



Bord um Thionóntachtaí Cónaithe
Residential Tenancies Board

14th November 2020

IPAV Letting's Day

Janette Fogarty

Head of Legal Affairs and Enforcement



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Residential Tenancies Board

Agenda

- Welcome
- RTB Dispute Resolution & Covid-19
- Rental Legislation & Covid-19
 - Emergency Measures in the Public Interest Act 2020
 - Residential Tenancies and Valuations Act 2020
 - Residential Tenancies Act 2020
- Q&A



In 2019...

364,099
tenancies
were
registered
with RTB

32,662
Approved
Housing Body
tenancies
had been
registered with
the RTB

The RTB received:

- **165,453** calls
- **67,791** emails
- **46,182** WebChats,
which is a **total of**
279,426 total
customer service
contacts.

28,414
Student Specific
Accommodation
tenancies
registered with
the RTB

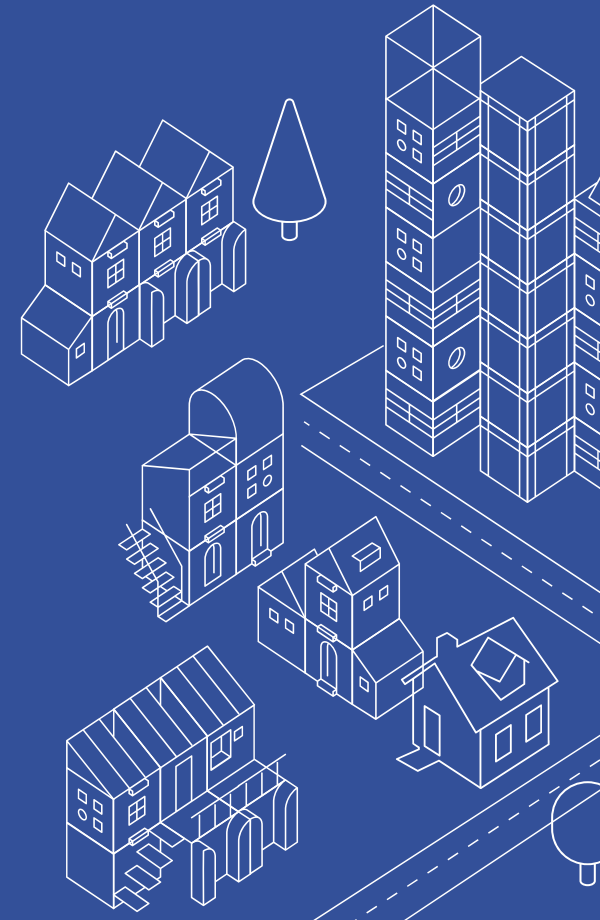
169,960
landlords
registered
tenancies
with RTB





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RTB Dispute Resolution during Covid-19



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RTB Dispute Resolution during Covid-19

- From the 16th March, all face to face hearings for Adjudication and Tribunals were adjourned.
- Telephone Mediations continued as normal throughout the past 8 months.
- Due to all staff working from home and the government restrictions, cases could not be scheduled for a number of weeks leading to a backlog.



RTB Dispute Resolution during Covid-19

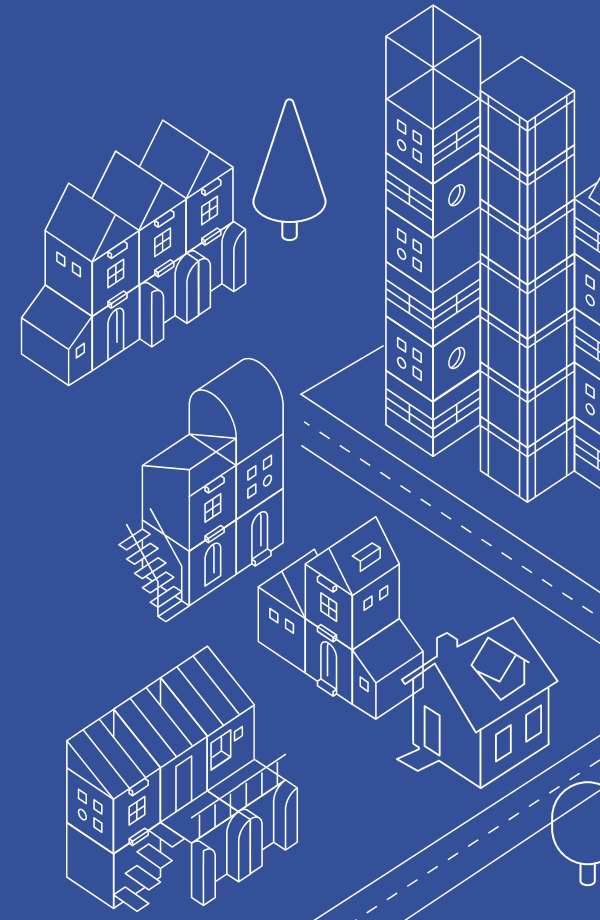
- Future-proofing the process: increase in resources & staff and new processes implemented.
- Paper Based Adjudications began in April and Telephone Tribunals resumed in late June.
- Face to face hearings have resumed for both Adjudications and Tribunals in small numbers, on a case by case basis.
- Virtual hearings have been introduced through Microsoft Teams in October.





