



# RTB ANNUAL REPORT 2016

MOVING TO A LONGER TERM  
RENTAL SECTOR

# ABOUT US

## What is the Residential Tenancies Board?

The Residential Tenancies Board (RTB) is a public body set up to support and develop a well-functioning rental housing sector. Our remit extends to both the Approved Housing Body sector and the private rental sector. Our role is to regulate the rental sector; provide information to inform policy; maintain a national register of tenancies; resolve disputes between landlords and tenants and provide information to the public.

## WHAT DO WE DO?

### Information, research and education

We provide high quality information and assistance to the public, tenants and landlords on their rights and obligations, in terms of both living and providing accommodation in the rental sector. We also provide accurate and authoritative data on the rental sector, such as the Rent Index, which allows us to monitor trends in the rental sector, but also allows individuals to check and compare rents in particular locations.

### Registrations

All private residential landlords and Approved Housing Bodies, who are not-for-profit housing providers, often referred to as Housing Associations, must register their tenancies. A public register of tenancies enables us to collect important data on the sector. It is also a key part of regulating and supporting the sector and ensuring that landlords and tenants are aware of their rights and responsibilities.

### Dispute resolution

Since 2004, we have replaced the courts in dealing with the majority of disputed between landlords and tenants through our Dispute Resolution Service. This service offers a choice of resolution types to parties – mediation or adjudication.



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# CHAIRPERSON AND DIRECTOR'S MESSAGE

2016 has been one of the busiest years for the Residential Tenancies Board (RTB) since it was established in 2004.

Since 2004 the rental sector has evolved and changed considerably against a backdrop of demographic change, periods of economic uncertainty, inward migration and changing employment patterns.

There has been a sizeable increase in the proportion of households living in the rental market, which is now a core part of the national housing profile, and in many urban areas renting is the dominant housing tenure.

We are pleased to present the 2016 Annual Report of the RTB which provides information on our activities, services and organisation as well as an evidence-based profile of the rental sector. Throughout 2016, the RTB team delivered on an ambitious work programme that reflects the breadth of our functions and the significant changes in the rental sector. We are cognisant that the work of the RTB impacts directly on people's homes and businesses and, as an organisation, we are driven by our vision which is having an effectively regulated rental sector that is fair, accessible and beneficial to all.



The work of the RTB covered 325,372 tenancies at the end of 2016, over 6,000 more than in 2015. Our registration data provides a unique and valuable insight into the rental sector, which we utilise to address data and knowledge gaps in the rental sector as well as to identify trends. 2016 saw over 106,000 new tenancy registrations which is noticeably below 2013 levels of 111,000 and reflects prevailing market conditions. Many households are staying longer in their tenancies as supply remains constrained. Notably, the number of landlords remained steady at approximately 175,000 at the end of year, of which over 70% had just one property registered.

For these landlords and tenants, and indeed the RTB, 2016 has brought a range of changes in the policy and regulatory framework.

“ One of the most important changes was the remit of the RTB to include Approved Housing Bodies (AHBs) from 7th April 2016 resulting in a name change from the Private Residential Tenancies Board to the Residential Tenancies Board. ”

The AHB sector consists of 30,000 homes and the extension of the protections and powers of the Residential Tenancies Act to landlords and tenants in the not-for-profit housing sector is a significant development for all. What makes this so significant is that it embraces one rental sector that does not distinguish between private and social rented houses, with equity across tenures in terms of protections for landlords and tenants.

Another major development for the rental sector was the publication of the *Strategy for the Rental Sector (Rental Strategy)* at the end of 2016. This sets out a roadmap to developing a strong and viable rental sector that is seen as stable and attractive to tenants and landlords. The RTB played a key role in the development of the *Rental Strategy*, which sets out an ambitious plan for the achievement of our collective vision for the rental sector with key deliverables in the short, medium and longer term. Having a dedicated strategy for the rental sector is hugely important and a significant development that recognises the changing nature of renting in Ireland, and supports the development of a sector that people use not just as a transition to home ownership but as a long term tenancy option. The RTB is a major stakeholder in the delivery of the *Rental Strategy* and, in the latter half of the year, a large proportion of our time was spent supporting its development and advancing its implementation. We played a particularly prominent role in the implementation of Rent Pressure Zones, and more broadly, in dealing with the current housing crisis.



Throughout 2016 we also improved access to information on rights, responsibilities and RTB services for tenants, landlords and other interested stakeholders. Last year, once again, our frontline customer service centre received a record number of calls totalling over 130,000, an increase of 10% since 2015. In addition, we also received over 51,000 email queries, an increase of 5.5%. These volumes of queries reflect not only the complex regulatory framework for landlords and tenants but also the desire for information and knowledge on rights and responsibilities. Often, contact with our customer service centre can assist landlords and tenants in preventing disputes and offers quick and efficient support and information across a range of queries. The RTB continued its commitment to enhancing education and awareness through the roll out of a publicity campaign in 2016 alongside a series of stakeholder events. An important commitment in the *Rental Strategy* is the development of an online One Stop Shop to further improve access to information for landlords and tenants. This will build on recent improvements to our online activity including the expansion of our web chat service.

In addition, our quarterly Rent Index has become an increasingly important tool for monitoring market activity, thus increasing public awareness of the rental sector. In recognising the significance of the Index, and our duty to do more with our data to support public and government understanding of the market, we have expanded the Index this year in two important ways. We have more information within the index on not just how high a rent is, but how many people are paying this rent, and secondly, we have now started to provide data on a more local level which allows Rent Pressure Zones to be identified.

As a quasi-judicial body, the RTB plays a critical role as an independent regulator of the sector and offers a wide range of services and supports to both landlords and tenants. In 2016, the RTB received 4,837 new applications for dispute resolution, an increase of 20% from 2015, although it is important to note this increase is in line with the increase in overall tenancies in the sector. The most common dispute types remained as rent arrears and overholding, invalid notice of termination and deposit retention.

As regulation of the sector has increased over the last numbers of years, it has become more important that when things go wrong that they can be resolved quickly and cheaply. As such, we have concentrated on continuing to improve our case processing times by reducing timelines from 26 weeks

in 2014, to 14 weeks in 2015 and now 12 weeks in 2016. These timelines make for an effective and efficient service, which benefits tenants awaiting deposits to be returned or landlords experiencing rent arrears. Since January 2016, we have also enhanced our services by providing free telephone mediation, and reducing time periods for appeals to 10 working days as of December 2016.



As a regulatory agency, enforcement is a key function of the RTB, to ensure all tenancies are registered, and all determination orders from disputes cases are complied with. In 2016, we contacted over 20,000 landlords who had not registered tenancies after which the majority registered. In a small number of cases, it has been necessary to prosecute; 2016 saw 37 cases prepared for prosecution with 29 District Court summons issued and 20 criminal convictions.

We also take the issue of non-compliance with Determination Orders very seriously. In 2016, the RTB received 359 requests to pursue enforcement on behalf of a disputing party. As part of our assessment process, preliminary checks are carried out to identify urgent cases and cases concerning overholding and unlawful termination of a tenancy are prioritised. In 2016, the RTB obtained 204 Circuit Court Orders.

For the first time, the RTB Annual Report now includes the Rent Tribunal Annual Report as its functions were transferred to the RTB in January 2016. During 2016, eight applications were made to the RTB and four hearings were held all of which were for rent reviews.

The RTB is committed to maintaining the highest standards of corporate governance. In 2016 we began the process of ensuring full compliance with the new Code of Practice for the Governance of State Bodies and are on course to be fully compliant for the 2017 year.

We would like to thank all RTB staff and all the members of the board, committees and independent mediators, adjudicators and tribunal members for their commitment and diligence in what has been another year of change and evolution for the RTB and the rental sector. Despite this change our vision for the people who are part of this sector whether landlords, tenants or other stakeholders, has remained the same: a sector, that is well functioning, fair and beneficial to all. The RTB has a unique role in the delivery of the actions in the *Rental Strategy* and we look forward to working on supporting the priorities in the strategy in the year ahead.



Catriona Walsh  
Chairperson



Rosalind Carroll  
Director



# 2016 at a Glance



## CALLS:

We received over

**130,000**

+ **EMAILS: 51,777**

from landlords, tenants,  
agents and other  
stakeholders

## RENT INDEX SHOWS CONTINUING PRESSURES IN THE MARKET

**23%**

OF THE MARKET

now paying more  
than €1,300 per  
month



WE RECEIVED:

**4,837**



APPLICATIONS FOR  
**DISPUTE RESOLUTION  
SERVICES**

up from 4,023  
in 2015



**20**

CRIMINAL  
CONVICTIONS

on enforcement for  
non registration



of the  
population  
are now

**RENTING**



**325,372**

REGISTERED  
TENANCIES

made up of...

**700,000** occupants

**175,000** landlords

## NAME CHANGE IN 2016

**PRTB** >> **RTB**

REFLECTS the extension of our  
**REMIT** to the to the **Approved  
Housing Body (AHB)** sector

Estimated:

**30,000**

homes owned  
and managed  
by **Housing  
Associations**



# 3. CUSTOMER SERVICE AND COMMUNICATIONS

The RTB responded to a record number of queries in 2016 with our frontline customer service centre receiving over 130,000 calls compared to 117,500 in 2015.

In 2016, we answered an average of 522 calls per day. Emails are also on the rise with a 5.5% increase as well as increase in activity in our web chat service and online registrations. New legislation has meant the RTB has played a significant role in providing more information to landlords and tenants about their rights and responsibilities. This is in keeping with the RTB's increased emphasis on our role as a provider of high quality information and assistance to the public, tenants, landlords, and agents.

The RTB continues to improve the quality of its customer service through regular staff training and upgrading of the IT infrastructure.

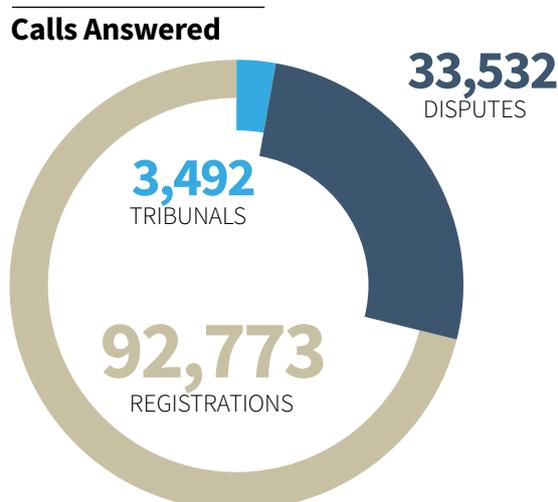
Our customer service centre provides information to customers in relation to their rights and responsibilities, as well as detailed assistance on completing registration forms and on our dispute resolution services.

In 2016, the remit of the RTB expanded to encompass regulation of Approved Housing Body tenancies, increasing our customer base of landlords and tenants.

## CALLS

In 2016, we received 130,396 calls compared with 117,622 in 2015, which is an increase of 10.2%. 71% of calls were in relation to registration queries, which include landlords registering new tenancies, or closing off completed tenancies (see Chart 1). Our average daily call rate in 2016 was 522 per day. We are achieving our customer service targets all of which work towards the RTB vision of supporting a well-functioning rental sector.

CHART 1: RECORD NUMBER OF CALLS



## MORE DEMAND FOR OUR SERVICES THAN EVER BEFORE

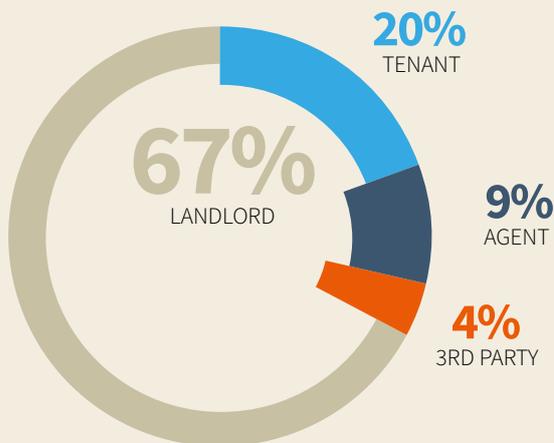
At present, calls relating to registration enforcement and determination order enforcement are not outsourced to our customer service agents. This is due to the nature of the calls received, which include queries relating to referrals for unregistered tenancies, responses to official notices and queries on court proceedings and enforcement policy. On average, there are 75 calls received to the Order Enforcement section per week with an estimated 3,900 calls per year, while the Registration Enforcement section receives an estimated 87 calls per week, with an estimated 4,500 calls per year.

### CALLER TYPES

During 2016, the highest number of calls were from landlords, totalling almost 67%, up from 62% in 2015. A total of 20% of calls were from tenants and the remainder from agents and third parties (see Chart 2 below).

CHART 2: WHO IS CALLING US?

#### Caller types



### COMPLAINTS

The RTB strives to deliver excellent customer service and where people feel they do not receive a high standard of customer service, we have processes in place to address these complaints.

Our Customer Charter, which is available on our website, has information on how to make a complaint about our service. We also have a dedicated email address for complaints: [customer.service@rtb.ie](mailto:customer.service@rtb.ie). Our policy is to acknowledge complaints within seven working days and to respond to the complaint within 14 working days.

## DEMAND FOR OUR SERVICES

**130,000**

Calls received in 2016

**10.2%**

More than in 2015



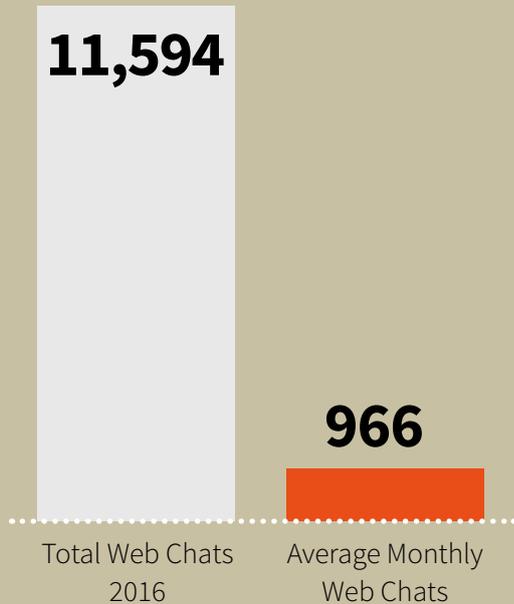
## ONLINE ACTIVITIES

The RTB actively continues to seek and develop ways to support, engage and communicate with our customers online.

In 2016, we continued the use of our Web Chat facility which allows online users to communicate in real time with agents in our customer service centre.

This facility allows a customer service agent to help a web chat customer by providing the information they require in an efficient and convenient way.

In 2016, we had 11,594 web chats, averaging to 966 each month. We have seen a noticeable increase in online registrations since its introduction.



## EMAIL QUERIES

The volume of email queries continued to increase in 2016. A total of 51,777 email queries were responded to in 2016, which is a 5.2% increase on the 49,051 email queries in 2015. The increase reflects the greater emphasis by the RTB on improving customer service by expanding electronic and online communication services. Most of the email queries related to registrations and disputes.

## PROMOTING AWARENESS IN THE SECTOR

“A critical role for the RTB is improving access to information on rights and responsibilities and the services provided by the RTB.”

In 2016, we rolled out a publicity campaign which focussed on our name change from the PRTB to the RTB, reflecting the extension of our remit to the Approved Housing Body sector.

An extensive programme of stakeholder events was held across the country allowing for both dissemination of information and in depth consultation with landlords, agents and tenants. RTB guides and brochures were published on the Residential Tenancies Act, changes to legislation and our dispute resolution services.

The RTB had a strong media presence throughout the year, building on the visibility of the advertising campaign and creating an awareness of the RTB as an independent, authoritative voice and source of information on the rental sector in Ireland. We intend to build our capacity and will strive to expand our services in providing information to tenants and landlords and supporting them to meet their responsibilities thereby reducing the number of disputes.

**51,777**

**EMAIL QUERIES**  
were responded  
to in 2016



# 4. CHANGES TO POLICY AND THE LAW: THE EVOLVING REGULATORY FRAMEWORK

## CONTEXT

2016 was a challenging year for the rental sector in Ireland. Rents rose rapidly against a backdrop of increasing demand and a shortage of supply. In an attempt to address the issues that tenants and landlords face, to offer more protections to both, and to support the development of a well-functioning rental market in Ireland, a series of changes in both policy and law were introduced. These changes were driven in the first half of the year by the commencement of provisions from the Residential Tenancies (Amendment) Act 2015, while changes in the latter part of the year were driven by the commitments given in the *Housing Action Plan: Rebuilding Ireland* and the publication of the *Rental Strategy for the Rental Sector*.

Having a dedicated strategy for the rental sector is hugely important and a significant development. The rental sector has grown substantially over the last number of years with nearly a third of people now renting their homes in Ireland. The size of our rental sector is now comparable to many of our European neighbours. While the recovery in our economic circumstances mean some households will now opt to move into owner

occupation, the reality is that for many households renting will be either a long or longer term option for them. This means we have to adjust and transition to a rental sector that is no longer just geared towards renting as a temporary solution prior to home ownership, but a rental sector that can support both short and long-term renting.

One of the most significant changes for the RTB and positive changes for the sector that came about in 2016 was a change in our name from the Private Residential Tenancies Board (PRTB) to the Residential Tenancies Board (RTB). This change was because Approved Housing Bodies (AHBs), referred to as housing associations who are not-for-profit housing providers, came under the remit of the RTB. What made this so significant is that it embraces one rental sector that does not distinguish between private and social rented tenancies, with equity across tenures in terms of protections for landlords and tenants.

A range of other legislative changes were also introduced throughout the year including the introduction of free mediation services changes to the requirements for serving notices of termination, introduction of a slip rule for notices of termination and under the *Rental Strategy*, stronger security



of tenure laws and the new rent predictability measures. Further details on all the relevant changes are provided below in Table 1. It should be noted, however, that while these changes are to be welcomed, it can be challenging for both landlords and tenants to understand and keep pace with the level of change. The challenge arising for the RTB is to support the sector in understanding such a complicated legislative framework and increasingly a focus of our organisation is on supporting landlords and tenants through the provision of information. The *Rental Strategy* has committed to simplifying the regulatory framework, which will in time strengthen people’s understanding and also adherence to the law.

“ The size of our rental sector is now comparable to many of our European neighbours. ”

TABLE 1

**Summary of Legislative Change**

<b>JANUARY 2016</b>	<ul style="list-style-type: none"> <li>• Telephone Mediation service becomes a free service for both landlords and tenants to use</li> <li>• Introduction of ‘slip rule’ in relation to notices of termination, which allows an adjudicator or tribunal to overlook minor errors or omissions in a notice of termination once the tenants’ rights are clearly not prejudiced</li> <li>• Transfer of the Rent Tribunal functions to the PRTB</li> </ul>
<b>MARCH 2016</b>	<ul style="list-style-type: none"> <li>• Terminating a tenancy for non payment of rent</li> <li>• The cooling off period for agreements reached in telephone mediation was amended to 10 calendar days</li> <li>• The cooling off period for agreements reached in adjudication was amended to 10 calendar days</li> <li>• Costs and expenses awards to Parties in dispute resolution are limited to €1,000. Legal or Professional costs are limited to €5,000</li> <li>• The notice period required for tribunal hearings has changed – 21 days notice must be given</li> <li>• RTB Board of Directors reduced from 15 to 12 members</li> <li>• Late appeals may in certain circumstances be accepted where good grounds are established, submitted by a party and approved by the Board</li> </ul>
<b>APRIL 2016</b>	<ul style="list-style-type: none"> <li>• PRTB renamed RTB and Approved Housing Bodies are now under our remit</li> </ul>
<b>MAY 2016</b>	<ul style="list-style-type: none"> <li>• New requirements for Notices of Termination served by Landlords mean that a statement or a statutory declaration accompanies a notice of termination in certain circumstances</li> <li>• Changes to Third Parties taking a case in relation to Anti-Social behaviour, allowing the individual or residents committee which have been impacted upon to take a case to the RTB</li> <li>• Tenancy Registration confirmation letter now to be in a prescribed form</li> </ul>



### Summary of Legislative Change Contd.

#### DECEMBER 2016

- Rent Pressure Zones (RPZs) introduced to provide rent predictability in particular areas of pressure
- New requirement regarding the serving of rent review notices including how rent is to be calculated
- New measures about the frequency of rent reviews was introduced ensuring rents could only be reviewed every 24 months outside RPZs
- Tyrrelstown Amendment - Restriction to grounds for termination by a landlord when selling 10 or more tenancy dwellings in a 6 month period
- Improved security of tenure - Move from 4 year tenancy cycles to 6 year tenancy cycles
- New legislative requirement for the RTB to publish quarterly performance reports

“Recent amendments aim to move the sector towards a situation where longer term tenancies are the norm.”

“Rents in RPZs will only be able to rise according to a prescribed formula, and by a maximum of **4% annually.**”

In 2016, the Minister for Housing introduced a number of changes affecting both landlords and tenants as part of the *Rental Strategy* to address issues such as rent predictability and security of tenure, streamlining the dispute resolution services and enhancing the role and powers of the Residential Tenancies Board (RTB).

In order to end a tenancy, a landlord may be required to provide additional proofs in certain instances. An example includes providing a statutory declaration confirming the landlord’s intention to sell the tenancy within three months of the tenancy ending, if this is the reason given for termination.

Rent Predictability Measures were introduced to moderate the rise in rents in the parts of the country where rents are high and rising, and where households have greatest difficulties in finding accommodation they can afford. In these areas, called Rent Pressure Zones, rents will only be able to rise by a maximum of 4% annually.

In addition, the ‘Part 4’ tenancy cycle extended from 4 to 6 years for all new tenancies commencing after 24th December 2016. The amendments aim to move the sector towards a situation where longer term tenancies are the norm.



## THE STRATEGY FOR THE RENTAL SECTOR

The *Rental Strategy* outlines the role of the Residential Tenancies Board (RTB) as a major stakeholder in delivering a sustainable rental sector. The underlying aim of the strategy is to stabilise the rental market while also facilitating and supporting the transition to a culture of long-term renting, similar to that in other European countries. The strategy places the RTB at the centre of delivering services to support tenants and landlords during their tenancies.

The Planning and Development (Housing) and Residential Tenancies Act (2016), enacted by the Government on 23 December 2016, sets out measures to develop and deliver a more viable, sustainable and secure rental sector. The Act follows on from *Rebuilding Ireland* and the *Rental Strategy*, and contains a number of legislative changes to increase tenancy security and stability for both tenants and landlords.

