediator
Isabel Ryan	Dublin	Mediator
Jacqueline Fitzgerald	Dublin	Mediator
James Burke	Dublin	Adjudicator
James Doran	Dublin	Mediator
Joe Behan	Dublin	Adjudicator
Joe May	Dublin	Adjudicator
Joe McDonagh	Dublin	Mediator
John Deeney	Dublin	Mediator
John Elliot	Dublin	Adjudicator and Mediator
John F Daly	Dublin	Mediator
John Hyland	Dublin	Adjudicator and Mediator
John Lowe	Dublin	Adjudicator
John Lynch	Dublin	Adjudicator and Mediator
John Morgan	Dublin	Mediator
Johnnie McCoy	Dublin	Adjudicator
Joseph Murray	Dublin	Adjudicator
Joseph Whelan	Dublin	Adjudicator
Keara Donnelly	Dublin	Adjudicator
Laurence Doyle	Dublin	Mediator
Maeve Ryan	Dublin	Mediator
Martin O'Malley	Dublin	Adjudicator and Mediator
Mary McGarry	Dublin	Adjudicator
Mary McNutt	Dublin	Mediator
Maureen Mansfield	Dublin	Mediator

## Appendix 2

Name	County	Adjudicator/Mediator
Michael Coghlan	Dublin	Adjudicator and Mediator
Michael Farry	Dublin	Adjudicator and Mediator
Michael Moran	Dublin	Adjudicator and Mediator
Nesta Kelly	Dublin	Adjudicator
Niall O'Hanlon	Dublin	Adjudicator
Padraic Ingoldsby	Dublin	Adjudicator
Padraic Muldowney	Dublin	Adjudicator
Patrick Rowan	Dublin	Adjudicator
Paulyne Marrinan Quinn	Dublin	Adjudicator and Mediator
Peter Cunningham	Dublin	Mediator
Philip Smyth	Dublin	Mediator
Pierre De Labre	Dublin	Mediator
Rachel Kenny	Dublin	Adjudicator
Robert Walsh	Dublin	Adjudicator
Ronan Browne	Dublin	Adjudicator and Mediator
Susan Meade	Dublin	Mediator
Susan Moran	Dublin	Mediator
Timothy Crowley	Dublin	Mediator
William Devine	Dublin	Adjudicator
Ann O'Kelly	Galway	Mediator
Cliona Mulcahy	Galway	Adjudicator
Conor Kelly	Galway	Adjudicator
Maureen Harewood	Galway	Adjudicator and Mediator
Padraig O'Cuinn	Galway	Mediator
Pat Fahey	Galway	Mediator
Patrick Finn	Galway	Adjudicator
Ray Flaherty	Galway	Mediator
Therese Carroll	Galway	Mediator
Yvette O'Malley	Galway	Mediator
John Buckley	Kerry	Adjudicator
Tom Mannix	Kerry	Adjudicator
Frank Miller	Kildare	Mediator
Hilary Sweetman	Kildare	Mediator
Joseph May	Kildare	Adjudicator
Mairead Blackall	Kildare	Mediator
Martin Connolly	Kildare	Mediator
Peter Keeley	Kildare	Mediator
Terri Mulhall	Kildare	Mediator
Ann Doran	Kilkenny	Mediator
Victor Branagan	Kilkenny	Mediator