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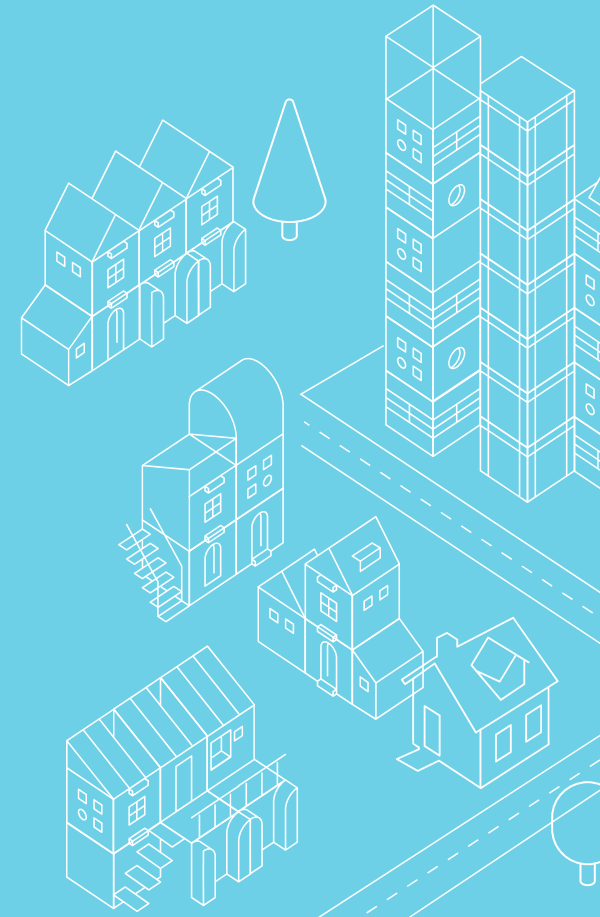
Emergency Measures in the Public Interest (Covid-19) Act 2020



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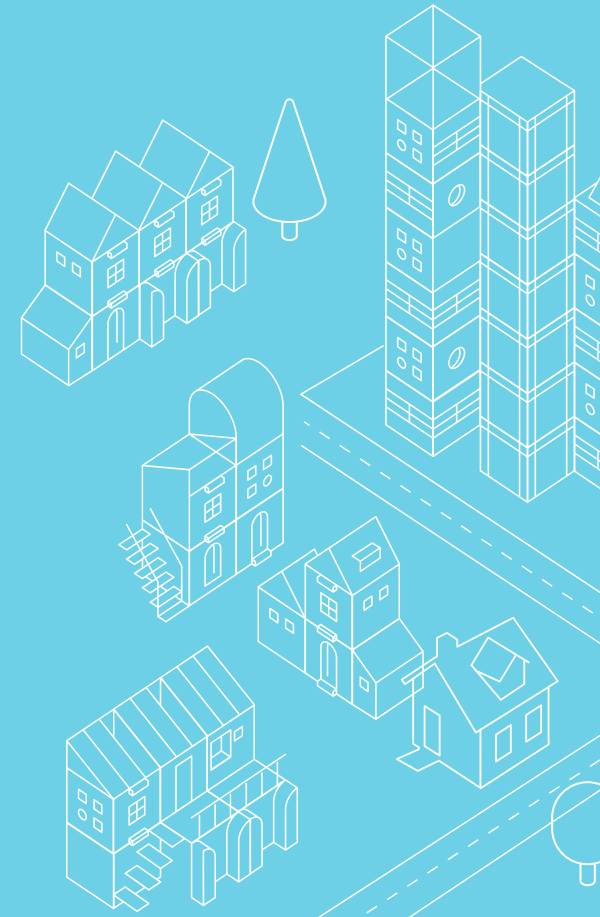
Covid-19 Act 2020