### Rent Pressure Zones

The introduction of ‘Rent Predictability Measures’ was a key feature of the 2016 Act. These measures are intended to ease the rise in rents in specific areas, known as Rent Pressure Zones (RPZs), where rents are highest and continue to rise. For an area to be designated a RPZ:

- + the annual rate of rent inflation in the area must have been 7% or more in four of the last six quarters, and
- + the average rent for tenancies registered with the RTB in the previous quarter must have been above the average national rent in that quarter.

The RTB, following a request from the Minister of Housing, confirms to the Minister whether an area meets the criteria above. Neither the RTB or the Minister has any discretion in the designation of a RPZ. If it is confirmed that an area meets the criteria as set out in the legislation the Minister must designate it as a RPZ.

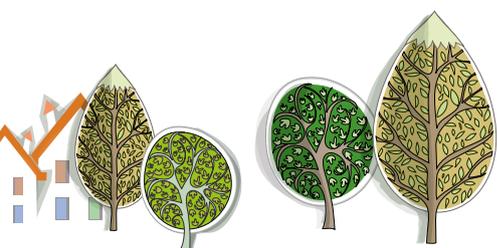
### Rent increases in RPZ areas

Rents in RPZ areas can only be increased to a maximum of 4% a year, based on local market rents. Landlords of new tenancies which started on or after 24 December 2016 may review the rent annually under the new RPZ measures. Landlords of RPZ tenancies that existed before this date may only review the rent 24 months after the tenancy came into existence or 24 months from the date the rent was last set. Following this review, the landlord may review the rent every 12 months.

The legislation also obliges landlords to provide written information to the tenant stating:

- + the amount of rent last set,
- + the date the rent was last set under a tenancy, and
- + how the rent was calculated.

“The introduction of these measures is to give tenants a level of rent security during their tenancy.”



## Other changes

In a step towards moving to tenancies of indefinite duration, the 'Part 4' tenancy cycle was extended from 4 years to 6 years with effect from 24 December 2016 for all new tenancies. Similarly, in a move towards improving security of tenure, probation periods for 'Further Part 4' Tenancies (that is where a tenancy has been renewed after its first cycle) have been removed.

Also introduced was a fundamental change to the obligation of landlords where they are selling multiple units in a development at the same time. The change means that if a landlord is selling 10 or more units in a single development within a 6 month period, they will be restricted to selling with tenants in situ. This greatly improves the security of tenure and protections in place for many existing tenants.

Change	Implication
<b>Introduction of Rent Predictability Measures</b>	Areas where rents are highest and are continuing to rise will be designated as Rent Pressure Zones and will be subject to a 4% rent increase a year, based on local market rents
<b>Additional landlord obligations</b>	For tenancies which start from 24 December 2016, landlords must give tenants written information outlining the amount of rent last set for a tenancy at the dwelling, the date it was last set, and a calculation as to how the new rent has been determined
<b>Security of tenure</b>	Extension of the Part 4 tenancy cycle from 4 years to 6 years (with effect from 24 December) 2016 for all new tenancies
<b>Tenancy terminations</b>	Landlords must now give a valid Section 34 reason for a termination within the first six months of a Part 4 tenancy
<b>Tyrellstown amendment</b>	To issue a valid notice of termination, landlords must give evidence to show that selling an occupied development would reduce the market value of the development by 20% and that applying this restriction would be unduly onerous on the landlord or would cause undue hardship for the landlord

## 2017 AND BEYOND

*Rebuilding Ireland* and the *Rental Strategy*, coupled with the Planning and Development (Housing) and Residential Tenancies Act (2016), seek to provide a vision for the short, medium and long-term of the future of the rental sector in Ireland. The RTB, in its unique position as a dedicated, independent regulatory body for the rental sector, alongside other stakeholders, has an increased role to play in the government's vision of creating a sustainable, viable and stable rental sector, which provides security and stability for both tenants and landlords.



“ The RTB has a key role to play in creating a sustainable, viable and stable rental sector. ”



“ The changes announced will make for a busy time ahead for the RTB which is a challenge that we welcome. ”



The changes announced will make for a busy time ahead for the RTB which is a challenge that we welcome. A number of actions from the *Rental Strategy* to be introduced and implemented in 2017 will include:

- + development of an online One Stop Shop to give tenants and landlords easier access to information on their rights and responsibilities,
- + implementation of a Voluntary Landlord Accreditation Scheme to educate landlords on best practice and their rights and responsibilities as landlords in the rental sector,
- + structural changes to streamline dispute resolution services including:
  - reducing the appeal period on an Adjudication report from 21 days to 10 working days,
  - introducing one-person tribunals for certain dispute appeals which should enable the RTB to further reduce processing times,
- + enhancing the RTB's dispute resolution powers by restructuring the administration process, so that the issuing of determination orders will now be carried out by the Director of the RTB, rather than the Board of the RTB,
- + improving understanding and planning for the residential rental sector as per the *Rental Strategy*. To achieve this goal the RTB is designing a comprehensive research programme focusing on:
  - understanding tenants and landlords, including the dynamics underpinning changes in tenure status for tenants and market entry and exit decisions for landlords,
  - the existing and desired spatial distribution of the rental sector, and
  - the impact of policy measures.



# 5. REGISTRATIONS AND PROFILE OF THE SECTOR

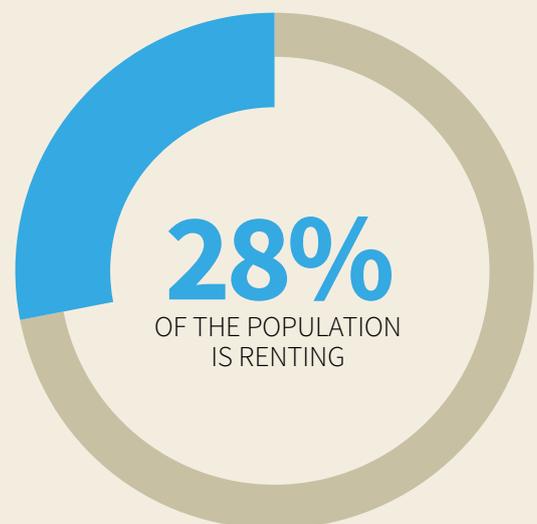
The registration of tenancies is a critical part of regulating the rental sector, but is also an important feature in helping to provide data and creating an understanding of activity and trends.

For instance:

- Is the number of tenants increasing?
- Are tenants staying longer in properties?
- Has the number of landlords gone up or down?

In 2016, the number of registered tenancies overall grew again. The fact that 28% of the population are now renting means that our customer base is growing. 2016 also saw the not-for-profit housing sector come under our remit, meaning that Approved Housing Bodies (AHBs) were required to register their tenancies with the RTB.

The following section gives details on tenancy registrations for 2016 and what they tell us about the current profile of the sector.



## ABOUT TENANCY REGISTRATION

Landlords must apply to the RTB to register their tenancies within one month of the commencement of a tenancy. Approved Housing Bodies had one year to register their tenancies following commencement of the legislation in April 2016. The standard fee for each tenancy is €90. The registration fee funds the majority of activities of the Residential Tenancies Board and the regulation of the sector.

“ Total number of registered tenancies at the end of 2016 was 325,372... a continuing trend of growth in the rental sector. ”

## TOTAL REGISTRATIONS

The total number of registered tenancies at the end of 2016 was 325,372. This encompasses over 700,000 occupants, and some 175,000 landlords. This compares with 319,609 tenancies registered at the end of 2015, comprising approximately 693,000 occupants, and 170,000 landlords. This represents a 1.8% increase in the total number of tenancies in the rental sector, and a 7% increase compared with 2014, and shows a continuing trend of growth in the rental sector. The number of landlords also increased by some 3%, from 170,000 landlords in 2015 to over 175,000 in 2016.

TABLE 2

Registration Activity	2015	2016
Total number of tenancies	<b>319,609</b>	<b>325,372</b>
Number of landlords	<b>170,282</b>	<b>175,250</b>
Number of occupants	<b>693,314</b>	<b>705,465</b>
Total number of new tenancy agreements registered	<b>105,566</b>	<b>106,075</b>
Average number of new applications received daily	<b>421</b>	<b>423</b>
Funds set aside for Local Authorities to conduct minimum standard inspections	<b>€2.2m</b>	<b>€1.0m*</b>

\* The requirement to set aside 20% of registration fees for this purpose was suspended from 1 July to 31 December 2016.

TABLE 3

### Tenancy Registration

Year	New Reg.	Total Reg.	% Change	No. of landlords reg.	% Change
2007	80,849	202,078	46%	92,301	11.1%
2008	85,904	206,054	2%	100,819	9.2%
2009	95,969	234,582	13.8%	116,577	15.6%
2010	101,888	231,818	-1.2%	145,021	24.4%
2011	99,914	260,144	12.2%	182,800	26.1%
2012	97,181	264,434	1.6%	212,306	16.1%
2013	111,778	282,918	7%	179,026	-15.7%
2014	109,162	303,574	7.3%	160,160	-10.5%
2015	105,566	319,609	5.3%	170,282	6.3%
2016	106,075	325,372	1.8%	175,250	2.9%



## NEW TENANCIES

One of the most significant changes in the sector is a reduction in the rate of growth of new tenancies in recent years. As can be seen in table 3, 106,075 new tenancy registration applications were received by the RTB in 2016, only a slight increase, by just 0.5%, over 2015. However, this is well below the 111,788 new registrations received in 2013.

This percentage decline reflects current market conditions, where supply of rental accommodation is limited. It should be noted however, that the overall number of tenancies is still increasing. The changing trends reflect the fact that many people are staying longer in their tenancies, as opposed to a shrinking of the sector as a whole. Growth in the rental sector has been driven by a number of factors, including:

- + a reducing reliance on home ownership,
- + demographic factors, including inward migration,
- + decreasing household size,
- + access to finance, and
- + increasing rates of new household formation.

## HOW WE DO OUR BUSINESS - INCREASING ONLINE ACTIVITY

The increasing numbers in the rental sector mean that the RTB has a significant customer base, with nearly 28% of the population now renting. Maintaining a register of this scale and providing quality customer service to so many landlords and tenants is a challenge, and we need to have a variety of means to support our interaction with customers.

Increasing online activity is a key priority for the RTB and is a part of our strategy, to provide better customer service and faster and more cost-effective processing of registrations. It also helps to improve accuracy as the system will highlight if sections of the registration form have not been completed. This leads to fewer incomplete forms, more satisfied customers, lower administration costs, and a more efficient service.

In 2015, we introduced Web Chat support to encourage online activity. This has been a huge success with the numbers using our service increasing significantly throughout 2016. Web Chat allows us to communicate with customers online in real time, and assist them with any difficulties they might be having using the online system. We had a total of 11,594 web chats in 2016. As a result of this and other measures, online registration activity increased from 55% in 2015 to 61% in 2016. We will continue to invest in our online system, improve the user experience, and encourage landlords to use the online service as much as possible.

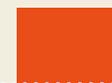
One of the commitments in the *Rental Strategy* is that the RTB will establish an online One Stop Shop which will provide timely and accessible information for landlords and tenants on their rights and responsibilities.

The online activity throughout 2016 and feedback from customers will be an important component of the development of the One Stop Shop. Along with a user friendly, accessible and responsive website, the RTB will expand our Web Chat facility and pilot longer opening hours for our customer contact centre.

More people are registering online

**61%**

in 2016



**55%**

in 2015



## FINANCING THE RTB THROUGH REGISTRATIONS

The work of the RTB to regulate the rental sector is primarily financed through the registration fee. The total value of registration applications received in 2016 amounted to €11,040,149. In line with the slow down in new tenancy registration applications, the value of registration income received in 2016 was down by €179,253, representing a 1.6% decrease from 2015. It is expected that this trend in decreasing registration income will continue under the current supply conditions, as more and more tenants are staying in their properties for longer, and there are fewer new registrations each year, resulting in a decrease in registration fees. This is a challenge which the RTB are working, in partnership with the Department of Housing, Planning and Local Government, to address.

TABLE 4

### Tenancy Registration Fees

Application complete and on time, ie. received within 1 month of the start of the tenancy

**€90**

Application complete and late, ie. received more than 1 month after the start of the tenancy

**€180**

Multiple applications for tenancies in one building, owned by one landlord and on time (composite fee)

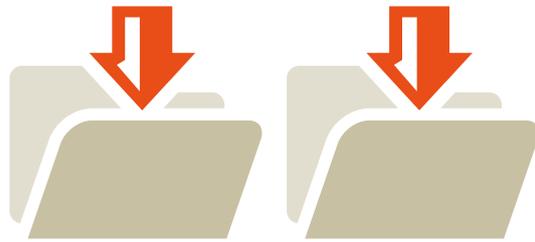
**€375**

Third tenancy registration for the same dwelling with the same landlord in a twelve-month period

**FREE**



**106,075** new tenancy registration applications were received by the RTB



## RTB FUNDING OF LOCAL AUTHORITIES TO ENFORCE MINIMUM STANDARDS

The Minister for Housing, Planning and Local Government has directed that one-fifth of registration fee income would normally be allocated to local authorities to enable them to meet the cost of inspections of private rented residential accommodation. However, this was suspended from 1 July to 31 December 2016 in light of decreasing registration income. The RTB received and is receiving 100% of registration income with the approval of the Minister. The RTB holds this money in a trustee capacity. In 2016, the amount for disbursement to local authorities was just over €1million. This brings the total disbursed to local authorities by the RTB since 2004 to €32.1 million.

More information on local authority inspection rates and the new minimum standards in rental accommodation is available on the Department of Housing, Planning and Local Government's website: [www.housing.gov.ie](http://www.housing.gov.ie).

## APPROVED HOUSING BODIES

As and from the 7th April 2016, Approved Housing Bodies (AHBs), also known as housing associations, came under the remit of the Residential Tenancies Board. There are an estimated 30,000 homes owned and managed by Housing Associations.

Housing associations were required to register all their tenancies within 12 months of this date, that is by 7 April 2017. Bringing housing association tenancies under the RTB's remit aligns the rights of housing association tenants and private tenants and provides housing associations and their tenants with access to independent dispute resolution services and free mediation services. It also expanded the rental sector as a whole from simply private rental housing.

AHBs were able to register their tenancies at a reduced cost of €45 for the first 12 months following the commencement of the Act. After this, the normal fees will apply with a sliding scale of late penalty fees. By the end of 2016, some 5,550 AHBs had registered their tenancies with the RTB.

“Housing associations and their tenants now have access to independent dispute resolution services and free mediation services.”



## 6. ENSURING REGISTRATION COMPLIANCE

In 2016, a total of 20,131 notices and enforcement letters were issued to landlords which is slightly less than the 2015 figure of 22,858. The RTB are finding fewer and fewer non-compliant landlords.

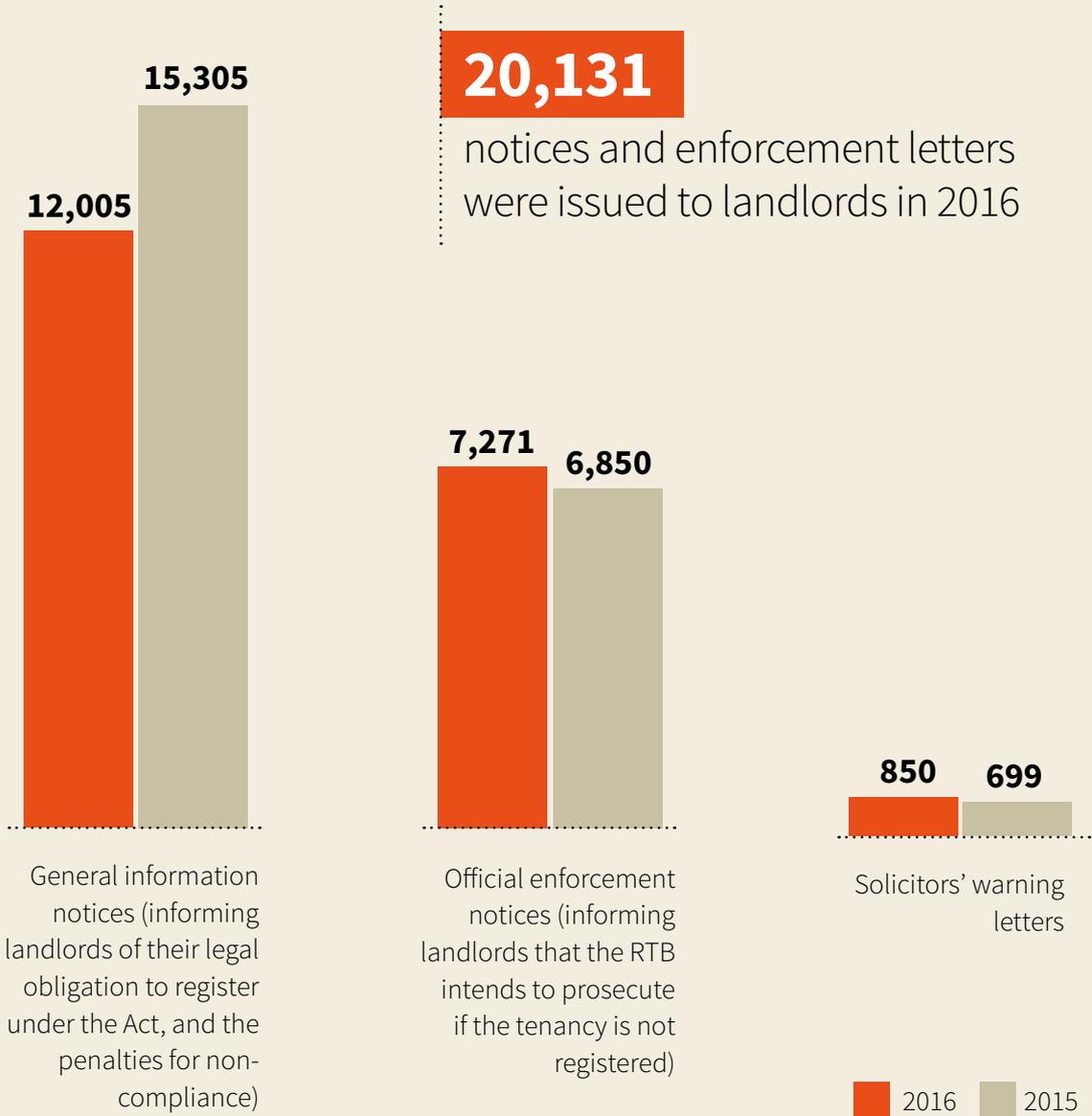
Failure to register a tenancy is a very serious matter and may result in a criminal conviction. If convicted, a landlord faces a fine and/or imprisonment, along with a daily fine of €250 for a continuing offence. The current fine is up to €4,000 and/or six months imprisonment. In addition, where a tenancy is not registered, the landlord cannot avail of the dispute resolution services of the RTB should an issue arise in the tenancy.

To pursue non-complaint landlords, the RTB receives information on residential rented dwellings from a number of sources. Where non-compliance is identified, notice and warning letters are sent to the landlord. If the landlord still fails to register, enforcement action is taken through the courts. The following is a summary of our activities in 2016.



FIGURE 1

## Registration enforcement notices and letters issued



**20**  
CONVICTIONS

20 criminal convictions

**37**  
CASES

37 cases prepared for prosecution were issued against non-compliant landlords for failing to register

**29**  
SUMMONSES

29 District Court summonses issued



## SOURCES OF INFORMATION

The RTB receives information on rental properties from a number of sources as outlined in the table below.

TABLE 5

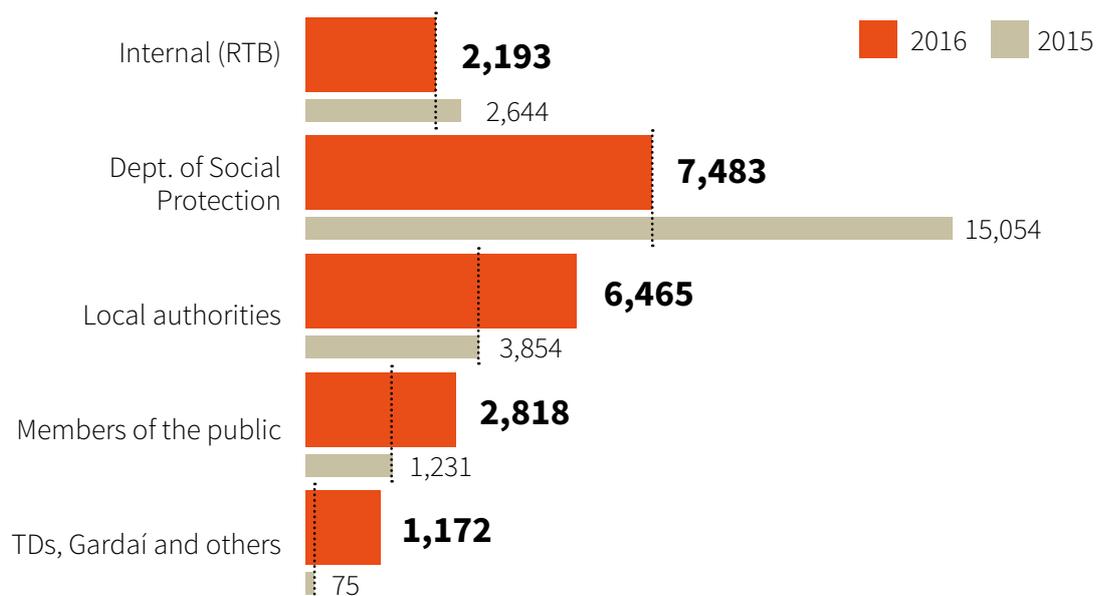
### Sources of Information

Information from	Data
Dispute & Registration Sections	RTB internal data
Department of Social Protection (DSP)	Rent Supplement
Local Authorities	Housing Assistance Payments (HAP) Database Standards for Rented Dwellings Inspections, Rental Accommodation Scheme (RAS)
Members of the Public	Neighbours, Tenants
Others	TDs, Councillors, Gardaí

The following chart shows the breakdown of the 20,131 enforcement notices and solicitor's letters issued to non-compliant landlords in 2016 by source of information.

CHART 3

### Source of notices and letters issued



## HOW MANY CASES WERE ENFORCED THROUGH THE COURTS?

In 2016, 37 cases were prepared for the prosecution of landlords who had failed to register their tenancies. This resulted in 29 District Court summonses being issued. In addition, five cases were carried forward for hearing/sentencing from 2015. Of the 34 cases for hearing/sentencing in 2016, the outcomes at year-end are as follows:

TABLE 6

### Case outcomes

	2015	2016
Summons issued	14	29
Cases carried over from previous year	5	5
Cases withdrawn before the hearing	0	0
Cases for hearing or sentencing (not including appeals)	19	34
Cases taken into account (this is where more than one case is taken against a landlord and the judge takes some of these into account when passing sentence, that is the judge does not pass sentence on them all)	0	0
Struck out	1	2
Probation Act applied	8	2
Convictions	5	20
Awaiting hearing or sentencing (cases to be carried forward)	5	10

The RTB do their utmost to facilitate landlords to register their tenancies and give several warnings of the consequences of non registration.