## Appendix 2

Name	County	Adjudicator/Mediator
Patricia Hayes	Laois	Mediator
Tom Marshall	Laois	Mediator
Paul Clarke	Leitrim	Mediator
James Dennison	Limerick	Adjudicator
John Shaw	Limerick	Adjudicator and Mediator
Martin Kay	Limerick	Mediator
Paddy Madden	Limerick	Mediator
Shaun Elder	Limerick	Adjudicator
Michael Killeen	Longford	Adjudicator and Mediator
Patrick Quinn	Longford	Adjudicator
Breda Tuite	Louth	Mediator
Michael McGovern	Louth	Mediator
Tom Hardy	Louth	Adjudicator
Tony Mitchell	Louth	Mediator
Charles Kelly	Mayo	Adjudicator and Mediator
Don McGreevy	Mayo	Mediator
John Tiernan	Mayo	Mediator
Michael Glavey	Mayo	Mediator
Richard Finn	Mayo	Adjudicator and Mediator
Brian O'Dochartai	Meath	Adjudicator
James Howley	Meath	Adjudicator
Paul Grimes	Meath	Adjudicator
Sean Bailey	Meath	Mediator
John F O'Connor	Monaghan	Mediator
John McArdle	Offaly	Mediator
John Ryan	Offaly	Adjudicator
Lucy Hartnett	Offaly	Mediator
Richard Kennedy	Offaly	Adjudicator and Mediator
John Callaghan	Roscommon	Adjudicator
John Gill	Roscommon	Mediator
Mary Morris	Roscommon	Adjudicator
Anna Kenny	Sligo	Mediator
Con Kealy	Sligo	Mediator
Eric Plunkett	Sligo	Mediator
Mary Henry	Sligo	Adjudicator and Mediator
Phil Armstrong	Sligo	Adjudicator and Mediator
Ronnie Gillanders	Sligo	Adjudicator
Tom Callanan	Sligo	Mediator
Anthony Flynn	Tipperary	Adjudicator and Mediator
Eoin Dillon	Tipperary	Adjudicator

## Appendix 2

Name	County	Adjudicator/Mediator
Helena O'Gorman	Tipperary	Mediator
Liam Boyle	Tipperary	Mediator
Sara O'Connor	Tipperary	Mediator
Bill McConnell	Waterford	Mediator
Don Palmer	Waterford	Adjudicator
Jane Parella	Waterford	Mediator
David Duncan	Westmeath	Adjudicator
Ned Timlin	Westmeath	Mediator
Patrick Davitt	Westmeath	Adjudicator
Thomas Fagan	Westmeath	Adjudicator
Colette Farmer	Wexford	Mediator
Niamh Fahy O'Leary	Wexford	Adjudicator
Patricia Stafford	Wexford	Mediator
Seamus Dooley	Wexford	Adjudicator
Colin Walker	Wicklow	Mediator
Joe Behan	Wicklow	Mediator
John Fitzmaurice	Wicklow	Adjudicator
Liam Nolan	Wicklow	Adjudicator
Thomas Woodbyrne	Wicklow	Adjudicator and Mediator

## Appendix 3

### BOARD MEMBERS ATTENDANCE AT BOARD MEETINGS AND DETAILS OF FEES PAID TO MEMBERS IN THE PERIOD 1 SEPTEMBER 2004 TO 31 DECEMBER 2005

There were 26 Board Meetings in the period under review. With effect from the 1st January 2005 Board members are paid:

Attendance at Board Meetings/Committee Meetings/Training: - €190 - €210 for Chair

Attendance at Dispute meetings/Tribunal hearings: - €337 - €525 for Chair

\* Public servants receive no payment for their attendance at meetings

Board member	Board Meetings attended				Tribunals attended		Payment
	Board	Disputes	Committee	Training	Chair	Member	Total €
Tom Dunne, Chairperson	14	10	1	1/2 day	1	1	10,199
James Bridgeman	10	7		1/2 day	3		6,832
Anne Colley	13	10		1/2 day	4	3	11,523
Aideen Hayden	11	7		1/2 day	1	4	8,143
Mary Heaslip	9	7		1/2 day		3	6,186
Sheila McMahon	14	10	1	1/2 day			0 *
Fintan McNamara	15	10	1	1/2 day		4	8,864
Conn Murray	6	5	1	1/2 day			0 *
Marjorie Murphy	12	6		1/2 day		5	8,143
Liam O'Donnell	7	7		1/2 day		4	6,143
Dr. Eoin O'Sullivan	9	11	1		1	5	9,710
Dervla Quinn	11	8		1/2 day	8	1	12,380
Dr. Bairbre Redmond	9	6	1			5	6,618
Pat Riney	8	8			1	2	6,089
Tony Taaffe	12	10		1/2 day	3	2	9,759

## Appendix 4

### REGISTRATION STATISTICS AS AT 31 DECEMBER 2005

Number of applications registered on computer system	83,983
Number of landlords	53,070
Number of tenants	150,518
Average number of applications received daily	231 on average
Average number of applications returned daily because there is no cheque attached	13 on average (6%)
Average number of applications returned daily as being incomplete	87 on average (38%)