- On 27 March 2020, new emergency measures were introduced into law to protect tenants during the COVID-19 emergency period.
- Emergency measures included a ban on serving a Notice of Termination or ending a tenancy and a ban on rent increases.
- The emergency period was for an initial period of 3 months, was extended twice and ended on 1st August.



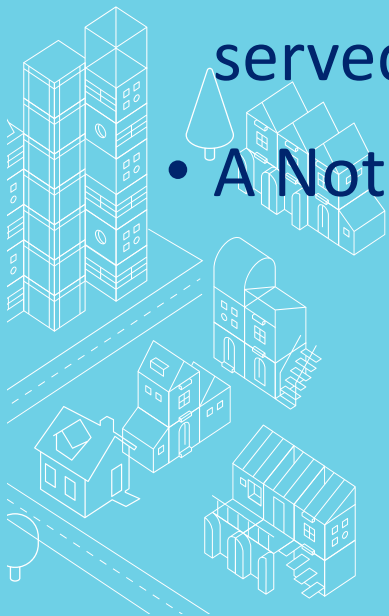
Covid-19 Act 2020 - NoT

- A new Notice of Termination could not be served until the Emergency period ended on August 1st.
- Where a Notice of Termination was served prior to the 27th March, there was a pause on the notice period until after the emergency period ends.
- If a Notice of Termination was served prior to the 27th March and expired before the 27th March, the tenant was required to leave only on foot of a DO from the RTB.



Covid-19 Act 2020 – Rent Reviews & Arrears

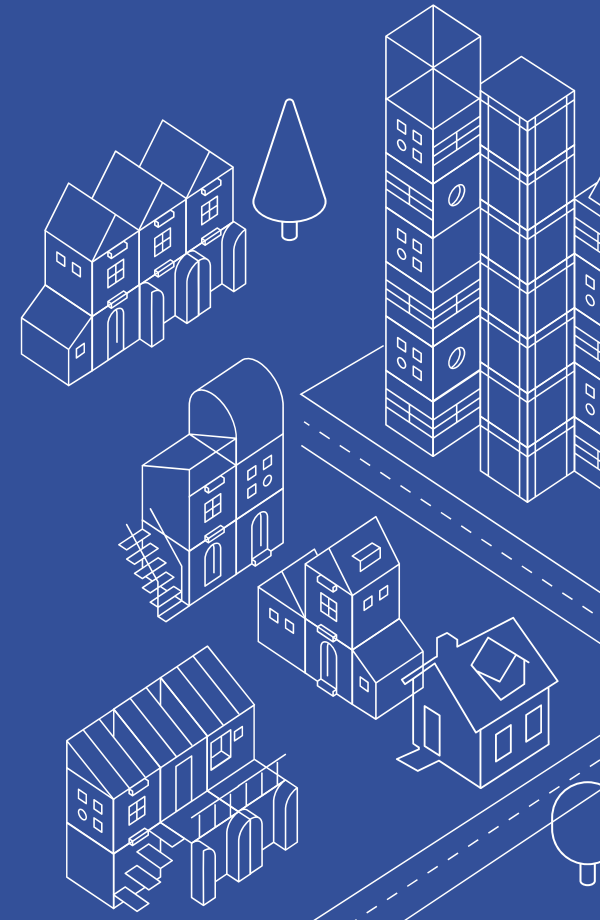
- Tenants were still obliged to pay rent
- Rent reviews were paused.
- If a tenant fell into rent arrears, a warning letter could still be served and a case could be taken for rent arrears.
- A Notice of Termination for Rent arrears could not be served.