The RTB made 74 appearances in court in 2016 in relation to the enforcement of tenancy registrations (most cases require more than one appearance). In addition to receiving a conviction, or in some cases the Probation Act and being ordered to make contribution to a charity, the landlords involved were also ordered to pay court fines and the legal costs of the RTB. These costs and fines came to more than €101,000, which demonstrates both the courts' attitude to non-registration of tenancies and the very serious consequences to landlords of failing to register.

## COURT ACTION – APPEALS

All convictions can be appealed in the Circuit Court. In 2016 we dealt with eight appeals, in addition to three cases that were carried forward from 2015.





## How to check if a tenancy is registered

The published register is an extract from the register of tenancies, and contains details from the registration form that is supplied by the landlord or their agent. The register provides:

- the address of the rented dwelling,
- a description of the dwelling,
- the number of bedrooms and bed spaces, and
- the floor area.

The published register does not contain any information that could lead to the disclosure of the identity of the landlord or the tenant, or the rent payable. It is accessible through our website:

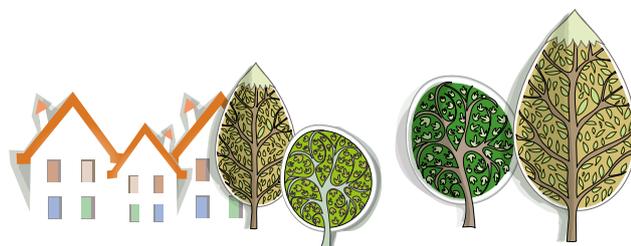
**www.rtb.ie** at [https://portal.rtb.ie/public\\_registrations.aspx](https://portal.rtb.ie/public_registrations.aspx)

To check the published register, click on TENANTS on the home page, and click on the icon



**“Is My Tenancy Registered?”**

Next, click into the appropriate county, and search under the address of the rented dwelling. The register is available in both PDF and Excel format. The published register is updated on the website on a weekly basis.



## 7. RENTAL TRENDS

Rents across the country, particularly in Dublin, the commuter belts, and urban areas, continued to increase over the year causing significant pressures in the rental market.

The RTB Rent Index showed steadily rising rents in each quarter of 2016, with marked jumps at the beginning and the end of the year. This volatility serves to emphasise the importance of the Rent Index as a monitor of the market, and as a source of data on which government interventions can be based.

The RTB Rent Index, produced in association with the Economic and Social Research Institute (ESRI), is based on private rental property registered with the RTB. It is the most accurate and authoritative rent report of its kind because it is based on actual rents for new tenancies in a particular quarter. The Rent Index has taken on an even more critical role since December 2016, as it is now used by the RTB to confirm if an area qualifies as a Rent Pressure Zone. The following section provides more detailed analysis on the rental trends from the year and also on the changes arising from the introduction of Rent Pressure Zones.

“The Rent Index has become an increasingly important tool in providing accurate, trusted and impartial reporting on rents in Ireland.”



## RENTAL TRENDS

The average standardised rent for 2016 was €954 per month, this compares to €884 in 2015 and represents a 7% increase in the year. The national average rent over the year increased from €919 in Quarter 1 to €986 in Quarter 4, thus almost reverting to 2007 rent levels, when national rent peaked at €988. At a national level, the annual growth was 7.8% in Quarter 4 2016.

Looking at the Dublin market, the average monthly rent for Dublin in 2016 was €1382, compared to €1271 in the previous year, representing an increase of over 8.6% in rents in the year. Rents in Dublin increased from €1319 in Quarter 1 to €1436 in Quarter 4, which is over 8% above 2007 peak levels. In the period since 2012 rents in Dublin have gone up by over 37%.

Outside of Dublin rents have also been increasing at a rapid rate, going from an average of €677 per month in 2015 to €731 per month in 2016, which represents an increase of 8%. During the year, outside of Dublin rent went from €706 to €750 per month between Quarter 1 and Quarter 4 2016. Rents remained however, over 11% below their peak level of €826 in 2007.

### Average Rent per month



CHART4

### RTB Rent Index 2007 – 2016



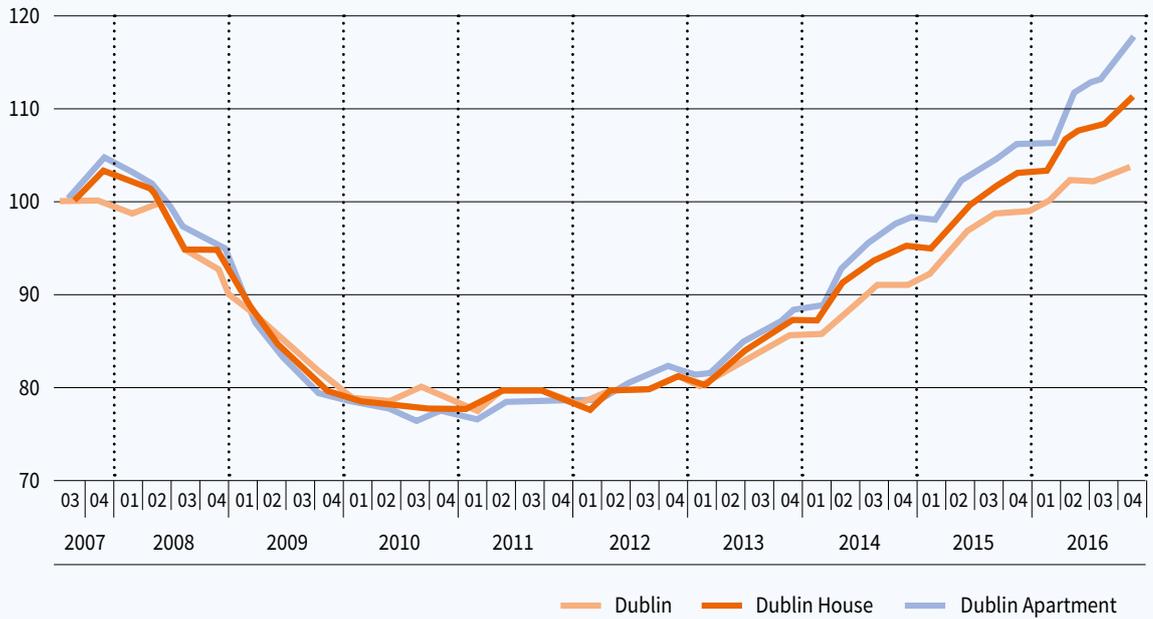
### National Q3 2007 = 100

An overview of the data from 2016, shows that rents in Dublin and surrounding commuter counties were amongst the highest relative to the national average, with parts of Cork city and Galway city also above average. Data from 2015 compared to 2016 showed a reversal in trends. Overall yearly data for 2016 showed that growth in rents outside Dublin outpaced growth in Dublin as demand for rented accommodation increased in the commuter regions outside the capital. However in Q4 2016, this trend was reversing, with growth in Dublin rents exceeding growth in rents outside Dublin. This indicates that demand in Dublin increased significantly in the latter part of 2016, driven in particular by an 11.1% increase in rents for apartments. The changes in trends throughout the year show that the market is still volatile, and in an environment of restricted supply, this volatility is likely to continue. However, in order to justify the drawing of significant conclusions, the data needs to show the same trend occurring over an extended period of time. The RTB Rent Index will therefore be instrumental in monitoring changes over the coming year.



CHART 5

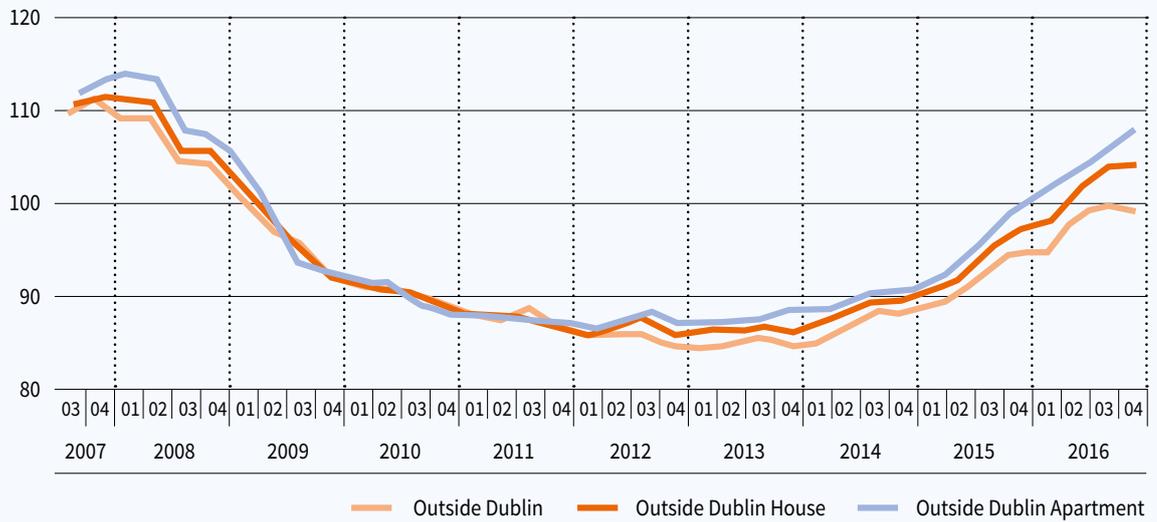
### Dublin 2007-2016



Source: RTB data

CHART 6

### Outside Dublin 2007-2016



Source: RTB data



## EXPANDING THE RENT INDEX

The RTB, through its registration data, has unique access to significant data on the rental sector. This data is important in improving understanding and planning for the rental sector in Ireland and we as an organisation are increasingly focusing on how we can improve and use this information better for that purpose.

“ In Quarter 2 2016, the Rent Index was expanded to give additional information on the rental sector, the types of properties being rented, the distribution of rents and location of rental units. ”

Some of our findings are detailed below. We will continue to work on developing the Rent Index further so that it gives a comprehensive overview of not just rents on a quarterly basis, but the evolving profile of the sector.

### Location

Based on year end 2016 data, Dublin was the largest rental market accounting for around 38% of the total market. At the previous peak of the market, this number was closer to 41% of the total.

### Property size and type

Two and three bedroom properties are the most common on the market and this trend has been broadly consistent over time. Together, 2 and 3 beds make up around 69% of the market. Nationally, the most common property type is apartments, accounting for 43% of the total. The second most common type is semi-detached houses, accounting for just over one-quarter (25%) of the total.

### Rents and house prices

In 2016, the average quarterly growth in the Dublin Rent Index exceeded the equivalent growth rate in national house prices, growing 2.2% compared to 1.4%. Although there was an increase in rents outside Dublin, the growth was moderate at 0.6%.

### Distribution of rents

On a quarterly basis, the underlying trends have remained relatively stable over the last year. Around 44% of properties are being rented for between €100 and €200 a week. However, the proportion of rents costing more than €300 a week now accounts for 23% of tenancies. Compared to Q3 2007, when the Index began, the proportion of properties renting at the higher end of the distribution has increased by 6%.

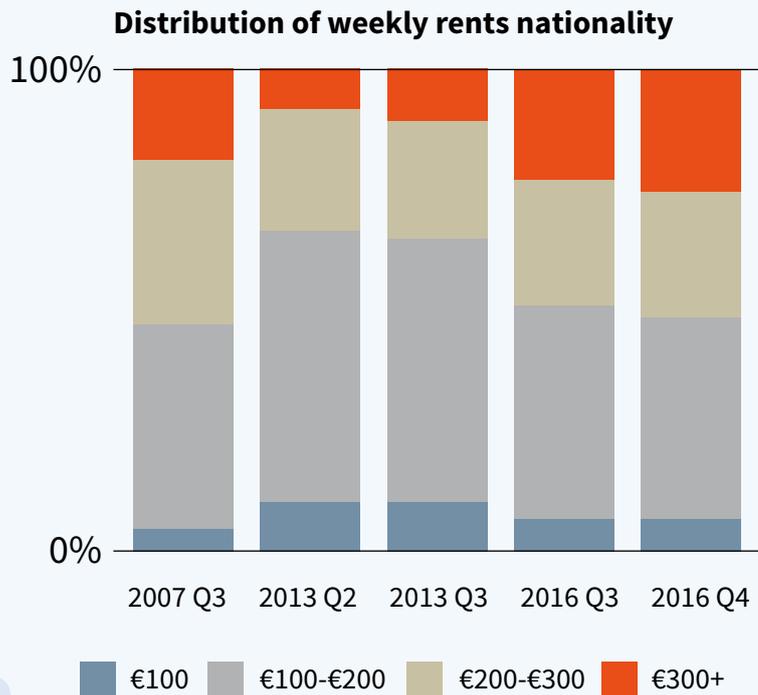


## AVERAGE RENT DATASET

An average rent dataset is also produced. This lets people check the average rent being paid for five different types of dwellings in urban and rural locations throughout the country. This means that people can look up the actual rent being paid in their neighbourhood and we can track trends in the rental market.

“ 23% now paying more than €1,300 per month. ”

CHART 7



Source: RTB data and own calculations using CSO data.

### A new Rent Index and Rent Pressure Zones

For some time the RTB had been considering the inclusion of more localised geographical information to help improve the Index.

The recently introduced Rent Pressure Zones (RPZs) system requires rental price information at Local Electoral Area (LEA) level. This has enabled the RTB to map its data and create a series of rental indicators for each LEA from Q3 2007 to Q4 2016. The RTB has provided this data so that all users – tenants, landlords, estate agents, central government, local authorities and other State agencies – can relate the information in the Index to the rules governing the establishment of the Rent Pressure Zones.

The LEA data is used to determine which areas may be designated as Rent Pressure Zones; these are LEAs where rents increased by 7% or more in four of the previous six quarters and where the average rent is above the average standardised national rent.

Since legislation to establish RPZs was introduced, LEAs in the counties of Dublin, Cork, Galway, Wicklow, Meath and Kildare have been designated as RPZs. Following the findings of the Q4 2016 Rent Index, two additional LEAs met the designation criteria for rent pressure zones: Cobh and Maynooth.

The Rent Index has gone from being solely a monitor of the rental market, to also being a tool that provides an evidence base for policy. The index was the catalyst for recent changes to rental policy in Ireland such as rent certainty measures, and its importance will continue to grow as the rental sector continues to expand in Ireland. With this in mind, the RTB is committed to ensuring the integrity and transparency of the data in the index.



## 8. RESOLVING DISPUTES AND TAKING ENFORCEMENT

In 2016, the RTB received 4,837 new applications for dispute resolution, an **increase of 20%** from 2015.

It is important to note that, although the number of dispute applications increased, this growth is primarily a reflection of the increase we have seen in the size of the sector over the last couple of years. Most landlord and tenant relationships are working well.

Since the RTB was established in 2004, the percentage of dispute applications received has remained relatively steady at between 1% to 2% of tenancy registrations, with the percentage of disputes relative to registrations at 1.5% for 2016. This is in a large part due to landlords and tenants themselves, but also due to the role the RTB plays in empowering parties with information prior to cases getting to formal dispute resolution. A large proportion of the phone calls the RTB receive every day relate to queries about rights and responsibilities, and potential disputes. Empowering people with knowledge is often enough to resolve these disputes before formal proceedings are taken.



## THE GOAL OF THE DISPUTE RESOLUTION SERVICE

One of the RTB's primary goals is to provide a dispute service that is fast, effective, and impartial. The RTB's dispute resolution service replaces the courts in dealing with the majority of disputes between landlords and tenants. Prior to the establishment of the RTB in 2004, when there was a dispute between a landlord and a tenant, they had no alternative but to go to court for dispute resolution services. This was costly and time consuming with the majority of cases taking years to resolve. Reducing processing times even further remains a priority for the RTB and the *Rental Strategy* has within it a number of measures that aim to help the RTB achieve this. The RTB are also focussing on dispute prevention, through education and information, and continuing to focus on alternative dispute resolution methods, such as free telephone mediation. The reason for this is that parties tend to be much more satisfied with the results when they can be facilitated in reaching an agreement rather than entering into a conflict where one party can lose out to another. Another focus is on building parties trust in the RTB to be a fair and impartial body.

## DISPUTES SUMMARY



**AVERAGE  
AWARD**

**€763** FOR A LANDLORD

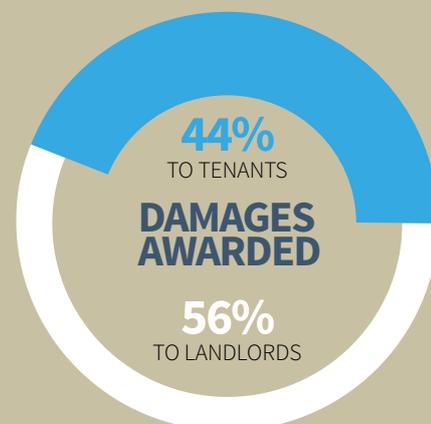
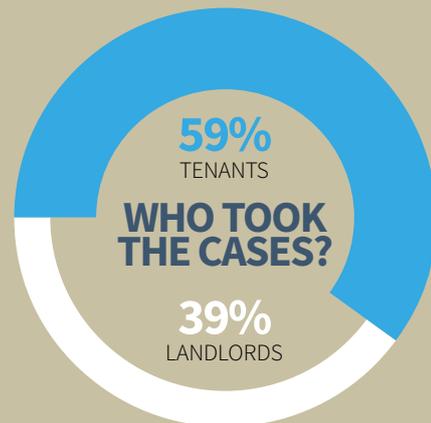
**€960** FOR A TENANT

NUMBER OF

**Dispute Resolution  
Applications**

**20%**

**4,837** in 2016  
**4,023** in 2015



**1/3**

of cases now  
dealt with  
through  
telephone  
mediation

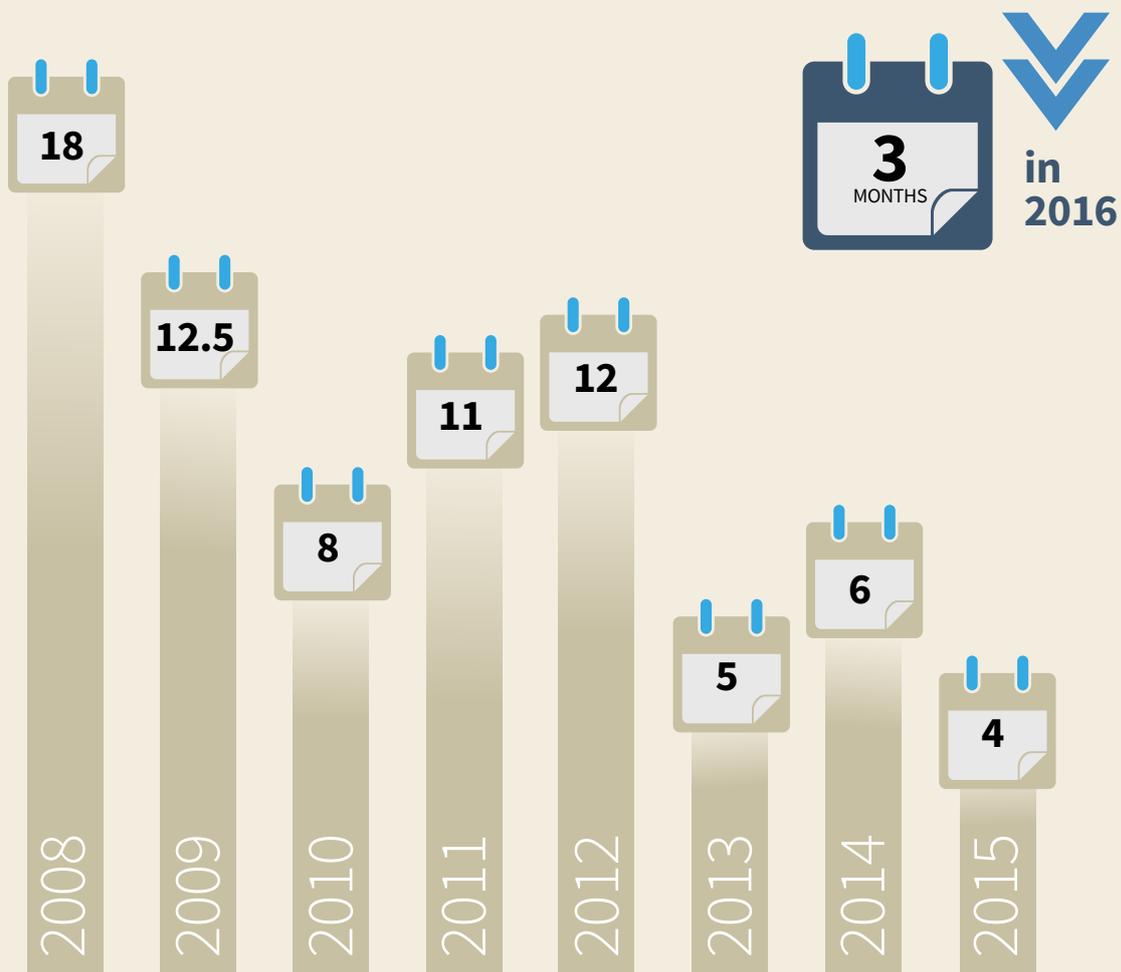


## ABOUT THE DISPUTE RESOLUTION SERVICE

Tenants, third parties or registered landlords can apply to the dispute resolution service when they cannot resolve an issue regarding a tenancy. There are two options for dispute resolution; mediation (telephone or oral) or adjudication, which is a more formal process and is based on evidence. The decision of an adjudicator, or the agreement made within mediation, are made binding via a Determination Order. Determination Orders have a legal standing and can be enforced through the courts if they are not complied with.

Either side can appeal a decision to a three-person tribunal if they are not happy with the adjudicator's decision or the agreement reached through mediation. Our decision makers have independent decision-making powers which are similar to those of judges within the court system and are quasi-judicial.

Over the course of the last nine years, there have been significant reductions in waiting times\* for **dispute resolution services**.