#### Enforcement of Registration Requirement

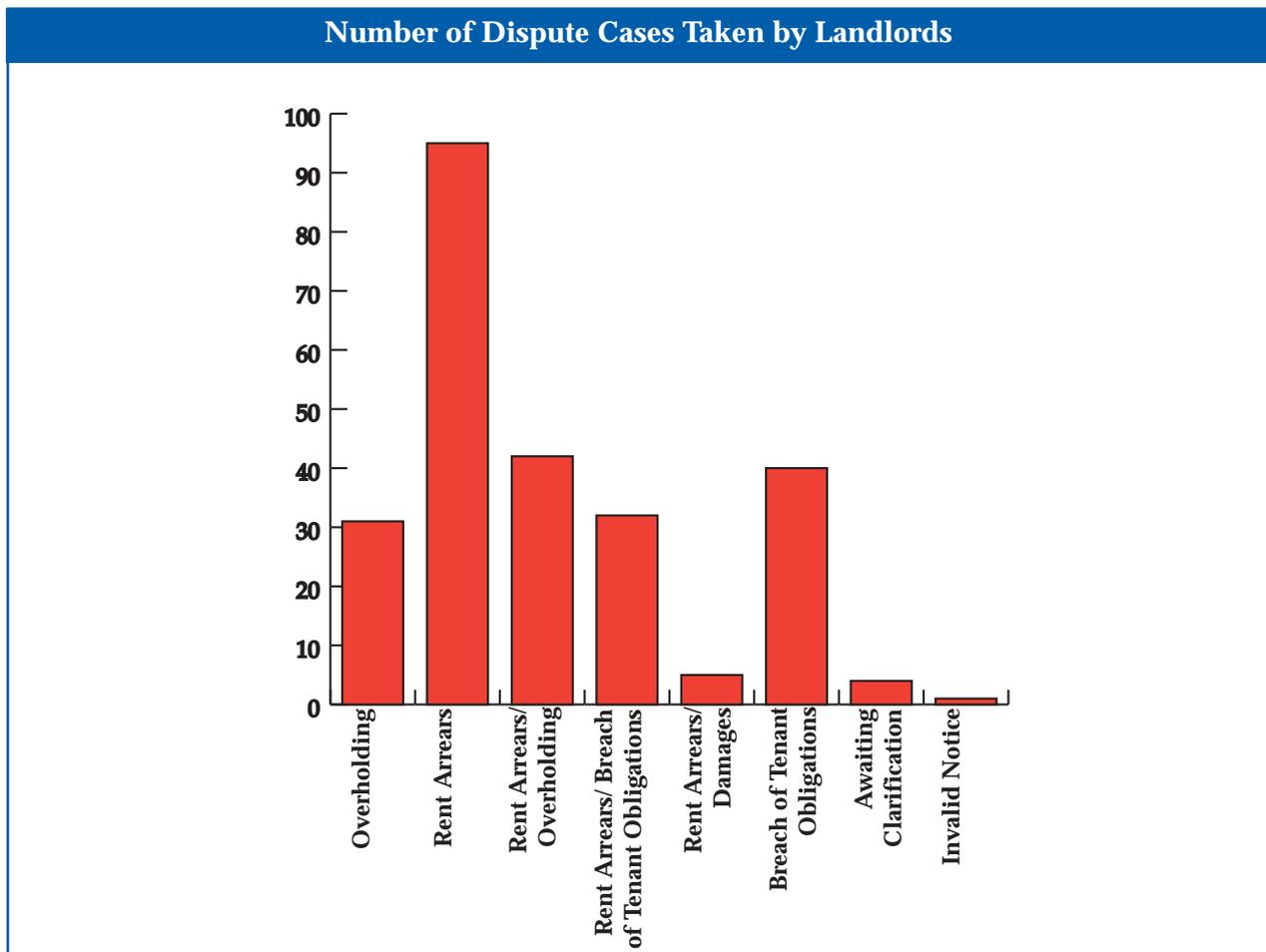
Number of Referrals to PRTB	1,230
- Number of cases where registration is not required	107
- Number of cases not registered and to be followed up so as to identify for prosecution	1,123
- Number of occupiers notice issued	565
- Number of landlord 1st notice issued	864
	1,429*

\*The number of notices issued does not equal the number of referrals as both notices were issued in some cases.