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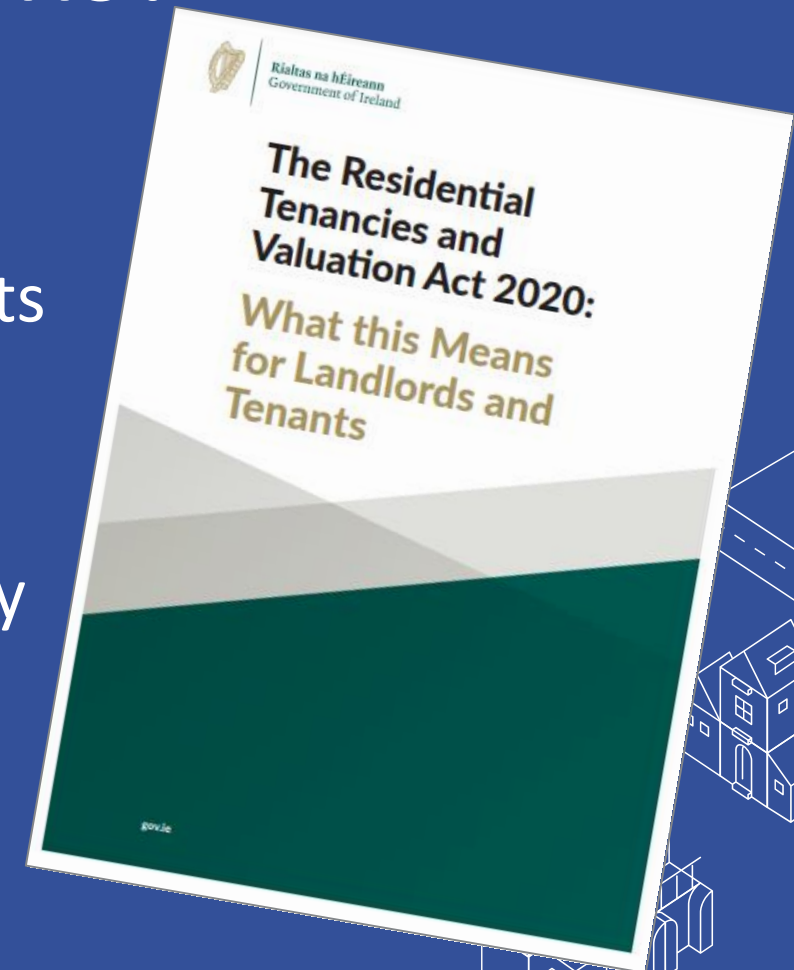
Residential Tenancies and Valuations Act 2020



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What are the New Protections?

- If a tenant's ability to pay rent has been impacted by Covid-19 and the tenant meets specific criteria, they:
 - cannot be made to leave their rental accommodation on or before 11th January 2021, and
 - it is prohibited for them to pay any increases in rent until after 10th January 2021.



What is the Criteria?

- **Criteria A**

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

AND

- **Criteria B**

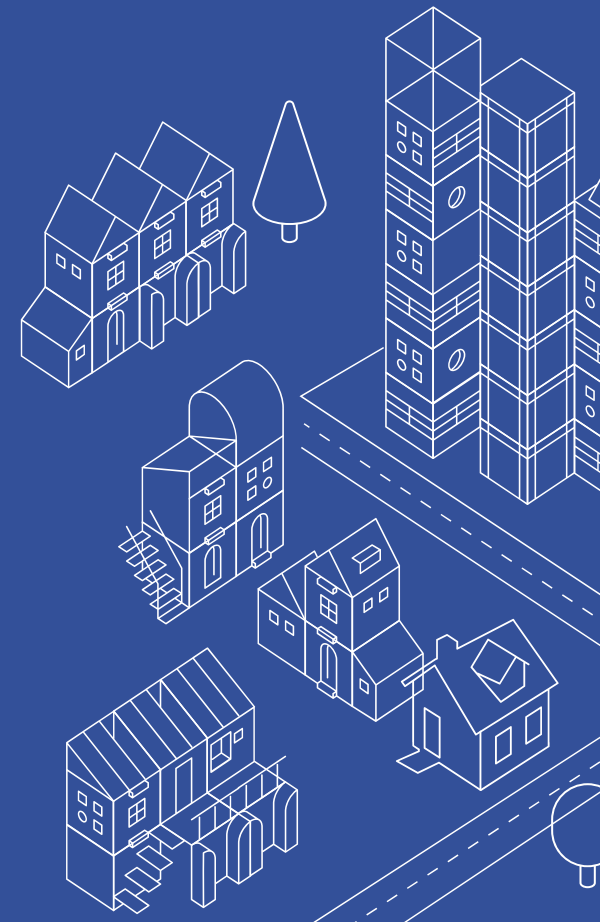
➤ at significant risk of losing their tenancy.