\*numbers relate to months

TABLE 7

**Breakdown of Dispute Resolution Cases**

	2014	2015	2016
Adjudication and mediation applications	<b>3,374</b>	<b>4,023</b>	<b>4,837</b>
Adjudication and mediation hearings	<b>2,651</b>	<b>2,704</b>	<b>3,324</b>
Applications withdrawn or settled	<b>1,408</b>	<b>1,775</b>	<b>2,026</b>
Tribunal applications	<b>447</b>	<b>575</b>	<b>630</b>
Tribunal hearings	<b>249</b>	<b>436</b>	<b>513</b>

The total number of new dispute applications in 2016 was 4,837. A total of 3,324 hearings took place in 2016 and, through RTB intervention, 2,026 applications were withdrawn or settled. It is likely that withdrawals were largely due either to agreements reached by the parties, or parties reconsidering their applications based on information provided by the RTB on parties' rights and obligations and the evidential proofs required.

Among the 4,837 applications received, there were 8,195 reasons for dispute cited by applicant parties and dealt with through the dispute resolution process. The most common dispute types remained as rent arrears and over holding, invalid notice of termination and deposit retention. Nearly 60% of cases were taken by tenants. However, more cases resulted in damages being awarded to landlords (56%) rather than tenants (44%).

## TELEPHONE MEDIATION SERVICES

The telephone mediation service has proved highly successful since its introduction in late 2013. Just under 30% of dispute resolution applications received in 2016 opted for telephone mediation. In 2016, there were 1,121 telephone mediation hearings and, of these, 642 (57%) agreements were reached.

There were also only 92 (10%) appeal applications lodged following on from a telephone mediation, which shows that even when no agreement can be reached the case may still be resolved as the parties now understand their obligations or see that they do not have sufficient evidence to progress their case. There is also an extremely high level of compliance where the parties have reached their own agreement. Out of the 642 cases where agreements were reached, only five requests were received for enforcement through the courts, which equates to less than 1% of all telephone mediation cases and 1.4% of all enforcement requests in total for 2016.



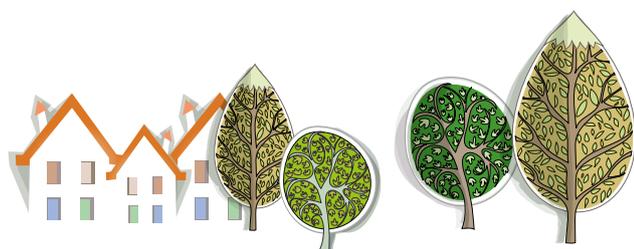
## HOW DOES TELEPHONE MEDIATION WORK?

The RTB appoints a certified mediator to work with both parties in a dispute to resolve it effectively, respectfully and speedily. Mediation allows each party to come to their own agreement in a non-adversarial way. Through a series of calls, the mediator helps both parties to come to an agreed resolution. Each party is contacted separately so they are not in direct communication with each other. In addition to being efficient, telephone mediation is convenient for both parties as they do not have to attend a hearing. Where a satisfactory resolution cannot be reached, either party may appeal to a tenancy tribunal.

## ADJUDICATION CASE PROCESSING TIMES

The RTB continued to improve case processing times in 2016, reducing the average length of time to 12 weeks (where no appeal application was received) compared with 26 weeks in 2014. The 2016 case processing timelines, as set out in table 8 on page 37, are calculated from the date the application is received to the date the case is closed. A case may be set to closed for a number of reasons, including:

- + when the Determination Order is issued,
- + if the RTB determines it has no jurisdiction to deal with the dispute,
- + if the dispute remains 'incomplete' for an extended period of time,
- + if the necessary documents cannot be served because one of the parties cannot be located, and / or
- + if the application is withdrawn by the applicant party.



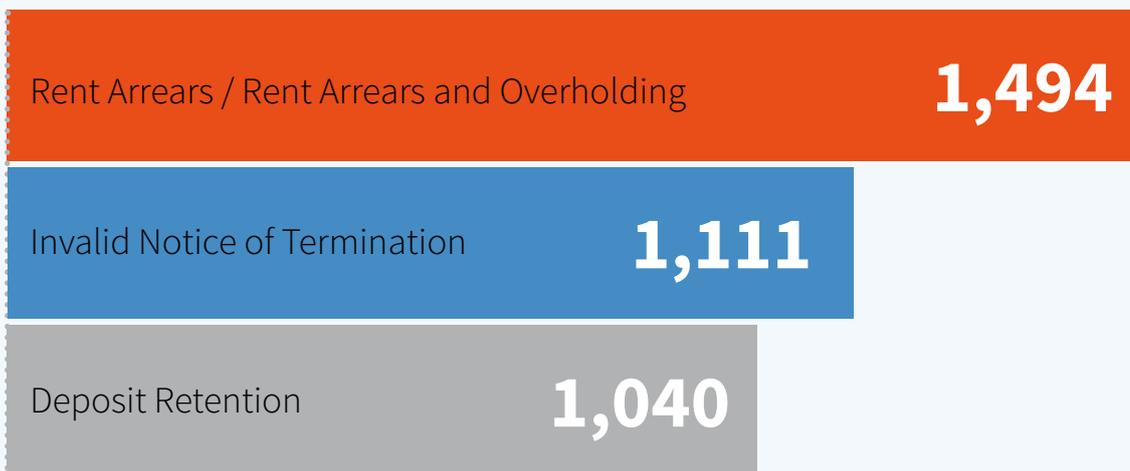
It is important to note that the timeline runs from the date the application is initially received by the RTB even if the application is not ready to move to the next stage for various reasons. These reasons may include:

- + mandatory information missing from the application form,
- + no fee received,
- + incorrect or missing contact details,
- + documents submitted which raise potential questions over the jurisdiction of the RTB to deal with a particular dispute or require the RTB to consider submissions for an extension of time,
- + applications for dispute resolution by landlords of an unregistered tenancy,
- + adjournment requests being granted, and
- + disputes awaiting documentation.

Cases can be given priority status if they are more serious in nature, e.g. cases concerning unlawful terminations, anti-social behaviour, serious rent arrears and/or overholding. Overholding is where tenants stay in accommodation past the date of expiration of a valid notice of termination.

The average processing time for telephone mediation in 2016 was 5.5 weeks, compared with 12 weeks on average for adjudication, as attending a hearing is not required. Where a party to mediation has referred the case to a Tenancy Tribunal, or a party to adjudication has appealed the Adjudicator's decision, the processing time, from tribunal application received date to case set to closed, is on average two months.

### The top three dispute types in 2016



“ We are now processing cases **600%** faster than 2008 despite a **193%** increase in dispute applications. ”



TABLE 8

**Disputes Processing Timelines 2016**

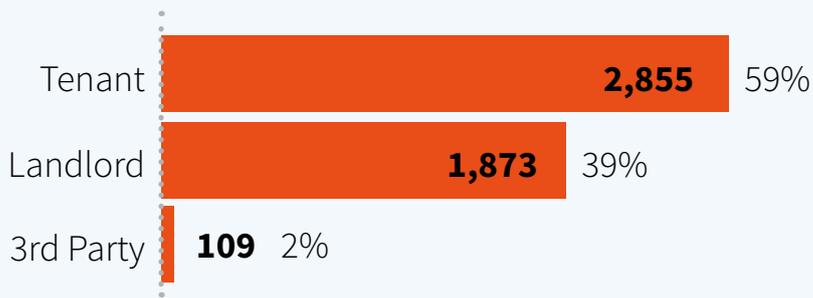
Dispute Type	2014	2015	2016
Urgent Adjudication cases	22 weeks	12 weeks	11 weeks
Adjudication cases	30 weeks	16 weeks	13 weeks
Average cases	26 weeks	14 weeks	12 weeks
Tribunals ( <i>from date appeal application received to date Order issued</i> )	8 weeks (average)	10 weeks (average)	8 weeks (average)
Cases where appeal is received and processed	36 weeks (average)	24 weeks (average)	24 weeks (average)
Telephone mediation ( <i>from date application received to date Order issued or date case withdrawn following settlement</i> )	11 weeks (average)	7.5 weeks (average)	5.5 weeks (average)

TABLE 9

**Dispute Types 2016**

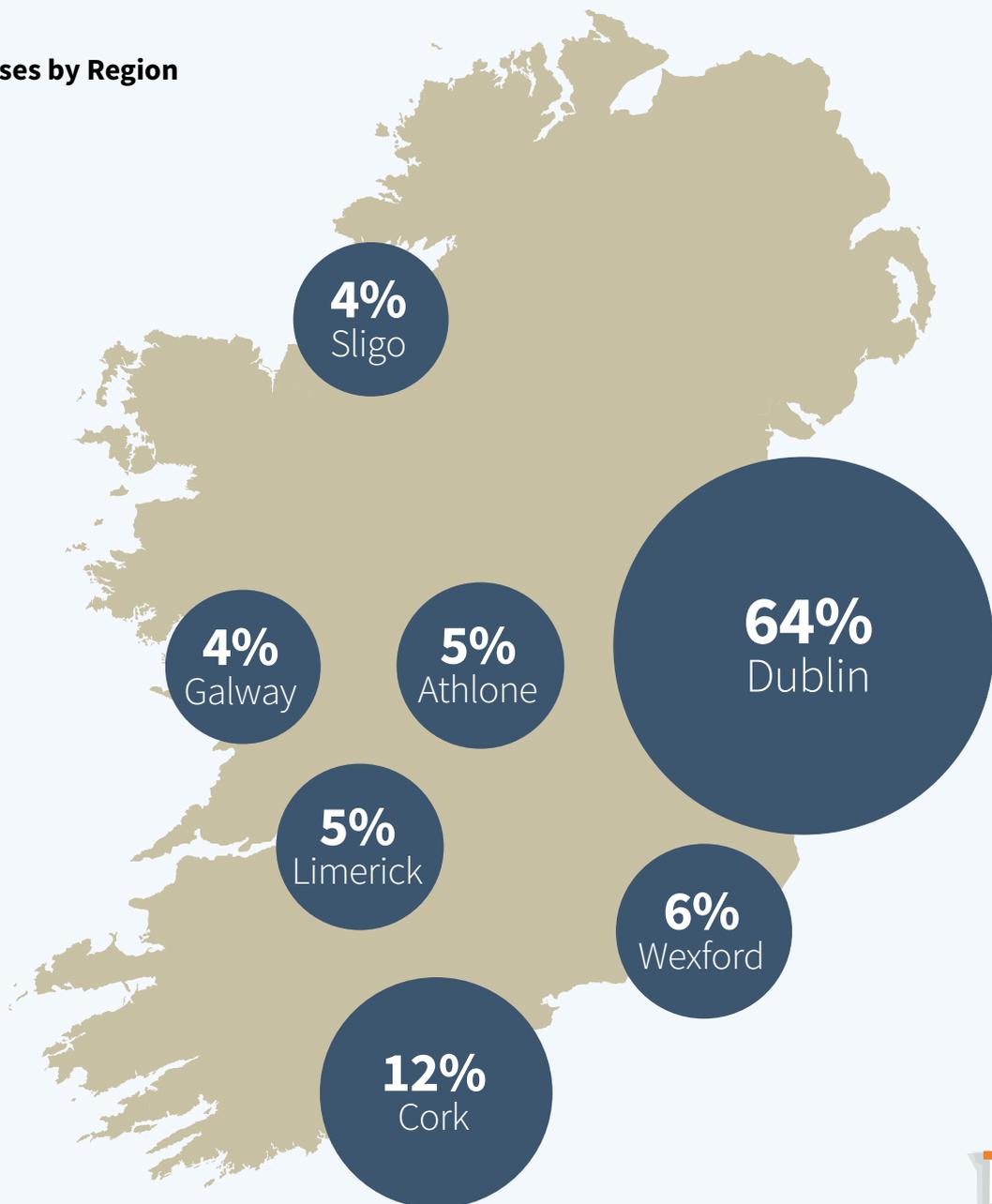
Dispute Type	2016 number
Rent arrears/ rent arrears and overholding	1,494
Invalid notice of termination	1,111
Deposit retention	1,040
Breach of landlord obligations	839
Breach of tenant obligations	659
Standard and maintenance of dwelling	635
Overholding (staying in the accommodation after the tenancy termination date)	553
Other	539
Unlawful termination of tenancy (illegal eviction)	351
Anti-social behaviour	279
Rent more than market rate (not applicable for Approved Housing Body tenancies)	255
Damage in excess of normal wear and tear	241
Breach of fixed term lease	199
Total	8,195

### Who submitted an application for dispute resolution in 2016?



**31%**  
of disputes relate to rent arrears and overholding

### Cases by Region



## DISPUTES 2016 – THE DETAILS

### MAIN CATEGORIES OF DISPUTE IN 2016

As previously stated, we received 4,837 applications for dispute resolution in 2016 covering 8,195 categories of dispute. The most common issues in dispute were:

- + rent arrears/ rent arrears and overholding at 1,494 instances (31%, 32% in 2015),
- + invalid notice of termination at 1,111 (23%, the same as 2015), and
- + deposit retention at 1,040 (22% the same as 2015).

### INVALID NOTICE OF TERMINATION

This was the second most common issue. It represents 23% of dispute applications, unchanged from 2015. Of these cases, 43% were found to be invalid which is a significant improvement on the 69% of notices found to be invalid in 2015. It is most likely due to the RTB's focus in 2016 on information, education, and improving our website.

The most common issues with notices of termination were:

- + insufficient notice being given, as day one is counted from the day after serving the notice, and
- + not allowing the 14-day warning letter for rent arrears to expire before serving the 28-day notice of termination.

By law, an RTB Adjudicator or Tribunal can only direct that a tenant vacate a rented dwelling on the expiration of a valid notice of termination, regardless of the circumstances of a case. If the notice is invalid, the landlord or agent must serve a new valid notice of termination. This will delay the recovery of the property. It should be noted that in 2016 the Minister for Housing introduced a 'slip rule' which allows an adjudicator or tribunal to overlook minor errors or omissions in a notice of termination once the tenants' rights are clearly not prejudiced.

### DEPOSIT RETENTION

This was the third most common issue with 1,040 dispute resolution applications in 2016, accounting for 22% of all dispute applications, unchanged from 2015.

Chart 8 illustrates the outcome of the deposit retention cases determined in 2016. In 68% of deposit retention determinations, the RTB found that the tenant was entitled to a full or partial refund of their deposit. In 14% of cases the landlord was entitled to retain the deposit. Since deposits may constitute the only savings of many tenants, retention usually causes serious hardship. Landlords who unlawfully withhold tenants' deposits, may be liable for damages awarded against them. In 2016, damages were awarded to tenants on the basis of a landlord unjustifiably retaining a deposit in 15% of cases.

“ Notice of termination:  
43% were found to be invalid. ”



## WHO WERE THE CASE OUTCOMES FOUND IN FAVOUR OF?

Chart 9 illustrates that in 2016 adjudicators found in favour of landlords in 55% of the cases heard, tenants 44%, and third parties in 1% of all determinations.

## DAMAGES

The Residential Tenancies Act gives adjudicators and tribunal members the power to grant redress to a party or parties. In general, this is limited to €20,000 damages. However, where the amount being awarded consists of rent arrears, the limit is €20,000 or twice the annual rent of the dwelling (to a maximum of €60,000), whichever is higher.

In 2016, damages were awarded in 1,124 (23%) of cases compared to 1,018 (25%) in 2015.

Where no agreement was reached at adjudication, damages were awarded 56% of the time. To estimate the percentage breakdown, we examined a random sample of 600 cases taken from every month in 2016. Of these cases, damages were awarded to the landlord in 56% of cases compared to 44% for the tenant. The average award for the landlord was €763.59 compared to €960.91 for the tenant.

Most of the damages were awarded for:

- + damage in excess of normal wear and tear (26%),
- + rent arrears (20%),
- + failure to uphold the standard and maintenance of the dwelling (20%),
- + deposit retention (15%), and
- + unlawful termination of tenancy (illegal eviction – 7%).



CHART 8

### Outcome of Deposit Cases

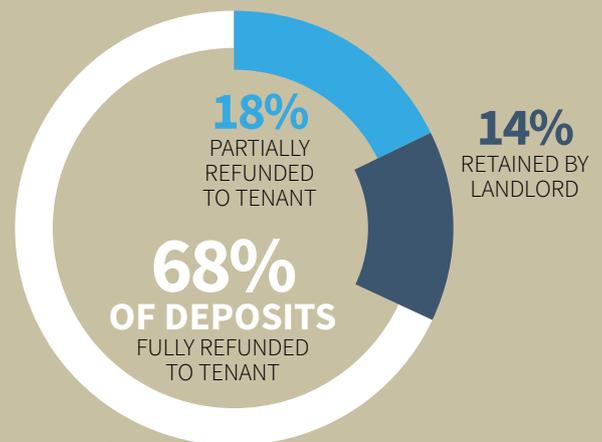
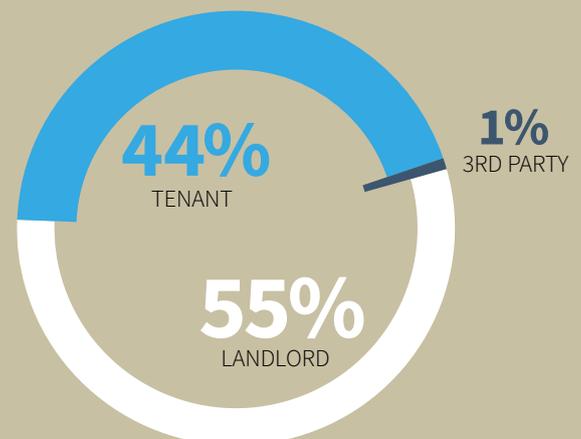


CHART 9

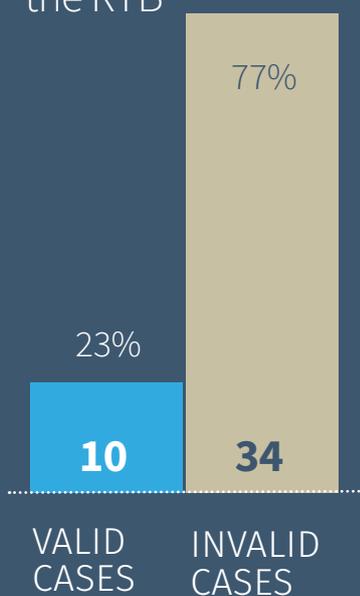
### Cases found in favour of



In **23%** of adjudication cases, damages were awarded.

Since the introduction of the **Rent Pressure Zones (RPZs)** there has been an increase in **Rent Review disputes.**

Rent review disputes cases coming before the RTB



The average award for **unlawful termination of tenancy** was **€2,378**

## UNLAWFUL TERMINATION OF TENANCY

Unlawful termination of tenancy (illegal eviction) is one of the most serious breaches of landlord and tenant law. An unlawful termination is deemed to have taken place where a landlord, through force or otherwise, prevents a tenant from accessing the rented dwelling or removing their belongings. An example of this is where a landlord changes the locks or switches off the water and/or the power.

If a tenant contacts us claiming unlawful termination, we will ask them for specific details of the alleged eviction such as the sequence of events, whether they wish to stay in the home, and the landlord's name and contact details.

We will then contact the landlord to see whether they are willing to let the tenant regain entry to the dwelling. We will advise the landlord of the implications of unlawfully terminating a tenancy or not allowing the tenant access to their belongings. We will also prioritise the processing of the case.

On average, we get two to three calls alleging illegal eviction every week. Most reach an interim resolution whilst the dispute progresses to a hearing. Typically, this would involve the tenant being permitted re-entry into the dwelling. In 2016, the average award for Unlawful Termination of Tenancy was €2,378.

## NOTICES OF RENT REVIEW

Since the introduction of Rent Pressure Zones (RPZs) in December 2016, there has been a notable increase in rent review disputes cases coming before the RTB. In 2016, 44 cases involving rent of more than market rate reached Determination Order stage. Of these cases 10 (23%) rent review notices were found to be valid and 34 (77%) were found to be invalid.



## APPEALS – TENANCY TRIBUNALS

The RTB received 630 appeals to adjudications or mediations in 2016. Appeals are heard by a panel of three members of the Dispute Resolution Committee of the RTB. Tribunals are more formal than adjudication/mediation hearings, and are public hearings. The parties are required to take an oath or affirmation, and a stenographer/logger is present to record the evidence raised. The outcomes of tribunal hearings are also public. Both the report and determination of a tribunal are published on the RTB website ([www.rtb.ie](http://www.rtb.ie)).

## LEGISLATIVE CHANGES AFFECTING TRIBUNALS

During 2016 there were a number of changes made to the legislation that underpins the RTB. These changes have been addressed earlier in this Report but there were certain changes that affected Tribunals more than others. For example:

- + January 2016 – introduction of the ‘slip rule’ in relation to notices of termination,
- + March 2016 – changes to terminating a tenancy for non-payment of rent,
- + March 2016 – a limit on the amount of costs and expenses that can be awarded to parties in dispute resolution as well as legal or professional costs, and

- + March 2016 – changes to the notice period for a Tribunal hearing. At least 21 days must be given, however a lesser period of notice may be given in the following circumstances:
  - both sides agree to a lesser period of notice,
  - there is imminent danger of death or serious injury, or imminent danger to the fabric of the dwelling concerned or the property containing that dwelling, and
  - one or more of the parties indicates that there is financial or other hardship. To date, this has yet to be invoked.

### Tribunal Processing Times

In 2016 there were 513 Tribunal hearings and a total of 522 Determination Orders were made in respect of Tribunal hearings, 9 of which were carried over from 2015. The average processing times for Tribunals in 2016 was 9 weeks. The breakdown of the Tribunal cases were:

- + 47% (243 cases) were from landlords,
- + 52% (263 cases) were from tenants, and
- + 1% (6 cases) were from a third party.

### Tribunal Characteristics in 2016

The chart below shows the breakdown of Tribunals convened by dispute type. Of the 513 Tribunals convened in 2016, there were 930 different dispute types cited as a reason for the appeal.