## STATISTICS ON DISPUTE RESOLUTION

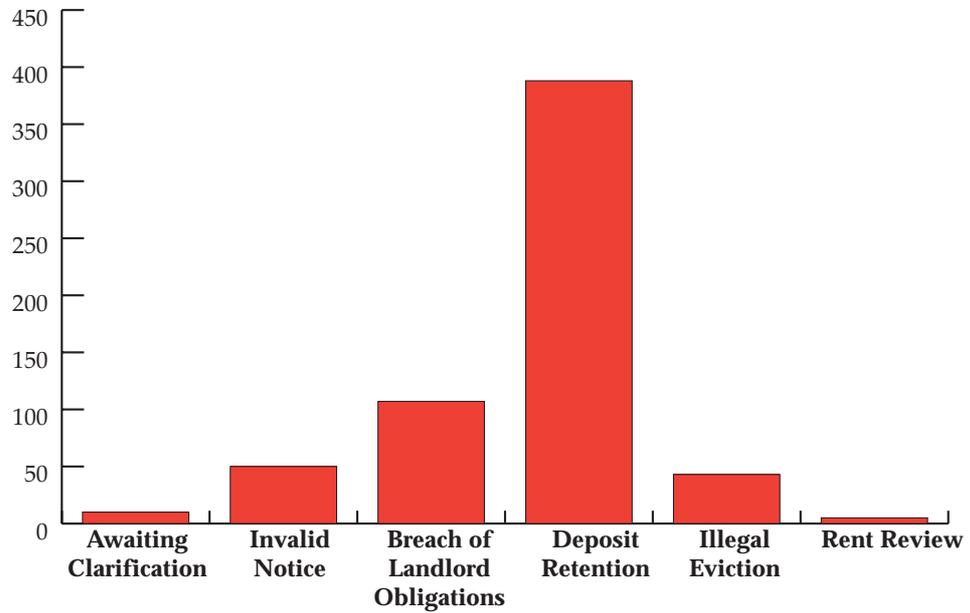
At the end of 2005, the PRTB had received almost 900 dispute cases. The type of disputes referred to the PRTB varied throughout 2005 and details of the types and those who referred the disputes are as follows:



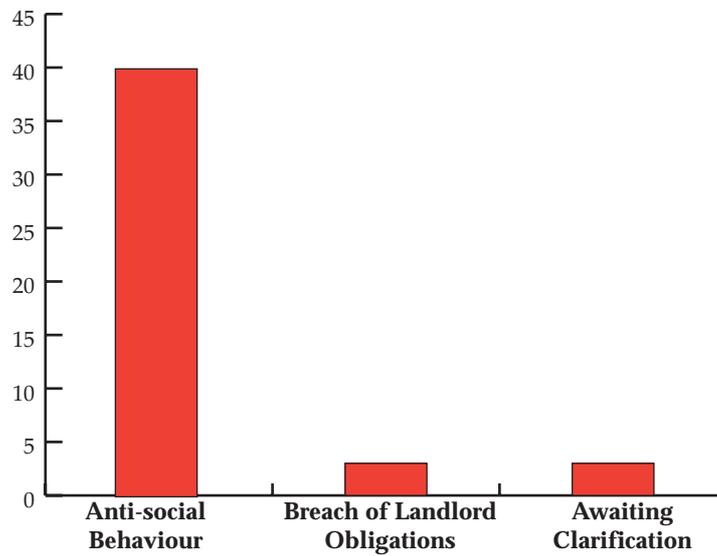
The chart below shows the breakdown of Dispute Cases Completed by end of 2005.