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

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

New 8-Step Procedure

- **Step 1: A landlord is required to issue a minimum of 28 day warning notice to the Tenant**
- **Sample warning notices can be found on the RTB website.**



New 8-Step Procedure

- **Step 2: Landlords must serve a copy of the written rent arrears warning notice to the RTB**
- New responsibility for landlords to **provide a copy of the 28-day written rent arrears warning notice that was served on the tenant to the RTB.**
- **The 28-day period will count from the date when both the tenant and the RTB have received the warning notice**, so landlords are encouraged to send both notices at the same time.
- A copy of the warning notice should be submitted to the RTB by email at rentarrears@rtb.ie
- **Please note that failure to submit a copy of the warning notice to the RTB will invalidate any related Notice of Termination.**



New 8-Step Procedure

- **Step 3: RTB will write to the landlord and tenant upon receipt of the warning notice**
- The RTB will also write to the tenant confirming receipt and also seek consent from the tenant to help them receive Money Advice and Budgeting Service (MABS) advice, as well as providing them with a link to the Self-Declaration form.

The tenant will be encouraged to contact the RTB as soon as possible prior to the warning notice running its course or they may face the termination of their tenancy.

New 8-Step Procedure

- **Step 4: Tenant provides consent to the RTB to assist them in obtaining MABS Advice**
- **Includes MABS assessing their financial circumstances and their ability to pay. Tenants should receive a recommended payment plan to go back to the landlord to discuss.**
- **Decision Makers have regard to MAB's advice**

New 8-Step Procedure

- **Step 5: A tenant can complete and submits a Self-Declaration form to the RTB and sends a copy to their landlord at any time.**
- If tenant meets the Criteria and fills in the Self-Declaration form, the protections automatically kick in.
- They cannot be made to leave their accommodation or pay an increase in rent until after 10th January 2021.
- The tenant sends the original copy of the Self-Declaration form to the RTB . The tenant must also post a true copy of the original declaration to their landlord.
- Once received, the RTB will issue an acknowledgement letter to both the tenant and the landlord on receipt of the Self-Declaration.
- If a tenant is in receipt of Housing Assistance Payment (HAP), the RTB would encourage that tenant send a copy of the RTB acknowledgement letter of the Self-Declaration form to their local authority.

New 8-Step Procedure

- **Step 6: Service of Notice of Termination (NoT)**

A. Landlord who has received a Self-Declaration form from their tenant: the tenancy cannot be terminated before 11 January 2021 and the tenant must be given a 90 day notice period.

B. Landlord who has not received a Self-Declaration form from their tenant: the landlord can proceed to serve a 28 day Notice of Termination for rent arrears once the warning notice has expired and arrears not paid.

C. The RTB has as a sample NoT on its website.



New 8-Step Procedure

- **Step 6: Service of Notice of Termination (NoT)**

Please also note that where a landlord has received a Self-Declaration from their tenant, no rent increase can take effect until the day after the expiry of the emergency period – i.e. 11th January 2021.



New 8-Step Procedure

- **Step 7: Landlords must serve a copy of the Notice of Termination to the RTB**
- New obligation on landlords to serve the Notice of Termination on their tenant and to send a copy of it to the RTB on the same day.
- If a landlord does not send the copy of the Notice of Termination to both the tenant and RTB, the Notice of Termination will be invalid.