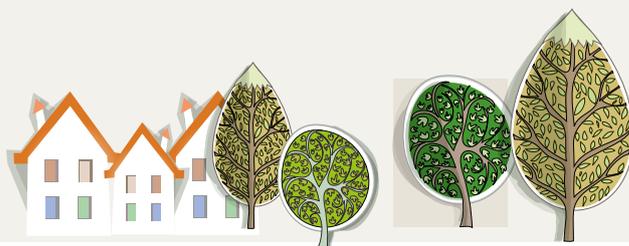
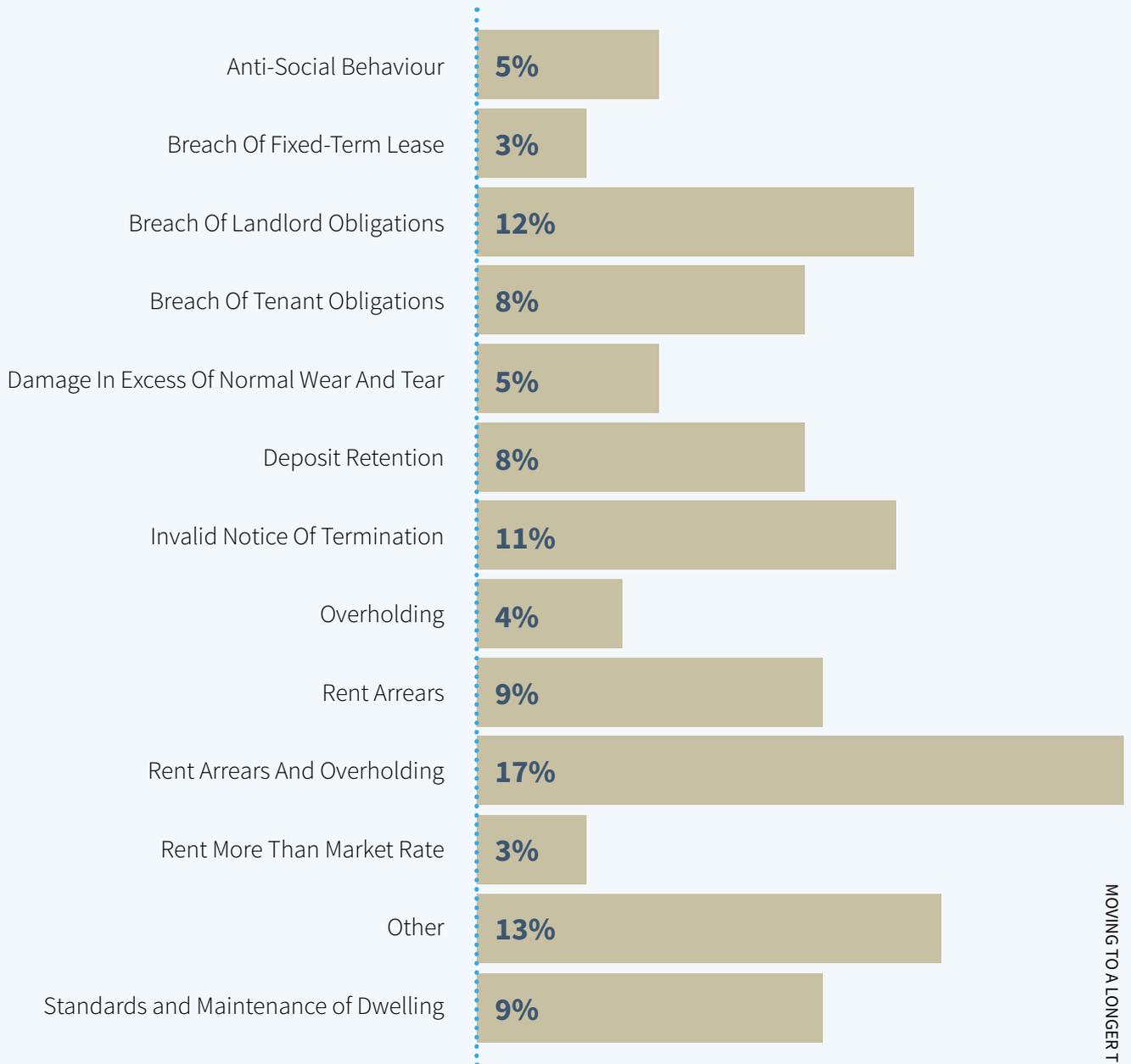


CHART 11

### Tribunal Dispute Types



“Tribunal Hearings – 522 Determination Orders were made. Average processing time for tribunals in 2016 was 9 weeks.”

## Rent arrears

From the above chart, when rent arrears and rent arrears and overholding are combined they represent the largest dispute categories and are the reasons cited for 137 cases (or 13%). This is a reduction from 2013 and 2014 when it was 17% and it is the same as the figure in 2015. Tenants have an obligation to pay their rent, even if there is an on-going dispute with the RTB. Failure to pay rent can cause financial hardship to a landlord. It is hoped that this category will continue to reduce over the coming years. The RTB would recommend that landlords bring such dispute cases for resolution as early as possible in order for it to be resolved before the rent arrears become excessive. Under the Residential Tenancies Act 2004, damages of up to €20,000 can be awarded against tenants for breach of their obligations.

## Breach of landlord obligations

In 2016, 123 (12%) of cases that came before a tribunal cited this as the reason for the dispute. Under the Residential Tenancies Acts, landlords have responsibilities and obligations to tenants (as do tenants to landlords). This category has always been high but this is the first time it has been one of the highest categories.

## Invalid notice of termination

This also featured as a common category of dispute in 2016. Some 118 (over 11%) of appeals (from both landlords and tenants) cited this as the reason for the dispute. It is important to note that a tenancy can only be terminated by serving a valid notice of termination. The RTB website has sample notices for both landlords and tenants and we recommend that both should view these samples before giving notice.

## DEPOSIT RETENTION

Deposit retention cases, while still a high category, have continued to reduce over the last few years. In 2013, 19% of cases before a tribunal were for deposit retention, in 2014 it was 14%, in 2015 it was 9% and in 2016 it was just over 8% (85 cases).

In 2016, Tribunals ruled in 57% of deposit retention cases that landlords should refund part or all of the deposit to their tenants. In the remaining 43% of cases, they ruled that the landlord could fully retain the deposit.

It would appear that landlords are more aware of the legislation and their obligations under it and we hope that this figure will continue to drop. Under the Residential Tenancies Act 2004, damages can and have been awarded against landlords who unjustifiably retain a deposit. Tenants frequently require deposits to be returned promptly to secure another tenancy and failure to return a deposit without delay may cause inconvenience and financial hardship to a tenant.

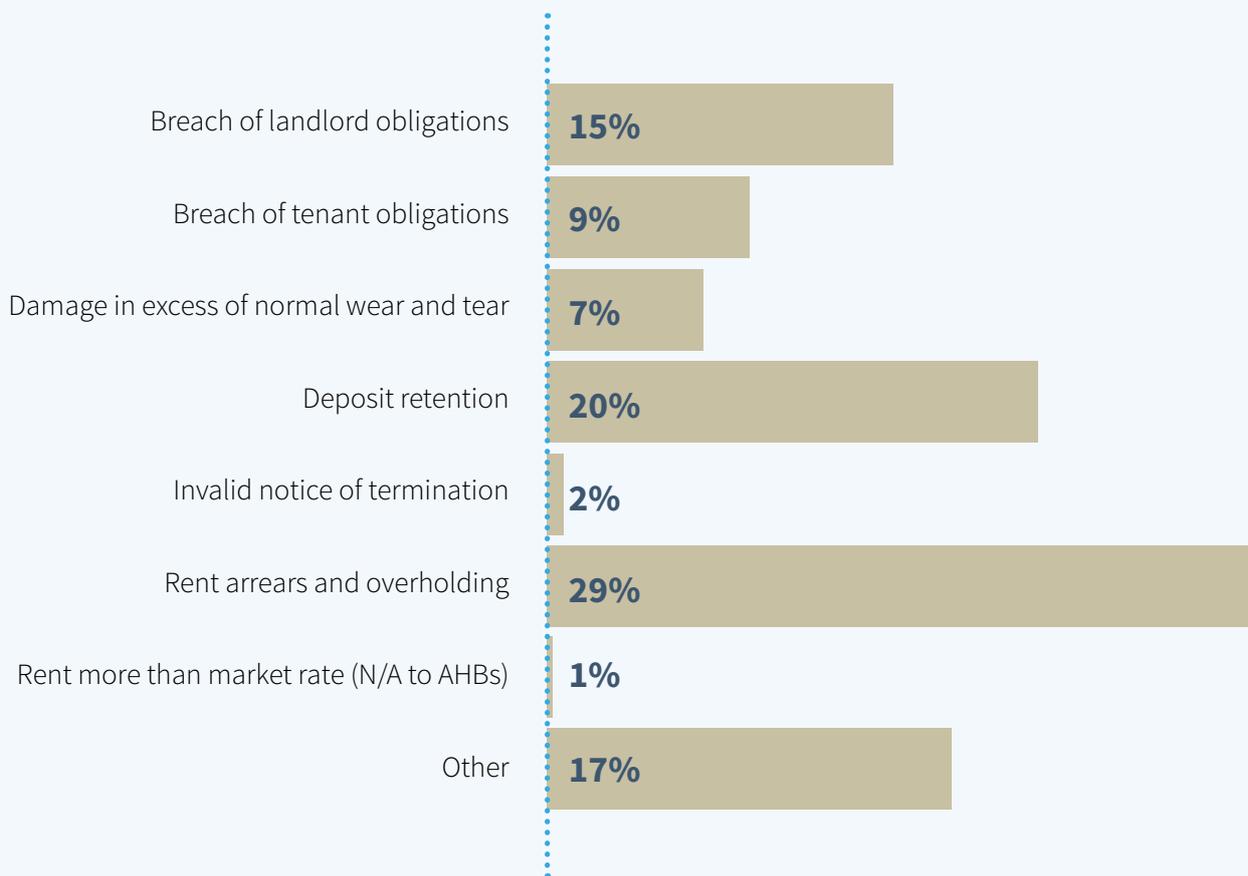
## Tribunal damages awarded

In 2016, damages were awarded in 202 out of 522 tribunal determinations for loss and/or inconvenience caused to the parties. Chart 12 gives a breakdown of dispute type where damages were awarded in 2016.



CHART 12

### Tribunal Damages Awarded



“Of the determinations made at tribunal’s in 2016, damages were awarded in almost 26% of rent arrears or rent arrears and overholding appeals, 20% of deposit retention appeals and 15% of breach of landlord obligations.”



# Enforcement where Determination Orders are not complied with

As a regulatory agency enforcement is an important function of the RTB and we take the issue of non-compliance with Determination Orders very seriously.

In the majority of cases landlords and tenants do comply with our Orders, however, where they don't the impact can be detrimental. If a tenant does not have their deposit returned to them, then they may have difficulty accessing another rental property. If a landlord has someone continuing to not pay rent, they may go into default on the mortgage.

When landlords and tenants have resolved their disputes through mediation, adjudication or a Tenancy Tribunal, they will receive a Determination Order. A Determination Order is a legally binding document, which sets out the terms of the agreement and states when certain actions must take place. If this document is not complied with within the allocated timeframe, one of the parties or, in some cases the Residential Tenancies Board on their behalf, may ask the Circuit Court to compel the other party to comply.

The issuing of such enforcement proceedings is an important power in the legislation and the RTB endeavours to take as many enforcement cases as we can where there are instances of non-compliance. However, enforcement is a discretionary function of the RTB and not all cases can be taken by the RTB from a resource perspective, but also in some cases because the parties may have left the country or cannot be found. Last year we initiated proceedings in respect of 123 cases and received 359 requests for enforcement. We also played an important role in supporting parties to issue their own enforcement proceedings and providing them with the relevant papers to do so.

In 2016, we also made important steps in establishing a new legal panel of solicitors,

which will allow the RTB to approve more enforcement cases, for more parties from 2017 on.

## ENFORCEMENT PROCEEDINGS

If a party fails to comply with a Determination Order, the other party or the RTB may issue civil proceedings in the Circuit Court. If the court is satisfied that all proofs are in order, the judge will make an order affirming the terms of the Determination Order. The judge may also make an order for legal costs.

The RTB has been very successful in obtaining court orders. However, a court order does not always mean that a party will receive the monies awarded to them. If respondents persist in failing to comply with an order, execution of the order may be pursued by any of the means permitted by the Circuit Court.

The RTB has registered many of the orders it obtained on behalf of case parties. This means they may be published in various trade periodicals and websites. This may have a negative effect on the non-compliant party's credit rating.

If the court order confirms that a tenant is to vacate a dwelling, the RTB or the person seeking compliance may ask the Sheriff or County Registrar to carry out an eviction. However, if an order involves monetary awards only, it is a matter for the parties to arrange for a further enforcement of the court order.



# ENFORCEMENT APPLICATION TO THE RTB ON BEHALF OF CASE PARTIES

In 2016, the RTB received 359 requests to pursue enforcement on behalf of a disputing party.

TABLE 10

## Applications for enforcement received

The level of demand from parties seeking the board to enforce on their behalf has decreased					
2011	2012	2013	2014	2015	2016
589	346	405	535	633	359

CHART 13: 2016 AND 2015

## Who requested Enforcement?

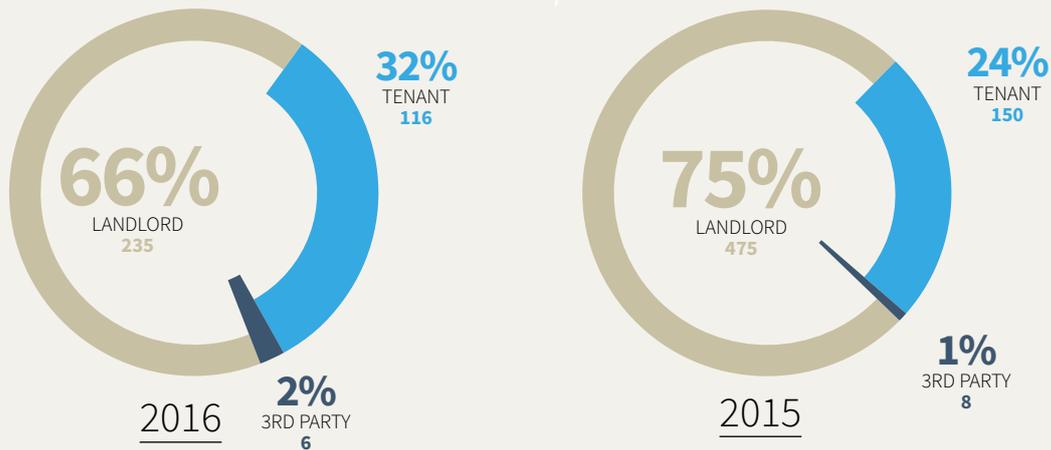
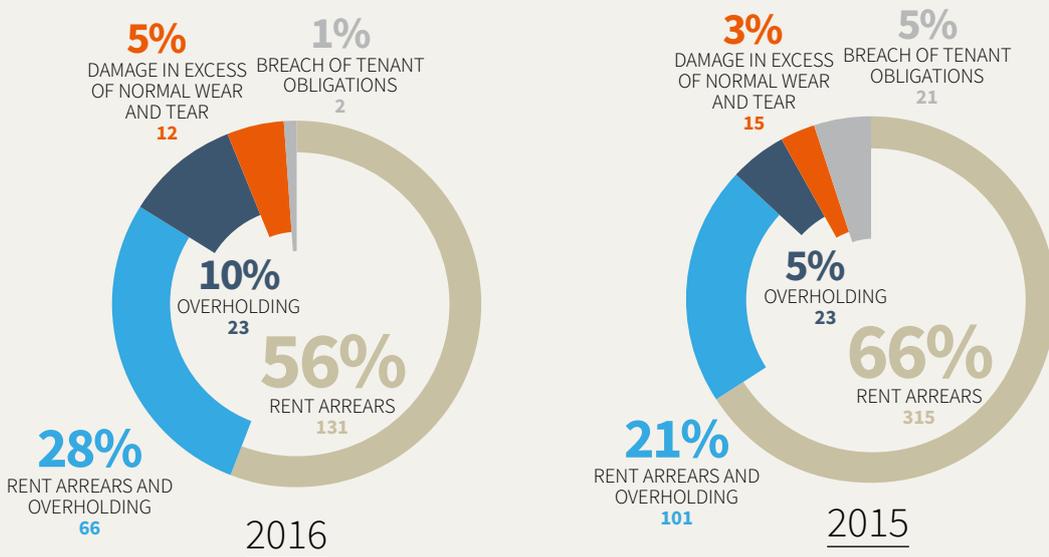


CHART 14: 2016 AND 2015

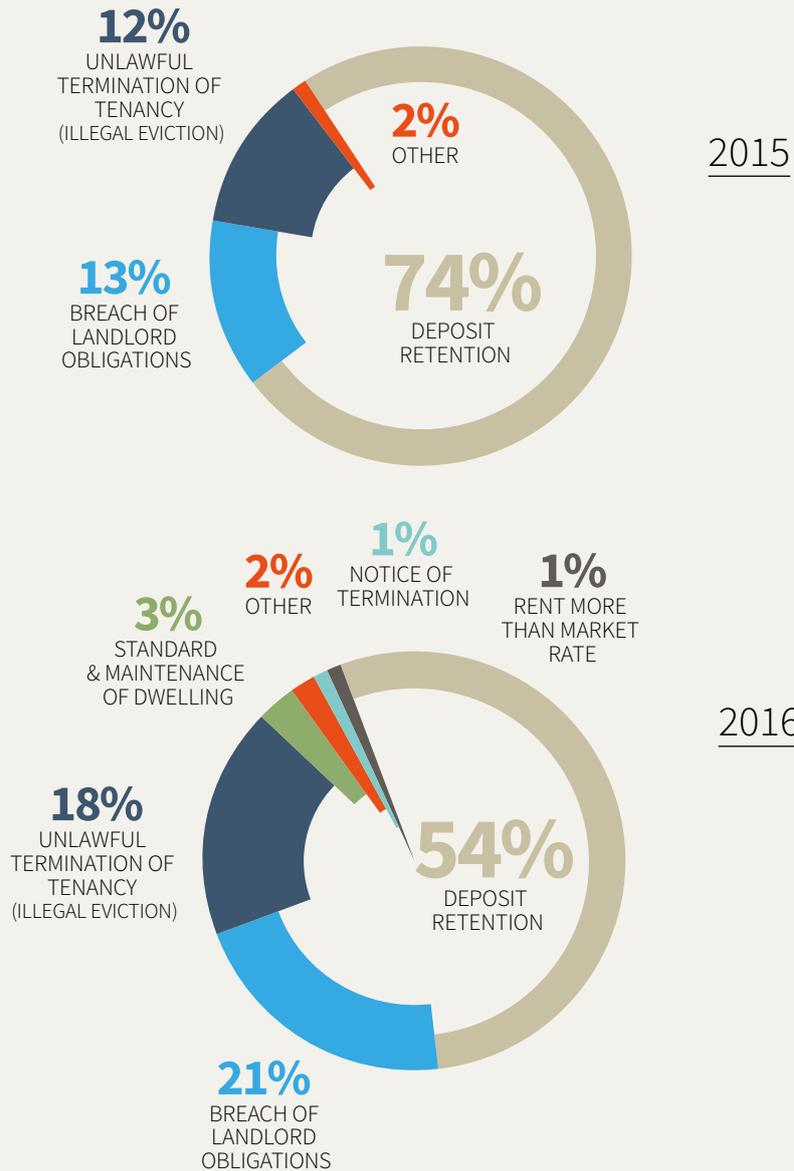
## Landlord Requests by Dispute Type



The level of requests submitted by landlords remained high. A total of 235 (66%) of the 359 requests received by the RTB in 2016 were from landlords. Of these, more than half (56%) were due to tenants not paying their rent. Cases involving overholding either with or without unpaid rent were responsible for a further 38% of all requests from landlords. Damage to the rented property above wear and tear and other breaches of tenant obligations were also reported.

CHART 15

**Tenant Request by Dispute Type**



Tenants made 118 (32%) requests for enforcement. Most of these (54%) were for outstanding deposit refunds. Tenants also reported non-payment of awards for breaches of landlord obligations and unlawful termination of tenancy.

Only 6 requests (less than 2%) were submitted by third parties (neighbours). These related to the failure of landlords to enforce the obligations of their tenant(s) under their tenancies.



## ENFORCEMENT AND SETTLEMENT ACTIVITIES CARRIED OUT IN 2016

“ As part of our assessment process, preliminary checks are carried out to identify urgent cases and cases concerning overholding and unlawful termination of a tenancy are prioritised. ”

As stated previously, the RTB received 359 new requests for enforcement in 2016. The RTB also continued to work on 316 cases that remained active at the end of 2015.

As part of its work, the RTB:

- + referred 123 cases to the RTB's legal advisors,
- + provided documentation to parties wishing to take their own enforcement proceedings in 132 cases,
- + facilitated settlement agreements on 28 active enforcement files (there were a further 143 instances of matters withdrawn or not pursued without a specified reason), and
- + forwarded settlement payments and proposals to settle to parties in 224 instances (30 of which were in relation to cases where parties applied to the RTB for enforcement).

Out of the total of 675 cases on which compliance was outstanding in 2016, 158 cases remained open at the end of 2016.

## COURT OUTCOMES – PROCEEDINGS ISSUED BY THE RTB

The RTB obtained 204 Circuit Court Orders in 2016. In most of these cases, the RTB was awarded its costs, to be taxed in default of agreement. The term taxation refers to the process by which legal costs are reviewed/measured so as to ensure that they are valid costs. This independent review of the costs must be carried out in cases where the respondents do not agree with the amounts sought by the RTB.

Even if the RTB obtains a court order, the parties may still enter into a settlement plan. The RTB will not register the judgment with the Office of the High Court if the parties adhere to an agreed payment plan. If payments cease, the RTB will register the outstanding debt with the Office of the High Court as a judgment debt.