## Appendix 5

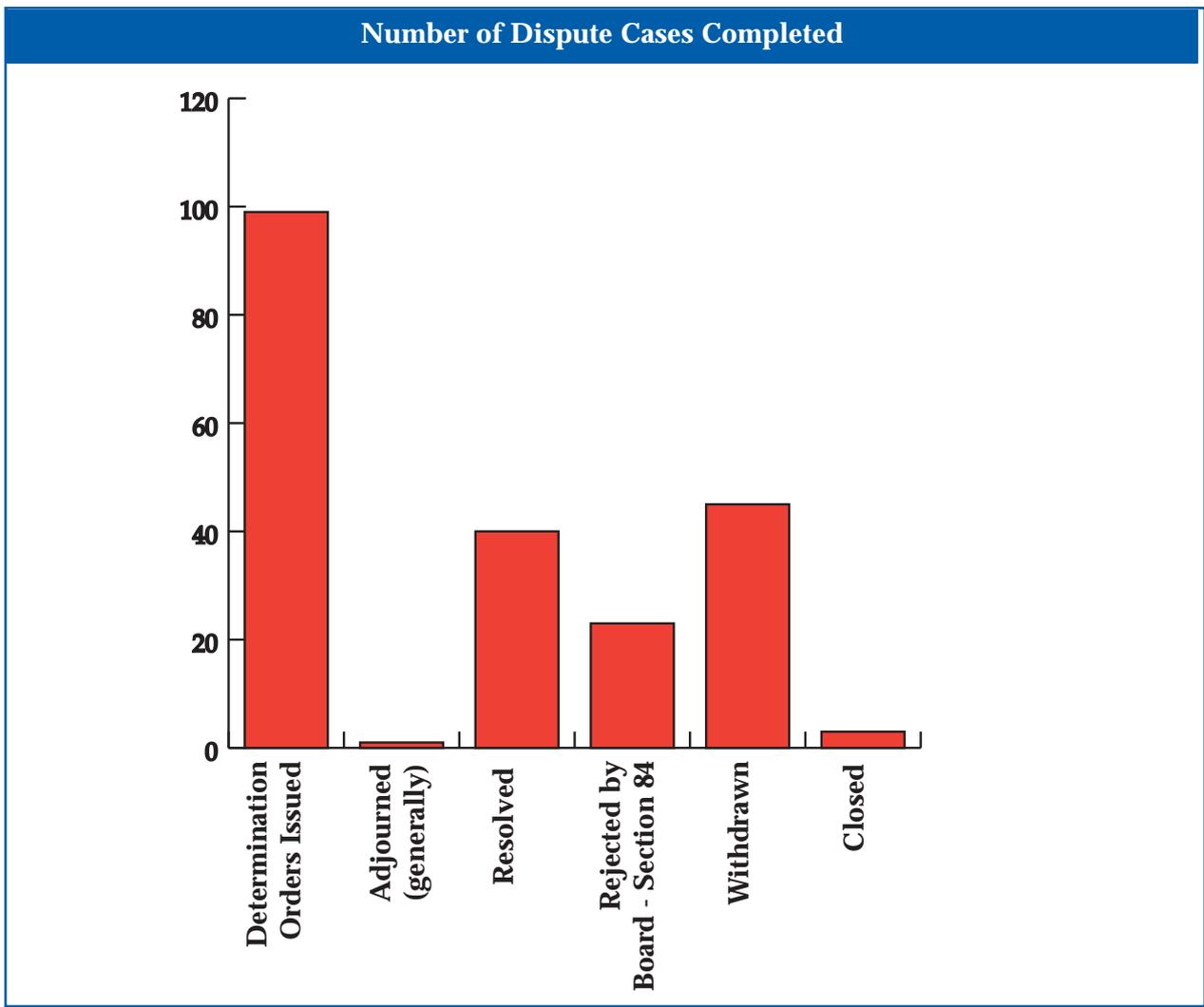
### Number of Dispute Cases by Tenant



### Number of Dispute Cases Taken by Third Party



# Appendix 5



**Withdrawn** - Party has withdrawn the application or the PRTB has deemed the case withdrawn due to no response

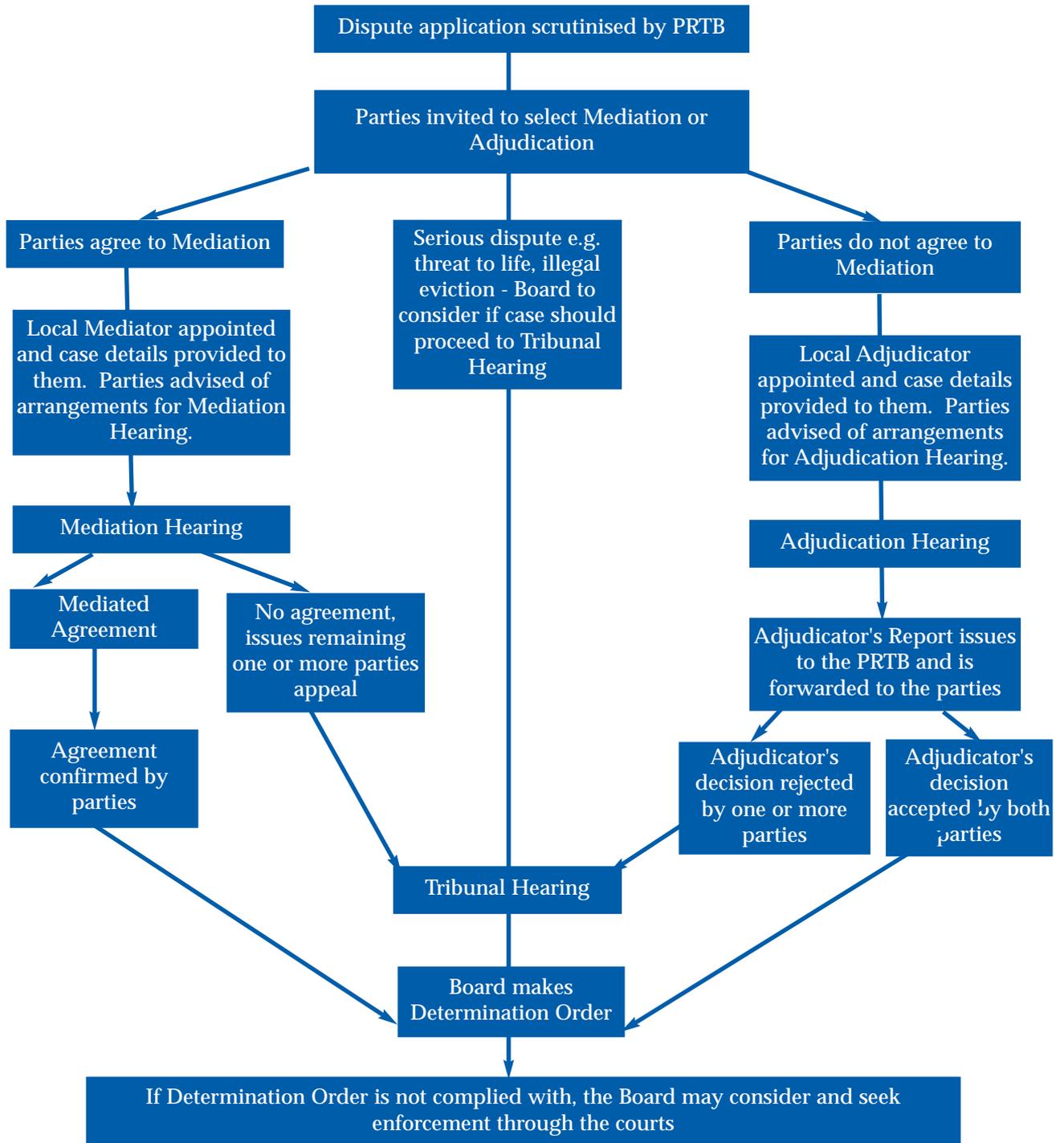
**Rejected by Board - Section 84** – (The PRTB formed an opinion that it should not deal with dispute in accordance with Section 84, Residential Tenancies Act 2004)

**Closed** - No agreement reached at mediation and not pursued further by the parties

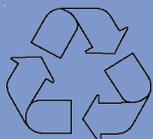
**Note:** the total number in this table differs from the number in the summary table on page 16 due to a few instances of joined applications relating to a single tenancy.

# Appendix 6

## DISPUTE RESOLUTION PROCESS







Printed on recycled paper containing a minimum of 75% post-consumer waste