New 8-Step Procedure

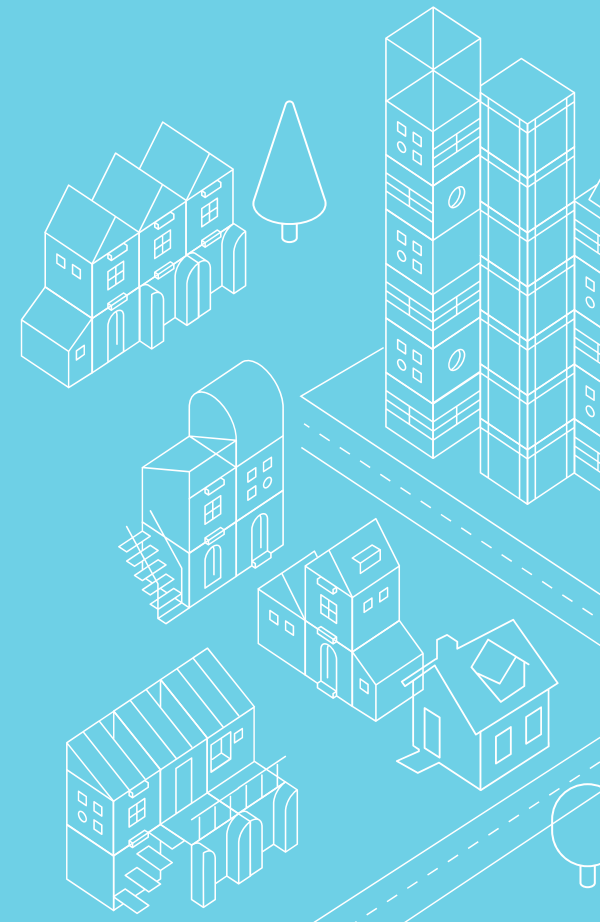
- **Step 8: RTB will contact the tenant informing them of their resolution options**
- Obligation on RTB to notify the tenant of their dispute resolution options
- Tenants will also be reminded of their rights and responsibilities under the Residential Tenancies Act regarding paying rent.





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Residential Tenancies Act 2020 (RTA 2020) – New

- **RTA 2020** introduced a new emergency period for temporary prohibition on tenancy terminations subject to certain exceptions.
- Applies whenever the Minister of Health introduces restrictions on travel outside of a 5-kilometre radius of a person's place of residence. The current emergency period applies across the country from 22 October 2020 to 1 December 2020.
- Notices of Terminations can still be served during the emergency period, but may not take effect until after the 5kms restrictions lifted.

Notice Served During Emergency Period

- Landlords and tenants can serve Notices of Termination during the Emergency Period.
- The duration of any Emergency Period will not count as part of any termination notice period given.
- A revised termination date will apply and shall factor in all or the remainder of the original notice given, the emergency period and an extra 10-day grace period.

Exceptions to the Temporary Pause on Terminations

Where a landlord has served a Notice during the emergency period, a tenant can be made to leave their rented accommodation;

- a) A tenant / Visitors behaves in an anti-social manner; or
- b) A tenant / visitors acts would invalidate a landlord's insurance; or
- c) Where a rental property is being used other than as a dwelling without the landlord's consent; or
- d) Behaviour that threatens the fabric of the dwelling.
- e) The RTA 2020 does not impact on the provisions relating to rent arrears

Part 4 Rights

- A landlord can serve a Notice of Termination during an Emergency Period.
- Where a landlord wishes to prevent a tenant obtaining Part 4/ Further Part 4 rights, they can serve a valid Notice on a tenant following the usual rules.
- If for instance a valid Notice is not served during the first 6 months of a tenancy, Part 4 rights will apply.
- Part 4 rights will not apply where a landlord could not give effect to tenancy termination on foot of a tenant being allowed to remain in occupation of a dwelling during an Emergency Period.

Entitlement to remain within the dwelling

- A tenant served with a Notice of Termination giving a termination date that occurred before an emergency period who did not vacate and remains in the dwelling when the emergency period commences, can stay in the accommodation until 10 days after the expiry of the emergency period.
- This extends to current Determination Orders and cases currently before the District Court. It would require a judge to put a stay on execution until 10 days after the expiration of the emergency period.
- Determinations Orders may proceed where a landlord has served a Notice of Termination during the emergency period for the exceptional cases listed above.

Communications & Awareness Campaign

- Government Guidance Documents
- RTB FAQs
- Website pages
- Stakeholder email updates & Stakeholder Forums and meetings
- Gol Leaflet & Mailout
- Advertising campaign: digital & radio





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Questions?



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Thank you!