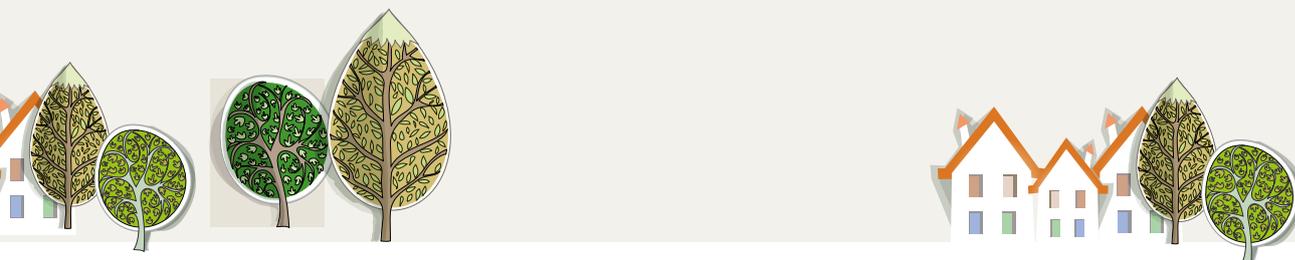


TABLE 11

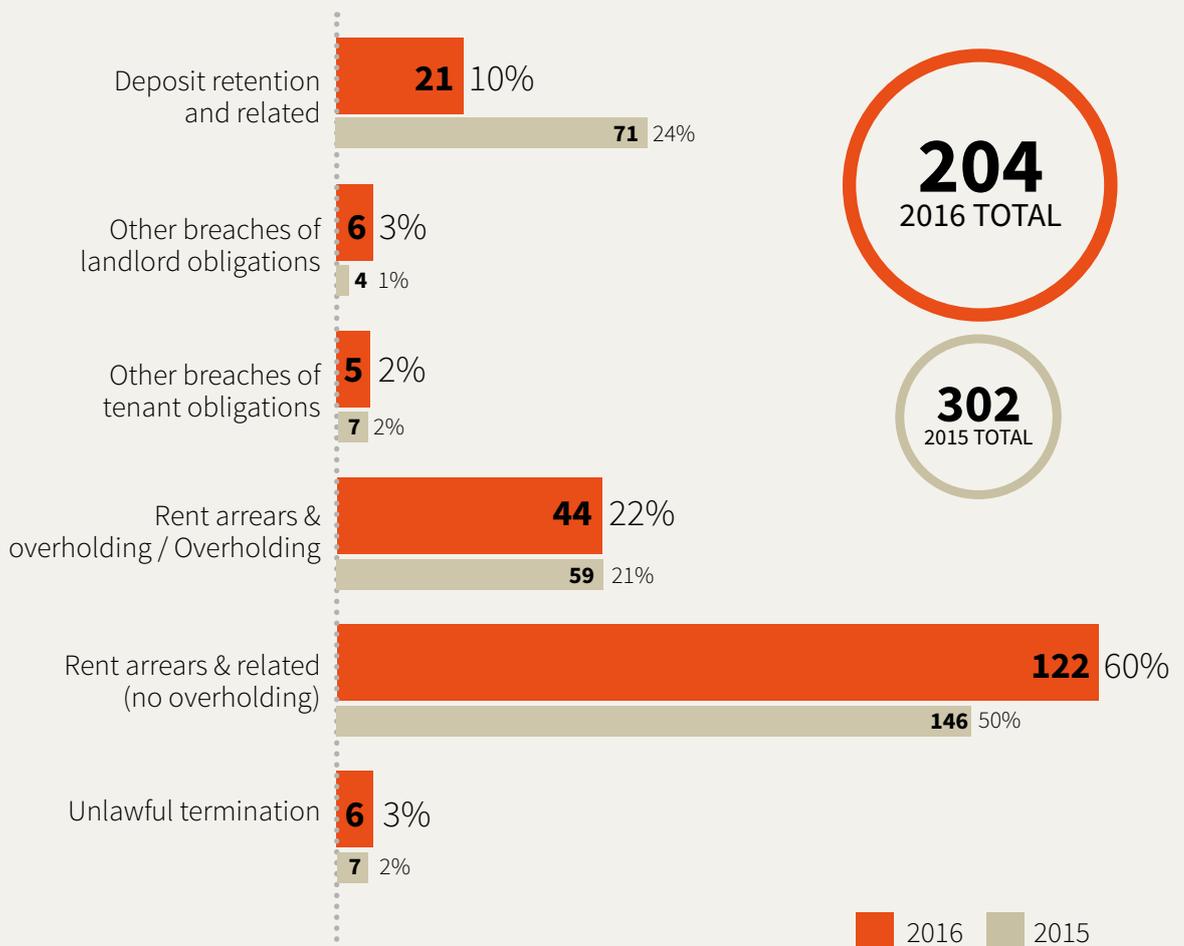
Circuit Court Orders obtained by the RTB on behalf of case parties					
2011	2012	2013	2014	2015	2016
42	91	140	158	302	204

Of the 204 orders obtained in 2016, 171 were against tenants and 33 against landlords.

The breakdown of issues under dispute in respect of which court orders were obtained is as follows:

CHART 16

**Breakdown of Circuit Court Orders obtained in 2016 and 2015**



## CHANGES TO HOW THE RTB WILL SUPPORT PARTIES IN THE FUTURE

The RTB finances its dispute resolution process from the registration fees it receives. The budget for all RTB activities is limited. To help lower the cost of enforcement, the RTB advertised in the latter part of 2016 its intention to create a panel of solicitors to provide an enforcement service to parties.

“ The lower cost of enforcement proceedings will allow us to provide legal assistance in a higher number of cases. ”

Also, in our commitment to supporting parties who want to take their own cases, we have developed a step-by-step guide to enforcement which is available on our website. This guide contains an overview of the enforcement process and its requirements along with a number of templates of the relevant court papers.

The Government’s *Rental Strategy* has also made a commitment and introduced legislation, which will move enforcement from the Circuit Court to the District Court in 2017. This will make taking enforcement proceedings, both for the RTB and for parties taking cases themselves, cheaper and quicker.



# 9. RTB GOVERNANCE

The RTB is committed to maintaining the highest standards of corporate governance and to complying with the requirements laid out in the Code of Practice for the Governance of State Bodies.

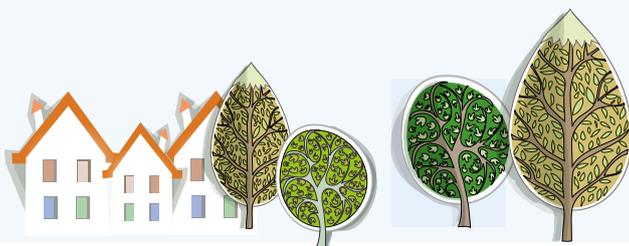


The RTB continue to apply the requirements of the 2009 Code to this 2016 Annual Report and financial statements. In 2016, the RTB began the process of ensuring full compliance with the new Code of Practice for the Governance of State Bodies, and is on course to be fully compliant for the 2017 year.

As a quasi-judicial body, the Board of the RTB have clear responsibilities for certain decisions in relation to our dispute resolution services, and these are set down in legislation (the Residential Tenancies Act 2004, as amended). In addition the board have responsibility for strategy, approving the annual business plan, our financial statements, and has put in place a clear scheme of delegation in relation to approval for expenditure. We have adopted codes of business conduct for our board members, director, staff, adjudicators, and mediators. The performance evaluation of the board and its committees began in Quarter 1 2017 and is being conducted using workshops, and the board Self-Assessment Evaluation Questionnaire provided.

Monitoring and managing risk is a key part of good governance. The RTB manages risks to and within the organisation through a risk register which is reviewed on a regular basis.

The following section, provides more detail on our board members, board fees and the sub-committees of the board.



## BOARD OF THE RTB



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Rhonda Donaghey stood down in April 2016.  
Mary O' Donovan started in July 2016.

1. Catriona Walsh  
Chairperson, Solicitor
2. Paul Flood  
Board Member, HSE Estates Assistant National Director
3. James Leahy  
Board Member, Former Member of Kilkenny Borough Council and I.T. Technician
4. Noel Merrick  
Board Member, Property Professional

5. Noel Conroy  
Board Member, Former Garda Commissioner
6. Rhonda Donaghey  
Board Member, Trade Union official
7. Tim Ryan  
Board Member, PR and Public Affairs Consultant
8. Patricia Sheehy Skeffington  
Board Member, Barrister
9. Joseph Meehan  
Board Member, Department of Social Protection
10. Kathleen McKillion  
Board Member, Director of Operations, Irish Council for Social Housing
11. John Fitzgerald  
Board Member, Property Professional
12. Gareth Robinson  
Board Member, Barrister
13. Mary O'Donovan  
Board Member, IT and BPO Consultant

## BOARD OF THE RTB

The RTB Board comprises 12 non-executive members appointed by the Minister for Housing, Planning and Local Government. In April 2016 Rhonda Donaghey stood down and was replaced by Mary O'Donovan in July. Members are appointed for a maximum of five years. The roles of the Chairperson and Director are separate. A full-time director is employed to manage and generally control the administration and business of the RTB.

As a quasi-judicial service, there is a significant commitment made by the board in overseeing certain decisions. Along with its monthly meeting, the board meets regularly to sign off on Determination Orders made as a result of our dispute resolution services. In 2016, the board met on 75 occasions (up from 67 in 2015), both for ordinary board meetings and to deal with matters relating to disputes.

## BOARD MEMBERS ATTENDANCE 2016

TABLE 12

Members	Board Meetings	Disputes Meetings	Total
Catriona Walsh	13	19	32
Joe Meehan	4	0	4
Tim Ryan	13	57	70
Patricia Sheehy Skeffington	12	21	33
John Fitzgerald	13	62	75
Paul Flood	1	0	1
Kathleen Mc Killion	11	0	11
Rhonda Donaghey (Term expired April 2016)	0	0	0
Gareth Robinson	4	14	18
Noel Conroy	12	58	70
Noel Merrick	12	54	66
James Leahy	10	61	71
Mary O'Donovan (Term began July 2016)	4	22	26
Total number of meetings	13	62	75

The total number of board meetings in 2016 was 75 (67 in 2015).



In 2016, the fees payable for board-related duties were as follows:

TABLE 13

Activity	Fees
Board meetings, committee meetings and training	€196
Board meeting, committee meetings – chairperson	€217
Disputes meetings	€329
Disputes meetings – chairperson	€509
Tribunals	€506
Tribunals – chairperson	€1,020

In 2016, board members were paid fees totalling €209,931.48 (down from €305,983 in 2015). This includes all fees paid to board members in respect of board and committee meetings, and any fees paid for attending training events and interview boards. A breakdown of all payments made to board members in 2016 can be found in Table 14. Any board members who are civil servants do not receive remuneration due to the ‘one salary’ rule for civil servants.

TABLE 14

Board members remuneration	Fees 2015 €	Fees 2016 €
Catriona Walsh	27,680.00	19,206.00
Joe Meehan	Nil	Nil
Tim Ryan	49,371.00	32,580.86
Patricia Sheehy Skeffington	37,795.00	17,288.04
John Fitzgerald	77,957.00	39,795.72
Paul Flood	Nil	Nil
Kathleen McKillion	5,579.00	4,312.00
Rhonda Donaghey (Term expired April 2016)	19,367.00	0
Gareth Robinson	18,098.00	6,790.00
Noel Conroy	25,330.00	28,002.00
Noel Merrick	23,400.00	25,265.00
James Leahy	21,405.00	27,548.86
Mary O’Donovan (Term began July 2016)	N/A	9,143.00
Total	305,982	209,931.48

The fees of Ms Rhonda Donaghey are paid to Threshold and those of Ms Kathleen McKillion are paid to the Irish Council for Social Housing. Tax is deducted before the payments are made.

Board members were also reimbursed a total of €19,278 for travel and subsistence incurred for attendances at meetings and tribunals in 2016. These were paid in accordance with the Department of Finance guidelines.

## BOARD MEMBER INTERESTS

The board has adopted and implemented procedures to manage any conflicts of interest where they arise. This is to ensure that conflicts of interest, whether real or perceived, which can arise between the RTB's interests and those of its board members, are managed in accordance with the guidelines set out in the Code of Practice for the Governance of State Bodies.

## SENIOR MANAGEMENT

The Senior Management team comprises the Director and five Assistant Directors who are responsible for the day-to-day management of the RTB's operations.



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1. Rosalind Carroll  
Director

2. Kathryn Ward  
Assistant Director with responsibility for Enforcement

3. Janette Fogarty  
Assistant Director with responsibility for Dispute  
Resolution Services

4. Pádraig McGoldrick  
Assistant Director with responsibility for Finance,  
Registrations

5. Carmel Diskin  
Assistant Director with responsibility for HR, Corporate  
Governance, and the Rent Index

6. Brinsley Sheridan  
Assistant Director with responsibility for ICT

## COMMITTEES OF THE BOARD

The board has six committees to assist in the discharge of its responsibilities. They were convened on 45 occasions in 2016 (compared with 46 in 2015). The committees are: Finance; Audit; ICT; Legislative, Practice and Procedures; Research, Education and Awareness, and PR; and Dispute Resolution.

### Finance Committee

The Finance Committee considers the RTB finances and policies in detail; reviews budgets and financial reports; advises and makes recommendations to the board, director and senior management; and examines the RTB annual accounts.

All members of the Finance Committee are also members of the Board of the RTB. The Finance Committee met 12 times in 2016.

TABLE 15

Attendance of board members-committees during the year ended 31 December 2016	at Finance Committee
Board member	
Catriona Walsh	12
Joe Meehan	4
Tim Ryan	12
Patricia Sheehy Skeffington	8
John Fitzgerald	12
Paul Flood	0
Kathleen Mc Killion	9
Rhonda Donaghey	0
Gareth Robinson	0
Noel Conroy	11
Noel Merrick	11
James Leahy	8
Mary O'Donovan	4
Total number of meetings	12



## Audit Committee

The Audit Committee assists the board in its general oversight of the RTB's financial reporting, internal controls and audit functions. It consists of five members, two of whom are board members and three of whom are external to the RTB. The committee is chaired by Joseph Meade, former Financial Services Ombudsman. It was convened on four times in 2016, the same as in 2015.

## INTERNAL AUDIT PLAN 2016

The internal audit plan was reviewed by the Audit Committee at the March, June and September meetings. It was initially agreed in May 2013 with the RTB internal auditors, Baker Tilly Ryan Glennon (BTRG), known as RSM Ireland since 2016.

The following audits were undertaken or completed in 2016: order enforcement, corporate governance, business continuity and key financial controls.

TABLE 16

Committee members and their attendance at committee meetings during 2016	Audit Committee
Committee member	
Joseph Meade – Chairperson	4
Dermot Byrne – External member	4
Paul Flood – board member	1
Gareth Robinson – board member	1
Tim Ryan – board member	3
Philip Nugent – External member	1
Earnan O’Cleirigh – External member	1
Mary O’Donovan	1
Total number of meetings	4

Damien Allen resigned from the Audit Committee in January 2016 and was replaced by Philip Nugent who then resigned in June 2016. Philip Nugent was replaced by Earnan O’Cleirigh in September 2016. Mary O’Donovan was appointed to the Audit Committee in November 2016.



## ICT Steering Committee

This Committee acts in an advisory capacity, providing guidance on ICT governance and oversight of the ICT budget. The Committee was convened 11 times in 2016.

TABLE 17

Committee members and their attendance at committee meetings during 2016	ICT Steering Committee
<b>Board member</b>	
Denis Carty – Chair, External member	11
Gareth Robinson – board member	0
James Leahy – board member	9
Aidan Sullivan – External member	6
Paul Dowling – External member	7
James Duffy – External member	10
Catriona Walsh – board member	3
Mary O'Donovan – board member	1
Total number of meetings	11

Catriona Walsh was appointed to the ICT Steering Committee in April 2016. Mary O'Donovan was appointed to the ICT Steering Committee in July 2016.



## Legislative, Practice and Procedures Committee

This Committee assists the board in the exercise of the board’s statutory function of advising the Minister on policy matters, specifically in relation to the operation of the Residential Tenancies Act and proposed amendments to that legislation.

TABLE 18

Committee members and their attendance at committee meetings during 2016	Legislative Committee
Committee member	
Finian Matthews – Chair, External member	11
Catriona Walsh – board member	0
John Fitzgerald – board member	12
Noel Conroy – board member	11
Noel Merrick – board member	1
Patricia Sheehy Skeffington – board member	10
Tim Ryan – board member	10
Anne Colley – External member	9
Karen Murphy – External member	10
Total number of meetings	12

The committee was convened 12 times in 2016.



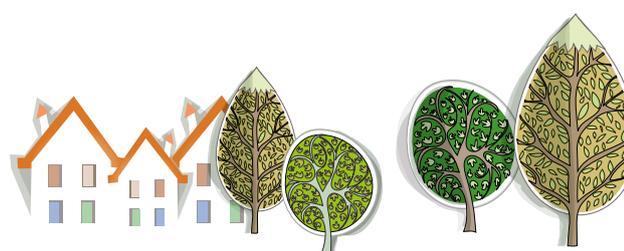
## Research, Education and Awareness, and PR Committee

This Committee was formed on 31 January 2014 following the merger of the Research, Education and Awareness and PR Committees. Its remit is to recommend to the board what research would be appropriate, necessary or desirable to undertake, having regard to the board's responsibility to advise the Minister concerning policy in relation to the rental sector. The committee also oversees the RTB's PR activities and education of landlords and tenants about their rights and responsibilities. The Committee was convened three times in 2016.

TABLE 19

Committee members and their attendance at committee meetings during 2016	REA & PR Committee
Committee member	
Tim Ryan – Chair, board member	3
John Fitzgerald – board member	3
Noel Conroy – board member	3
Patricia Sheehy Skeffington – board member	1
Noel Merrick – board member	0
Bob Jordan – External member	2
Caren Gallagher – External member	2
Kersten Mehl – External member	2
Lorcan Sirr – External member	2
Thomas J. Reilly – External member	3
John Leahy – External member	3
Earnan O'Cleirigh – External member	0
Total Number of meetings	3

Bob Jordan resigned in September 2016.



## Dispute Resolution Committee

The Dispute Resolution Committee (DRC) is the panel from which members of the three-person Tenancy Tribunals are drawn. Since tribunal determinations can only be appealed on a point of law to the High Court, members of the DRC perform an important quasi-judicial function. Upon completion of a hearing, the tribunal makes a determination, and sends it to the board. There were 526 tribunal hearings in 2016.

TABLE 20

Tribunal Members Remuneration 2016			
DRC Member Name	Fees €	Training €	Total €
Aidan Brennan	38,671	0	38,671
Andrew Nugent	14,966	196	15,162
Anne Colley	16,491	392	16,883
Anne Leech	11,218	588	11,806
Brian Murray	17,699	196	17,895
Brian Regan	12,413	588	13,001
Catriona Walsh	1,020	0	1,020
Ciara Doyle	26,733	392	27,125
Dairine MacFadden	21,887	392	22,279
Dervla Quinn	43,623	392	44,015
Elizabeth Maguire	22,643	0	22,643
Eoin Byrne	28,441	392	28,833
Finian Matthews	39,794	392	40,186
Fintan McNamara	1,518	588	2,106
Gene Feighery	21,949	0	21,949
Gerard N Murphy	23,646	196	23,842
Grainne Duggan	1,701	392	2,093
Healy Hynes	21,626	196	21,822
Helen-Claire O'Hanlon	25,876	392	26,268
Jack Nicholas	10,875	0	10,875
James Egan	27,951	196	28,147
John Conran	10,050	588	10,638
John Fitzgerald*	8,160	0	8,160
John Keane	24,521	196	24,717
John Keaney	29,747	196	29,943



TABLE 20 CONTD.

Tribunal Members Renumeration 2016 Contd.			
DRC Member Name	Fees €	Training €	Total €
John Tiernan	38,972	392	39,364
Karen Ruddy	5,270	392	5,662
Kevin Baneham	12,930	196	13,126
Louise Moloney	37,746	196	37,942
Mary Doyle	23,140	196	23,336
Mary Morris	1,187	392	1,579
Mervyn Hickey	27,072	392	27,464
Michael Vallely	5,095	588	5,683
Michelle O'Gorman	5,262	588	5,850
Nesta Kelly	32,872	196	33,068
Niall Buckley	9,011	392	9,403
Noel Merrick*	681	0	681
Orla Coyne	16,485	0	16,485
Owen Donnelly	4,266	392	4,658
Patricia Sheehy Skeffington*	1,020	0	1,020
Peter Shanley	29,311	392	29,703
Roderick Maguire	31,326	196	31,522
Rosemary Healy Rae	31,306	196	31,502
Siobhan Phelan	18,529	0	18,529
Suzy Quirke	22,455	196	22,651
Thomas Reilly	27,506	196	27,702
Tim Ryan*	1,020	0	1,020
Vincent P. Martin	37,442	392	37,834
<b>TOTAL</b>	<b>923,123</b>	<b>12,740</b>	<b>935,863</b>

\* Indicates board member

One of the main functions of the RTB is to provide a dispute resolution service for landlords and tenants. To ensure impartiality, transparency and fairness in the dispute resolution process, adjudicators are independently appointed, and they undertake their functions in an autonomous capacity.

Following a rigorous open competition, run by the Public Appointments Service for the RTB in late 2013, the current panel of adjudicators and mediators was appointed for a period of just over three years. Adjudicators are paid a flat fee of €616 per day for three hearings, or €616 for three telephone mediations where both parties agree to enter the mediation process. adjudicators and mediators are expected to submit their reports within ten days of the hearing for non-priority cases, and five days for priority cases.

TABLE 21

Adjudicator and Mediator Payments 2016			
Office Holder	Payments €	Training €	Total €
Aisling Fair	12,320	0	12,320
Angela Becker	33,264	392	33,656
Brian Whelan	55,440	588	56,028
Caitriona O'Connor	28,952	196	29,148
Catherine McGuigan	2,464	196	2,660
Chris McDermott	21,560	392	21,952
Ciara Fitzgerald	15,400	392	15,792
Cynthia Lennon	24,640	196	24,836
David Duncan	55,440	392	55,832
Deirdre McGowan	11,704	0	11,704
Denis Kelliher	19,712	392	20,104
Dermot Sheehan	25,256	0	25,256
Eithne Corry	26,488	392	26,880
Emma Synnott	27,720	392	28,112
Frank Brady	36,960	588	37,548
Gerard N Murphy	616	0	616
Laura Farrell	33,264	392	33,656
Lauren Tennyson	27,104	196	27,300
Linda Brophy	30,184	392	30,576
Louise Beirne	23,408	392	23,800
Marissa O'Keeffe	4,524	196	4,720
Mark Kane	46,816	196	47,012
Mema Byrne	26,488	196	26,684
Órla Ryan	28,952	196	29,148
Sarah Brophy	35,112	392	35,504
Shaun Smyth	28,336	392	28,728
Simon Brady	60,984	392	61,376
Stephen Brady	24,640	196	24,836
Steven Dixon	42,504	392	42,896
Susan Fay	15,400	392	15,792
Thomas Dowling	3,696	0	3,696
<b>TOTAL</b>	<b>829,348</b>	<b>8,820</b>	<b>838,168</b>

## Procurement in the RTB in 2016

The RTB complies with procurement procedures in respect of competitive tendering. This includes adherence to both national guidelines and relevant EU Directives, which have the force of law in this State. Competitive tendering is the normal procedure followed by the RTB in the procurement process. All tenders issued have due regard to the value thresholds for the application of procurement rules.

The RTB follows public procurement requirements when seeking tenders or quotations. During 2016, the board or director which approved a contract for Auto Address.

## Prompt payments and late payments

The RTB is aware of its responsibilities under the Prompt Payment of Accounts Act, 1997, and the Late Payment in Commercial Transactions Regulation, 2002, and has established appropriate processes and procedures to make sure all payments are made in accordance with these regulations. There was no interest or penalties for late payments of invoices in 2016 (compared with €419.26 in interest and penalties in 2015).

The RTB confirms it adhered to all the relevant aspects of the Public Spending Code in 2016.

## Protected disclosures

The Protected Disclosures Act, 2014, requires every public body to establish and maintain procedures for dealing with protected disclosures, and to provide written information relating to these procedures to employees. During 2016, no protected disclosures were made by any RTB employee under the terms of the legislation.

## Freedom of Information (FOI)

The RTB came under the provisions of the Freedom of Information Act 2014 on 14 April 2015. We received 15 FOI requests in 2016. Our publication scheme came into effect from 14 April 2016, and is available on our website.

There were no requests received in 2016 under the Access to Information on the Environment (AIE) regulations.

## Data protection

The RTB is a registered data controller under the Data Protection Acts and has a formal data protection policy agreed with the Office of the Data Protection Commissioner. This puts the RTB at the forefront of implementing data-protection procedures, thus protecting the individual's fundamental right to privacy and exercising control over how personal information may be made available under the Data Protection Acts.

## Ethics

The RTB comes within the scope of the Ethics in Public Office Act 1995, and has adopted procedures to comply with the Act. Where required, board members and senior management have completed statements of interest in compliance with the provisions of the Act. Procedures are in place for the ongoing disclosure of interests by board members. This question is asked at the outset of every board meeting.

## Taxation

The RTB complies with tax laws. Procedures are in place to ensure that the RTB is exemplary in its compliance with its obligations under taxation laws and that all tax liabilities are paid on or before the due dates.



# 10. RENT TRIBUNAL 2016

On 7 January 2016 the Rent Tribunal was dissolved by the Minister for Housing, Planning and Local Government and its functions were transferred to the Residential Tenancies Board (RTB).

## SOME FACTS ABOUT THE TRIBUNAL

### Function

The Rent Tribunal, established in August 1983, is the arbitrating body in the determination of rent and other terms of tenancy of dwellings which were formerly rent controlled under the Rent Restrictions Acts 1960 – 1981. This role was carried out by the District Court in 1982 – 1983. The tribunal may determine new cases or may review cases previously determined by the District Court or by the tribunal itself.

### Membership

The membership of the tribunal in 2016 comprised a Chairperson and six ordinary Members. The members are listed below:

Catriona Walsh, Chairperson  
Patricia Sheehy Skeffington  
Noel Merrick  
Jimmy Leahy  
John Fitzgerald  
Mary O’ Donovan  
Tim Ryan

### Funding of the Tribunal

Overall the costs of the tribunal in 2016 were €5,635.84 as opposed to €27,106 in 2015.



# ACTIVITY OF THE RENT TRIBUNAL

## BACKGROUND

Formerly rent controlled dwellings must be registered by the landlord with the appropriate housing authority. Following a survey carried out by local authorities on behalf of the Department of the Environment and Local Government in early 2001, it was estimated that at that time there were upwards of 1,700 formerly rent controlled tenancies remaining, of which an estimated 1,300 are original tenants and the remaining 400 are successor tenants. The number of registered dwellings continues to decrease and definitive figures are very difficult to produce.

## APPLICATIONS

### Applicants

An application to the Residential Tenancies Board (RTB) can be made by either the landlord or tenant. The fixing of the terms of tenancy of a formerly rent controlled dwelling involves the fixing of the rent and a determination of the division of responsibility for the care and maintenance of the dwelling between landlord and tenant.

### Review of Rent

An application for a review of rent may be made provided at least 4 years and 9 months have expired since the last determination was made. However, where a landlord carries out substantial improvements to a dwelling, he/she may apply for a review at any time before the expiry of that period.

### Number of Applications Made

During 2016, eight applications were made to the RTB, all of these were in respect of rent reviews. This compared with 5 applications in 2015.

### Location of the Dwellings

Of the eight applications received in 2016, three of these were located in the Dublin area. Three were located in Cork and one application was received from Westmeath and Wicklow.

Details of the location of dwellings are in Table 21.

TABLE 22

### Location of Dwellings

County	First Time	Review	Total
Cork	0	3	3
Dublin	0	3	3
Westmeath	0	1	1
Wicklow	1	1	1
Total	1	8	8

In 2016 none of the above applications were withdrawn.

### Hearings

Cases are dealt with by the Residential Tenancies Board (RTB) consisting of three members and insofar as it is practicable, one of the three members is a person who has knowledge of, or experience in, the valuation of property. The terms of tenancy are determined on the basis of written submissions, or orally as requested by either the landlord or tenant.

### Number of Hearings

There were four hearings in 2016, compared with twenty three in 2015 (there were some held over from 2014). All four cases related to rent reviews and issued determination orders. Two of the four cases determined were dealt with by written determination while two applications resulted in an oral hearing. Some delays were experienced in processing all of the applications received due to the transfer of functions from the Department of Housing, Planning and Local Government to the Residential Tenancies Board (RTB).

TABLE 23

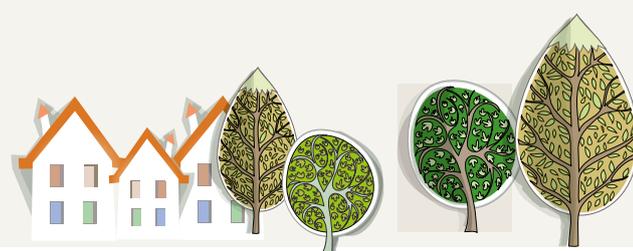
County	First Time	Review	Total
Dublin	0	3	3
Cork	0	1	1
<b>Total</b>	0	4	4

### Persons attending oral hearings

Both the landlord and the tenant may be present at an oral hearing. Both sides are entitled to have legal representation or to have assistance from, or be represented by, a property valuer, agent or other competent person.

### Mission statement of the Rent Tribunal

The mission of the Rent Tribunal is to determinate the terms of tenancy of dwellings which were formerly rent controlled under the Rent Restrictions Acts 1960 – 1981, in accordance with the statutory requirements and to do so in an equitable, efficient and expeditious manner.



## LEGAL REPRESENTATION

Where either party wishes to be legally represented at an oral hearing, one week's notice must be given to the other party and to the board.

### Freedom of Information (FOI)

The Freedom of Information Act 1997 was extended to the work of the Rent Tribunal with effect from 1 November, 2002. The Act provides a right to access information not otherwise publicly available. Persons have a right to access certain records held by the tribunal, to correct personal information held by the tribunal where it is inaccurate, incomplete or misleading and to access reasons for certain decisions made by the tribunal directly affecting them.

There were no FOI requests to the Rent Tribunal in 2016.

## GENERAL INFORMATION

### Types of dwellings

Three of the four determinations in 2016 were in relation to a whole house. Only one was in respect of an apartment. This is in contrast to 2015 where twenty one whole houses and two apartments were determined upon.

Table 23 below gives a breakdown of these determinations by dwelling type.

TABLE 24

Area	Houses	Part of a House
Dublin	2	1
Cork	1	0
Total	3	1

### Rent Determined

The rents set by the tribunal/Residential Tenancies Board in 2015 ranged from €85 to €260 per week. Of the cases determined in 2016 the rents ranged from €69.23 to €250 per week.

In determining rents, the Residential Tenancies Board is obliged to take into account: the nature; character and location of the dwelling; the other terms of tenancy; the means of the landlord and of the tenant; the date of purchase of and the amount paid by the landlord for the property; the length of time a tenant has lived there; and the number and ages of the tenant's family living with the tenant. In addition, allowances may be made in certain cases for improvements carried out by the tenant.



### Circumstances / status of tenants

A majority of tenants who live in formerly rent controlled dwellings are elderly people who are in receipt of either a pension or some form of payment from the Department of Social Protection. In the four cases determined in 2016, all tenants were in receipt of a pension or Department of Social Protection payment.

The following is a breakdown of determinations in 2016 with regard to sources of income.

TABLE 25

#### Source of Income

Area	Pensions/ Social Welfare Benefits/ Allowances	Employment
Number	4	0
% of Total	100%	0%

### Fiscal Assistance for Tenants

In cases where tenants would suffer hardship by virtue of increases in the rents of their dwellings arising from a board determination, a rent allowance may be paid by the Department of Social Protection. At the end of 2016 the total number of tenants, whose terms of tenancy had been determined by the Rent tribunal and who were in receipt of the rent allowance was 83.

### Annual Statistics

Tables 4(A), 4(B) and 4(C) contain summary statistics of applications received, determinations made and levels of rents set in each year since the tribunal was established.



## SUMMARY TABLES

TABLE 26

### Applications Received

YEAR	TOTAL	FIRST TIME	REVIEW	YEAR	TOTAL	FIRST TIME	REVIEW
2016	8	0	8	1999	64	13	51
2015	5	0	5	1998	100	23	77
2014	25	0	25	1997	60	19	41
2013	2	0	2	1996	128	15	113
2012	5	0	5	1995	106	18	88
2011	6	2	4	1994	130	21	109
2010	9	3	6	1993	71	27	44
2009	22	3	19	1992	126	29	97
2008	42	5	37	1991	300	60	240
2007	29	11	18	1990	205	44	161
2006	20	11	9	1989	247	53	194
2005	32	11	21	1988	187	78	109
2004	67	4	63	1987	111	107	4
2003	33	15	18	1986	134	134	0
2002	93	16	77	1985	367	367	0
2001	42	5	37	1983/4	1,073	1,073	0
2000	44	17	27	<b>TOTAL</b>	<b>3,893</b>	<b>2,184</b>	<b>1,709</b>

TABLE 27

### Determinations Made

YEAR	TOTAL	FIRST TIME	REVIEW	YEAR	TOTAL	FIRST TIME	REVIEW
2016	4	0	4	1999	79	22	57
2015	23	0	23	1998	78	19	59
2014	8	0	8	1997	92	6	86
2013	4	0	4	1996	84	15	69
2012	2	0	2	1995	123	20	103
2011	5	1	4	1994	61	20	41
2010	9	3	6	1993	60	17	43
2009	26	4	22	1992	172	57	115
2008	42	8	34	1991	280	49	231
2007	15	3	12	1990	193	25	168
2006	24	8	16	1989	190	48	142
2005	18	7	11	1988	119	61	58
2004	59	6	53	1987	105	103	2
2003	64	8	56	1986	151	151	0
2002	45	11	34	1985	388	388	0
2001	42	8	34	1983/4	792	792	0
2000	56	13	43	<b>TOTAL</b>	<b>3,413</b>	<b>1,873</b>	<b>1,540</b>

TABLE 28

**Levels of Rents Set**

EURO	BELOW		€70 – 84 (%)	€85 – 99 (%)	€100 – 114 (%)	OVER €115 (%)
	€55 (%)	€55 – 70 (%)				
2016	0	25	0	0	0	75
2015	0	0	0	10	10	80
2014	0	0	0	0	20	80
2013	0	0	0	0	0	100
2012	50	0	0	50	0	0
2011	20	0	0	40	20	20
2010	11.1	11.1	0	55.6	0	22.2
2009	4	18	12	12	27	27
2008	0	2	10	19	45	24
2007	6.7	6.7	13.3	20	26.7	26.6
2006	12.5	12.5	16.7	4.2	41.6	12.5
2005	11.1	22.2	11.1	22.2	0	33.4
2004	10.2	15.3	25.4	18.6	13.6	16.9
2003	14.0	4.7	29.7	34.4	7.8	9.4
2002	13.9	25.6	9.3	25.6	11.7	13.9
EURO (POUNDS)	€0 - 13 (£0-10) %	€13 - 26 (£10-20) %	€26 - 38 (£20-30) %	€38 - 51 (£30-40) %	€51 - 64 (£40-50) %	Over €64 (£50) %
2001	0.0	0.0	0.0	19.0	14.3	66.7
2000	1.8	0.0	7.1	12.5	7.1	71.5
1999	0.0	0.0	13.9	20.3	13.9	51.9
1998	0.0	9.0	37.2	23.1	17.9	12.8
1997	1.1	3.3	31.5	43.5	13.0	7.6
1996	1.2	15.5	41.7	21.4	13.1	7.1
1995	1.6	10.6	39.0	31.7	8.9	8.1
1994	6.6	8.2	31.1	16.4	21.3	16.4
1993	1.7	28.3	36.7	16.7	10.0	6.7
1992	12.2	30.2	20.9	27.9	4.1	4.7
1991	3.2	33.9	43.2	12.9	3.6	3.2
1990	2.6	18.6	47.1	19.2	4.7	7.8
1989	6.3	17.9	32.6	32.1	8.4	2.6
1988	5.0	52.9	23.5	6.7	8.4	3.4
1987	21.9	37.1	26.7	7.6	5.7	1.0
1986	28.5	25.8	39.7	4.0	2.0	-
1985	26.8	47.4	16.0	7.2	1.3	1.3
1983/4	20.5	62.2	10.9	3.3	1.8	1.4

## ACCOUNTS

There is no longer a separate accounting statement for the Rent Tribunal since it was dissolved and transferred to the RTB. Therefore, the income and expenditure is reflected in the RTB financial statement. Rent Tribunal members are paid fees based on their attendance at Rent Tribunal hearings. The fee rates are set by the Department of Public Expenditure and Reform and the Department of Housing, Planning and Local Government.

The table below gives a breakdown of expenditure and payments to members in 2016 and refers to actual payments made to Rent Tribunal members during 2016. As a result of their nature, some of these payments relate to hearings attended in 2015.

TABLE 29

### Breakdown of Expenditure and Payments to Members In 2016

CONTACT	HEARINGS	TRAINING	TOTAL
James Leahy	339.86	196.00	535.86
John Fitzgerald	679.72	196.00	875.72
Louise Moloney	423.92	0.00	423.92
Mary Heaslip	339.86	0.00	339.86
Noel Merrick	0.00	196.00	196.00
Patricia Sheehy Skeffington	925.04	196.00	1,121.04
Thomas Reilly	1,019.58	196.00	1,215.58
Tim Ryan	339.86	196.00	535.86
Kathleen McKillion	0.00	196.00	196.00
Mary O'Donovan	0.00	196.00	196.00
<b>TOTAL</b>	<b>4,067.84</b>	<b>1,568.00</b>	<b>5,635.84</b>



# 11. REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2016

RESIDENTIAL TENANCIES BOARD



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# Members Of The Residential Tenancies Board 2016

Ms Catriona Walsh	Solicitor (Chairperson)
Mr Gareth Robinson	Barrister
Mr James Leahy	IT Technician
Mr John Fitzgerald	Property Professional
Mr Joseph Meehan	Civil Servant, Department of Social Protection
Ms Kathleen McKillion	Head of Operations, Irish Council for Social Housing
Ms Mary O'Donovan**	Customer Service Operations, ICT and General Management
Mr Noel Conroy	Former Garda Commissioner
Mr Noel Merrick	Property Professional
Mr Paul Flood	Estates Manager, Health Service Executive
Ms Rhonda Donaghey*	Trade Union Official
Mr Tim Ryan	PR Consultant
Ms Tricia Sheehy Skeffington	Barrister

\* The term of Ms Rhonda Donaghey expired on 30th April 2016.

\*\* Ms Mary O'Donovan was appointed to the board on 1st July 2016.



# Statement of Responsibilities of the Board

Section 178 of the Residential Tenancies Act, 2004, requires the financial statements to be prepared by the Director in such form as may be specified by the Minister for Housing, Planning and Local Government and in accordance with generally accepted accounting principles. The financial statements must be approved by the board.

In preparing those financial statements, the Director and the board are required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on a going concern basis unless it is inappropriate to presume that the board will continue in operation.

The Director, under the direction of the board, is responsible for keeping adequate accounting records which disclose with reasonable accuracy at any time the financial position of the board and which enable it to ensure that the financial statements comply with section 178 of the Act. The board is responsible for ensuring that the business of the board is conducted in a proper and regular manner and for safeguarding all assets under its operational control and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Rosalind Carroll  
Director

Date: 14/6/17



Catriona Walsh  
Chairperson

Date: 14/6/17



subject to c&ag audit

# Statement on Internal Financial Control

## Responsibility for Internal Financial Control

On behalf of the members of the Residential Tenancies Board, I acknowledge our responsibility for ensuring that an effective system of internal financial control is maintained and operated.

The system can only provide reasonable, and not absolute, assurance that the assets are safeguarded, transactions authorised and properly recorded, and that material error or other irregularities are either prevented or would be detected in a timely period. In considering the effectiveness of internal financial controls, the board and its Audit Committee have regard among other things, to the requirements of the Code of Practice for the Governance of State Bodies.

## Key control procedures

The Residential Tenancies Board has taken steps to ensure an appropriate control environment by:

- ensuring the board complies with its financial obligations under the Act;
- ensuring that assets and liabilities of the board are properly accounted for;
- clearly defining management responsibilities;
- establishing formal procedures for reporting significant control failures and ensuring appropriate corrective action;
- the establishment of appropriate sub-committees of the board to give greater focus on specific areas.

The members of the board have agreed that the Director and staff of the board (subject to delegation by the Director) are responsible for operational matters.



The system of internal financial control within the Residential Tenancies Board is based on a framework of compiling monthly management information, administrative procedures (including segregation of duties and authorisation limits), and a system of delegation and accountability. In particular it includes:

- a comprehensive budgeting system with an annual budget, which is reviewed and agreed with the executive and the board;
- regular review by the executive and the board of periodic and annual financial reports which indicate financial performance against targets;
- defined procurement, tendering and capital investment guidelines.

The board's monitoring and review of the effectiveness of the system of internal financial control is informed by the Audit Committee, the Executive Management team, who have responsibility for the development and maintenance of the financial control framework, and comments made by the Comptroller & Auditor General in his management letter or other reports.

The board has continued its work to establish the extent and likelihood of business risk in 2016 and this work will continue in 2017.

### Annual Review of Controls

I confirm that the board conducted a review of the effectiveness of internal controls in respect of the year ended 31 December 2016.



Catriona Walsh  
Chairperson

Date: 14/6/17



subject to c&ag audit

<b>STATEMENT OF INCOME AND EXPENDITURE AND RETAINED REVENUE RESERVES FOR THE YEAR ENDED 31 DECEMBER 2016</b>	Notes	Year Ended	Year Ended
		31 December 2016	31 December 2015
		€	€
<b>Income</b>			
Registration fees	2	11,040,149	10,946,779
Amounts due to local authorities	2	<u>(1,009,396)</u>	<u>(2,189,418)</u>
Registration fees retained by the board		10,030,753	8,757,361
Disputes fees		113,759	90,410
Other income	3	43,239	103,076
Exchequer funding		498,171	-
Deferred pension funding	10c	(602,000)	1,741,000
Transfer from capital account	8	<u>(41,322)</u>	<u>116,805</u>
		<u>10,042,600</u>	<u>10,808,652</u>
<b>Expenditure</b>			
Staff costs	4a	(1,514,346)	(3,644,490)
Administration costs	4b	(8,448,964)	(9,308,370)
Depreciation	5	<u>(366,716)</u>	<u>(429,866)</u>
		<u>(10,330,026)</u>	<u>(13,382,726)</u>
Deficit for the year		<u>(287,426)</u>	<u>(2,574,074)</u>
Accumulated surplus 1 January		1,265,642	3,839,716
Accumulated surplus 31 December		978,216	1,265,642

The Statement of Cash Flows and Notes 1 to 15 form part of these financial statements.



Rosalind Carroll  
Director

Date: 14/6/17



Catriona Walsh  
Chairperson

Date: 14/6/17



<b>STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 31 DECEMBER 2016</b>	Notes	Year Ended	Year Ended
		31 December 2016	31 December 2015
		€	€
Deficit for the year		(287,426)	(2,574,074)
Experience (gain) / loss on pension scheme liabilities	10d	(14,000)	51,000
Changes in assumptions	10d	(771,000)	(1,512,000)
Changes in assumptions underlying the present value of pension scheme liabilities	10e	-	-
Actuarial loss recognised	10b	(785,000)	(1,461,000)
Adjustment to deferred pension funding		785,000	1,461,000
Total recognised deficit for the year		(287,426)	(2,574,074)

The Statement of Cash Flows and Notes 1 to 15 form part of these financial statements.



Rosalind Carroll  
Director

Date: 14/6/17



Catriona Walsh  
Chairperson

Date: 14/6/17



subject to c&ag audit

	Notes	Year Ended 31 December 2016	Year Ended 31 December 2015
<b>STATEMENT OF FINANCIAL POSITION AS AT 31 DECEMBER 2016</b>			
		€	€

**Fixed assets**

Property, plant and equipment	5	2,289,265	2,247,943
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**Current assets**

Receivables	6	43,331	79,698
Cash and cash equivalents		5,536,127	6,935,012
		<u>5,579,458</u>	<u>7,014,710</u>

**Payables**

Amounts falling due within one year	7	(4,601,242)	(5,749,068)
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Net current assets		978,216	1,265,642
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Total net assts before pensions		3,267,481	3,513,585
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Deferred pension funding	10c	4,828,000	4,602,000
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Pension scheme liabilities	10b	(4,828,000)	(4,602,000)
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Total net assets		<u>3,267,481</u>	<u>3,513,585</u>
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**Representing**

Accumulated surplus		978,216	1,265,642
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Capital account	8	2,289,265	2,247,943
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		<u>3,267,481</u>	<u>3,513,585</u>
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The Statement of Cash Flows and Notes 1 to 15 form part of these financial statements.



Rosalind Carroll  
Director

Date: 14/6/17



Catriona Walsh  
Chairperson

Date: 14/6/17



	Notes	Year Ended 31 December 2016 €	Year Ended 31 December 2015 €
<b>STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 31 DECEMBER 2016</b>			
<b>Reconciliation of operating surplus to net cash inflow from operating activities</b>			
Operating deficit for year		(287,426)	(2,574,074)
Depreciation	5	366,716	429,866
Interest earned	3	(13,217)	(39,283)
Transfer to capital account	8	41,322	(116,805)
Decrease in receivables	6	22,574	87,980
Increase/(decrease) in payables	7	(1,134,033)	584,122
Net cash outflow from Operating activities		<u>(1,004,064)</u>	<u>(1,628,194)</u>
<b>Cash flow Statement</b>			
Net cash outflow from operating activities		<u>(1,004,064)</u>	<u>(1,628,194)</u>
<b>Returns on investment and servicing of finance</b>			
Interest received	3	13,217	39,283
<b>Net capital expenditure</b>			
Property, plant and equipment	8	<u>(408,038)</u>	<u>(313,061)</u>
<b>Decrease in cash and cash equivalents</b>		<u>(1,398,885)</u>	<u>(1,901,972)</u>



# 1. Accounting Policies

The basis of accounting and significant accounting policies adopted by the Residential Tenancies Board are set out below. They have all been applied consistently throughout the year and the preceding year.

## a) General Information

The Residential Tenancies Board was set up under the Residential Tenancies Act 2004, with a head office at D'Olier Street, Dublin 2.

The Residential Tenancies Board's primary objectives as set out in Part 8 Chapter 1 of that Act are as follows:

The principal functions of the board shall be:

- (a) the resolution of disputes between tenants and landlords,
- (b) the registration of particulars in respect of tenancies,
- (c) the provision to the Minister of advice concerning policy in relation to the private rented sector,
- (d) the development and publication of guidelines for good practice by those involved in the private rented sector,
- (e) the collection and provision of information relating to the private rented sector, including information concerning prevailing rent levels,
- (f) 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,
- (g) the review of the operation of this Act and any related enactments and the making of recommendations to the Minister for the amendment of this Act or those enactments,
- (h) the performance of any additional functions conferred on the board under the Act.

The Residential Tenancies Board is a Public Benefit Entity (PBE).

## b) Statement of Compliance

The financial statements of the Residential Tenancies Board for the year ended 31 December 2016 have been prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council (FRC), as promulgated by Chartered Accountants Ireland.



### **c) Basis of Preparation**

The financial statements have been prepared under the historical cost convention, except for certain assets and liabilities that are measured at fair values as explained in the accounting policies below. The financial statements are in the form approved by the Minister for Housing, Planning and Local Government with the concurrence of the Minister for Finance under the Residential Tenancies Act 2004.

The following accounting policies have been applied consistently in dealing with items which are considered material in relation to the Residential Tenancies Board's financial statements.

### **d) Currency**

The financial statements have been presented in Euro (€) which is also the functional currency of RTB.

### **e) Income**

#### *Registration Fees*

Income is recognised on receipt of an application to register a tenancy. The board recognises a provision in relation to fees which may be returned to applicants in instances where the application is incomplete, or the incorrect fee has been paid. From January to June 2016 a proportion of the registration fees collected by the board (currently 20%) is allocated to local authorities for the purpose of carrying out their functions under the Housing Acts. The amount paid to each local authority is based on the number of inspections conducted by that local authority as a proportion of the total inspections conducted by all local authorities. The pay over to individual local authorities is based on instruction from the Minister. Amounts due to local authorities are included as a creditor in the Statement of Financial position. From July 2016 no proportion of registration fees were allocated to local authorities following an instruction from the Minister.

#### *Dispute Fees*

Income is recognised when a dispute application is heard.

#### *Other Income*

Other income represents interest accruing deposits held with other financial institutions, and any legal costs recovered in the year.

#### *Interest income*

Interest income is recognised on an accruals basis using the effective interest rate method.



## f) Property, Plant and Equipment

Property, plant and equipment are stated at cost less accumulated depreciation, adjusted for any provision for impairment. Depreciation is provided on all property, plant and equipment at rates estimated to write off the cost less the estimated residual value of each asset on a straight line basis over their estimated useful lives, as follows:

Leasehold improvements	5% per annum
Fixtures and fittings	10% per annum
Office equipment	20% per annum
Computer equipment and software development	20% per annum

Residual value represents the estimated amount which would currently be obtained from disposal of an asset, after deducting estimated costs of disposal, if the asset were already of an age and in the condition expected at the end of its useful life.

If there is objective evidence of impairment of the value of an asset, an impairment loss is recognised in the Statement of Income and Expenditure and Retained Revenue Reserves in the year.

## g) Receivables

Receivables are recognised at fair value, less a provision for doubtful debts. The provision for doubtful debts is a specific provision, and is established when there is objective evidence that the Residential Tenancies Board will not be able to collect all amounts owed to it. All movements in the provision for doubtful debts are recognised in the Statement of Income and Expenditure and Retained Revenue Reserves.

## h) Operating Leases

Rental expenditure under operating leases is recognised in the Statement of Income and Expenditure and Retained Revenue Reserves over the life of the lease. Expenditure is recognised on a straight-line basis over the lease period, except where there are rental increases linked to the expected rate of inflation, in which case these increases are recognised when incurred. Any lease incentives received are recognised over the life of the lease.

## i) Cash and cash equivalents

Cash and Cash Equivalents include cash in hand, deposits held at call with banks, other short-term liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities.



## j) Employee Benefits

### *Short-term Benefits*

Short term benefits such as holiday pay are recognised as an expense in the year, and benefits that are accrued at year-end are included in the Payables figure in the Statement of Financial Position.

## k) Retirement Benefits

The Residential Tenancies Board (RTB) operates a defined benefit pension scheme which is funded annually on a pay as you go basis from monies available to it. Statutory Instrument (S.I. No 625 of 2011) gave effect to the RTB Superannuation Scheme and was approved by the Minister for Housing, Planning and Local Government with the consent of the Minister for Public Expenditure and Reform in November 2011 (commencing with effect from 1 September 2004). The RTB also operates the Single Public Service Pension Scheme (Single Scheme) which is the defined benefit pension scheme for public servants recruited on or after 1 January 2013. Single Scheme member's contributions are paid over to the Department of Public Expenditure and Reform.

Pension costs reflect pension benefits earned by employees in the period and are shown net of staff pension contributions which are treated as payable to the Department of Housing, Planning, Community and Local Government. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable and offset when necessary, by grants received in the year to discharge pension payments.

Actuarial gains and losses arising on scheme liabilities are reflected in the Statement of Total Recognised Gains and Losses and a corresponding adjustment is recognised in the amount recoverable, from the Department of Housing, Planning and Local Government.

Pension liabilities represent the present value of future pension payments earned by staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the Department of Housing, Planning and Local Government.

## l) Foreign Currencies

Transactions denominated in foreign currencies are translated into euro at the rates of exchange prevailing at the transaction date. Any difference arising on translation between transaction dates and payment dates are charged to the Income and Expenditure account.

## m) Capital Account

The capital account represents the unamortised amount of income used to finance fixed assets.

## n) Critical Accounting Estimates and Judgements

The preparation of the financial statements requires management to make judgements, estimates and assumptions that affect the amounts reported for assets and liabilities as at the balance sheet date and the amounts reported for revenues and expenses during the year. However, the nature of estimation means that actual outcomes could differ from those estimates. The following judgements have had the most significant effect on amounts recognised in the financial statements.



*Impairment of Property, Plant and Equipment*

Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less cost to sell and value in use. For the purpose of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash generating units). Non-financial assets that suffered impairment are reviewed for possible reversal of the impairment at each reporting date.

*Depreciation and Residual Values*

The Directors have reviewed the asset lives and associated residual values of all fixed asset classes, and in particular, the useful economic life and residual values of fixtures and fittings, and have concluded that asset lives and residual values are appropriate.

*Provisions*

The Residential Tenancies Board makes provisions for legal and constructive obligations, which it knows to be outstanding at the period end date. These provisions are generally made based on historical or other pertinent information, adjusted for recent trends where relevant. However, they are estimates of the financial costs of events that may not occur for some years. As a result of this and the level of uncertainty attaching to the final outcomes, the actual outcome may differ significantly from that estimated.

*Provisions for Registration Fee Refunds*

The board receives applications and a fee from landlords to register tenancies. Section 135 of the Residential Tenancies Act 2004, requires incomplete applications or those without the correct fee to be returned to the applicant together with any fees paid.

The board seeks to resolve issues arising and has developed software to make this process more effective. Where the issue cannot be resolved in a timely manner the application and the fee are returned to the applicant and the tenancy is not registered.

At 31 December 2016, 996 applications on hand were being processed. The board recognises a provision in relation to fees in relation to these applications which may ultimately be returned to the applicant. These financial statements include a provision of €130,477 in that regard.

*Retirement Benefit Obligation*

The assumptions underlying the actuarial valuations for which the amounts recognised in the financial statements are determined (including discount rates, rates of increase in future compensation levels, mortality rates and healthcare cost trend rates) are updated annually based on current economic conditions, and for any relevant changes to the terms and conditions of the pension and post-retirement plans.

The assumptions can be affected by:

- i. the discount rate, changes in the rate of return on high-quality corporate bonds
- ii. future compensation levels, future labour market conditions
- iii. health care cost trend rates, the rate of medical cost inflation in the relevant regions.

## 2. REGISTRATION FEES INCOME

Fees which were received from landlords as payment for the registration of their tenancies amounted to €11,040,149 (2015: €10,946,779).

As per Ministerial direction, made under Section 176(5) of the Residential Tenancies Act, 2004, registration fee income received by the RTB is dealt with in the following manner:

To Local Authorities:

- 20% to June 2016 amounted to €1,009,396 (2015: €2,189,418)

Retained by the RTB towards its administration costs:

- 2015 (€10,030,753)
- From January 2016 to June 2016, the RTB allocated 20% of registration income to local authorities however following, Ministerial direction this was not required from July 2016.

## 3. OTHER INCOME

	Year Ended 31 December 2016	Year Ended 31 December 2015
	€	€
<b>NOTES TO THE FINANCIAL STATEMENTS YEAR ENDED 31 DECEMBER 2016</b>		
Interest income	13,217	39,283
Sundry income	1,192	26
Interest earned	28,830	63,767
Legal costs recovered	<u>43,239</u>	<u>103,076</u>



## 4a. STAFF COSTS

	Year Ended 31 December 2016 €	Year Ended 31 December 2015 €
Seconded & RTB staff	1,853,206	1,640,154
Pension costs	(485,961)	1,854,231
Training of staff and office holders	28,351	51,677
Social welfare costs	100,455	79,497
Other staff costs	18,295	18,931
	<u>1,514,346</u>	<u>3,644,490</u>

### Staff Numbers:

The number of staff employed by the board in the year was 27 (2015: 21). A further 8 staff were seconded to the board by the Department of Housing, Planning and Local Government (2015: 9), 2 by Dublin City Council (2015: 2), 1 from the Department of Transport, Tourism and Sport (2015: 1), 1 from the Housing Finance Agency (2015: 0), and 1 from the Local Government Management Agency (2015: 0)

### Pension Levy:

€41,120 of pension levy has been deducted and paid over to the Department of Housing, Planning and Local Government (2015: €44,747).

### Employee Benefits Breakdown

Range of Total Employee Benefits		Number of Employees	
FROM	TO	2016	2015
€60,000	€69,999	3	2
€70,000	€79,999	2	2
€80,000	€89,999	1	-
€90,000	€99,999	-	1



## 4b. ADMINISTRATIVE EXPENDITURE

	Year Ended 31 December 2016 €	Year Ended 31 December 2015 €
Board members fees	209,476	181,785
Tribunal members fees	958,345	759,619
Adjudicators, mediators and other fees	842,741	778,933
Rent tribunal (Note*)	7,307	27,106
Travel and subsistence	85,999	71,000
Outsourcing costs	1,461,093	1,115,342
Legal and professional fees	2,147,575	3,415,253
Audit fees	22,394	11,699
Accountancy fees	68,471	67,892
Stenography costs	93,482	114,096
Meeting expenses	7,930	8,042
Office supplies	44,239	80,863
Postage and distribution costs	575,914	538,894
Printing and translation costs	101,129	22,040
Telephone expenses	38,166	47,508
Public information and education	75,298	520,369
Computer expenses and maintenance	857,999	875,746
Establishment costs	455,116	454,409
Cleaning services	27,651	23,528
Research studies	202,447	48,919
Late payment in commercial transactions	-	419
Miscellaneous	46,936	24,576
Bank charges	103,295	105,808
Records storage and retrieval	15,961	14,524
	<u>8,448,964</u>	<u>9,308,370</u>

Note \*: These include the Rent tribunals members fees and travel and subsistence expenses.



## 5. PROPERTY, PLANT AND EQUIPMENT

	Computer Equipment & Software Development	Leasehold Improvements	Furniture & Fittings	Office Equipment	Total
	€	€	€	€	€
<b>Cost</b>					
Opening balance	2,988,443	1,754,776	208,005	84,328	5,035,552
Additions	305,507	58,388	44,143	-	408,038
At 31 December 2016	<u>3,293,950</u>	<u>1,813,164</u>	<u>252,148</u>	<u>84,328</u>	<u>5,443,590</u>
<b>Depreciation</b>					
Opening balance	1,851,247	692,650	159,384	84,328	2,787,609
Charge for the year	252,458	90,343	23,915	-	366,716
					-
<b>At 31 December 2016</b>	<u>2,103,705</u>	<u>782,993</u>	<u>183,299</u>	<u>84,328</u>	<u>3,154,325</u>
<b>Net Book Value</b>					
At 31 December 2016	<u>1,190,245</u>	<u>1,030,171</u>	<u>68,849</u>	<u>-</u>	<u>2,289,265</u>
At 31 December 2015	<u>1,137,196</u>	<u>1,062,126</u>	<u>48,621</u>	<u>-</u>	<u>2,247,943</u>

## 6. RECEIVABLES

	Year Ended 31 December 2016	Year Ended 31 December 2015
	€	€
<b>Amounts falling due within one year</b>		
Prepaid expenses	28,939	60,463
Interest receivable	-	4,955
Voluntary deductions	13,905	13,793
Sundry debtors	487	487
	<u>43,331</u>	<u>79,698</u>



## 7. PAYABLES

	Year Ended 31 December 2016	Year Ended 31 December 2015
<b>Amounts falling due within one year</b>	€	€
Creditors & Accruals	1,734,730	2,009,280
Amounts due to Local Authorities	2,866,512	3,739,788
	<u>4,601,242</u>	<u>5,749,068</u>

Included in creditors and accruals is a provision in respect of 996 incomplete registrations with a value of €130,477 (2015: 4,132 applications – value €383,865).

### Analysis of amounts due to local authorities:

The table below sets out fees received in the relevant financial year and amounts paid over to the particular local authorities for the performance of their functions under the Housing Standards and Rent Book Regulations;

	Year Ended 31 December 2016	Year Ended 31 December 2015
	€	€
Opening balance	3,739,788	3,576,163
Fees allocated to local authorities in the year	1,009,396	2,189,418
Fees disbursed in the year	(1,882,672)	(2,025,793)
Amounts due to local authorities	<u>2,866,512</u>	<u>3,739,788</u>

The amounts due to be paid over to particular local authorities will be in accordance with the criteria set by and at the direction of the Minister for Housing, Planning and Local Government.



## 8. CAPITAL ACCOUNT

	Year Ended 31 December 2016 €	Year Ended 31 December 2015 €
Opening balance	2,247,943	2,364,748
<b>Transfer (to) / from Income and Expenditure Account</b>		
Funding to acquire assets	408,038	313,061
Amortisation in line with assets depreciation	(366,716)	(429,866)
Release of disposal of fixed asset	-	-
	41,322	(116,805)
Closing balance at 31 December	<u>2,289,265</u>	<u>2,247,943</u>

## 9. ACCOMMODATION

In October 2007 the Residential Tenancies Board signed a 20 year leasehold agreement in respect of its premises at O'Connell Bridge House, D'Olier Street, Dublin 2. The lease contains a break clause at the end of years 5 and 10. The annual commitment under this lease at year end was €227,441. The next break clause will happen in September of 2017.

At 31 December 2016 there were annual lease commitments under an operating lease as follows:

	Year Ended 31 December 2016 €
<b>Expiry date:</b>	
Between 0 and 1 years	227,441
Between 1 and 2 years	-
Between 2 and 5 years	-
Total	<u>227,441</u>



## 10. SUPERANNUATION

	Year Ended 31 December 2016	Year Ended 31 December 2015
	€	€
<b>a) Analysis of total pension costs charged to Expenditure</b>		
Current service cost * <sup>1</sup>	179,000	126,968
Interest on pension scheme liabilities	123,000	81,000
Past service (gain) / loss	(904,000)	1,500,000
	(602,000)	1,707,968
Superannuation (Department staff)	116,039	146,263
	(485,961)	1,854,231

	Year Ended 31 December 2016	Year Ended 31 December 2015
	€	€
<b>b) Movement in net pension liability during the financial year</b>		
Net pension liability at 1 January	(4,602,000)	(1,400,000)
Current service cost	(222,000)	(160,000)
Past service costs	904,000	(1,500,000)
Interest costs	(123,000)	(81,000)
Actuarial loss	(785,000)	(1,461,000)
Deficit at end of year	(4,828,000)	(4,602,000)

\*<sup>1</sup>: Current Service costs are net of employee contributions which are remitted back to the Department.  
The amount that has been remitted back to the Department (2016) €43,000 and (2015) €33,033



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### c) Deferred funding for Pensions

The RTB Superannuation Scheme was approved by the Minister for Housing, Planning, community and Local Government with the consent of the Minister for Public Expenditure and Reform in November 2011 (with effect from 1 September 2004). The RTB recognises amounts owing from the State for the unfunded deferred liability for pensions arising from this approved superannuation scheme on the basis of the set of assumptions described in (e) and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service pensions including contributions by employees and if necessary, the annual estimates process.

The Net Deferred Funding for Pensions recognised in the Income and Expenditure Account was as follows:

	Year Ended 31 December 2016 €	Year Ended 31 December 2015 €
Funding adjustment in respect of current year pension	(602,000)	1,741,000
State Grant applied to pay pensions	-	-
	<u>(602,000)</u>	<u>1,741,000</u>

The deferred funding asset for pensions at 31 December 2016 amounted to €4,828,000 (2015: €4,602,000).

	Year Ended 31 December 2016 €	Year Ended 31 December 2015 €
<b>d) History of Defined Benefit Obligations</b>		
Defined Benefit Obligations	4,828,000	4,602,000
Experience gains / (losses) on Scheme Liabilities Amount	(785,000)	(1,461,000)
Percentage of Scheme Liabilities	(16%)	(32%)



## e) General description of the Scheme

The pension scheme is a defined benefit final salary pension arrangement with benefits and contributions defined by reference to current model public sector scheme regulations. The scheme provides a pension (eightieths per year of service), a gratuity or lump sum (three eightieths per year of service) and spouse's and children's pensions. Normal retirement age is a member's 65th birthday, and pre 2004 members have an entitlement to retire without actuarial reduction from age 60. Pensions in payment (and deferment) normally increase in line with general public sector salary inflation.

The Single Public Service Pension Scheme (Single Scheme) is the defined benefit pension scheme for pensionable public servants appointed on or after 1 January 2013 in accordance with the Public Service Pension (Single Scheme and Other Provisions) Act 2012. The scheme provides for a pension and retirement lump sum based on career- average pensionable remuneration, and spouse's and children's pensions. The minimum pension age is 66 years (rising in line with State pension age changes). It includes an actuarially-reduced early retirement facility from age 55.

Pensions in payment increase in line with the consumer price index. There was one member of the Single Scheme in 2016.

The results set out below are based on an actuarial valuation of the liabilities in respect of the staff at 31 December 2016. This valuation was carried out by a qualified independent actuary for the purposes of the accounting standard, *Financial Reporting Standard 102 – Pension Plan disclosures*.

	Year Ended 31 December 2016	Year Ended 31 December 2015
Discount rate	2.15%	2.6%
Salary increase assumption	3.3%	3.1%
Pension increase assumption	2.8%	2.6%
Price inflation	1.8%	1.6%



## 11. LATE PAYMENTS IN COMMERCIAL TRANSACTIONS

The board is aware of its responsibilities under the Late Payments in Commercial Transactions Regulations 2002 and has established appropriate procedures and processes to ensure that all payments are made in accordance with the Regulations. The board has calculated its liability for the year ended 31 December 2016 to be €NIL (2015: €419).

## 12. UNRESOLVED CASES

The board had 77 dispute resolution cases awaiting hearing at 31 December 2016. As the cost of the dispute resolution process varies greatly from case to case no provision for these unresolved cases registered prior to 31 December 2016 is included in the financial statements. In addition approximately 350 cases are at various stages of enforcement proceedings through the courts, the costs of which are not yet known and no provision exists in the financial statements.

## 13. BOARD MEMBERS' INTERESTS

The board adopted procedures in accordance with guidelines issued by the Department of Finance in relation to the disclosure of interests by board members and these procedures have been adhered to in the year. There were no transactions in the period in relation to the board's activities in which the board members had any beneficial interest.

## 14. DIRECTOR & BOARD MEMBERS' REMUNERATION

### Director's Remuneration

Director's Salary            €85,127

The Director is engaged under a secondment arrangement from the Housing Agency, however, her salary is paid directly to her by the RTB. The Director was not in receipt of any bonuses or benefit in kind in 2016. The Director's pension entitlement does not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

Board members are paid fees based on their attendance at board and board committee meetings. The fee rates are set by the Department of Finance and Department of Housing, Planning and Local Government.

The table below sets out the fees paid in 2016. The figures refer to actual payments made to board members during 2016. As a result of their nature some of these payments relate to meetings attended in 2015. The figure included in Note 4B for board members' Fees is calculated on an accruals basis for all meetings attended during 2016, regardless of when the payments were made.



## RTB BOARD MEMBERS' PAYMENTS 2016

NAME	Tenancy Disputes Meetings	Tribunals	Board Fees	Rent Tribunal	Other*	TOTAL
Catriona Walsh	10,180	1,020	7,301	-	705	19,206
Gareth Robinson	5,593	-	1,197	-	-	6,790
James Leahy	21,329	-	5,488	339.86	392	27,548.86
John Fitzgerald	21,149	8,160	8,757	679.72	1,050	39,795.72
Kathleen McKillion	-	-	3,920	-	392	4,312
Noel Conroy	19,833	-	7,644	-	525	28,002
Noel Merrick	19,026	681	5,033	-	525	25,265
Patricia Sheehy Skeffington	7,958	1,020	6,797	925.04	588	17,288.04
Mary O'Donovan	6,462	-	1,960	-	721	9,143
Tim Ryan	20,553	1,020	9,751	339.86	917	32,580.86
<b>TOTAL</b>	<b>132,083</b>	<b>11,901</b>	<b>57,848</b>	<b>2,284.48</b>	<b>5,815</b>	<b>209,931.48</b>

\*Other includes payments made for training (€5,619) and interviewing (€196).

The fees of Ms Kathleen McKillion are paid to the Irish Council for Social Housing. Taxation deductions are applied in advance of these payments.

Board fees have not been paid to the following board members;

Mr Paul Flood  
Mr Joseph Meehan

Board members were also reimbursed a total of €19,278 for travel and subsistence incurred for attendances at meetings and tribunals. These were paid in accordance with the Department of Finance guidelines.

## 15. APPROVAL OF FINANCIAL STATEMENTS

The draft financial statements were approved by the board on 31st March 2017.



subject to c&ag audit



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Residential Tenancies Board

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