



Bord Um Thionóntachtaí Cónaithe Príobháideacha
Private Residential Tenancies Board

Private Residential Tenancies Board

Annual Report 2006

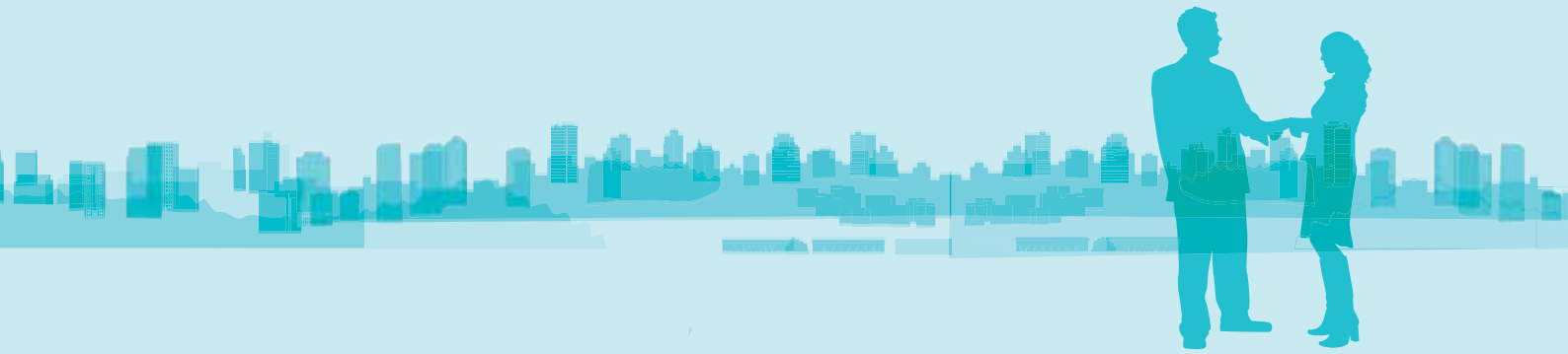


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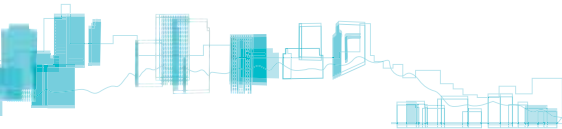
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Private Residential Tenancies Board Annual Report 2006





“The Board was pleased to see that the level of compliance by landlords with regard to registration has increased significantly during 2006”



Chairman's Statement



Tom Dunne
Chairman

I am delighted to present the second Annual Report of the Private Residential Tenancies Board (PRTB) which covers the year ending 31 December, 2006.

During 2006 the PRTB continued to improve its level of service to landlords and tenants through its operation of a dispute resolution service and a national registration system for all private residential tenancies in accordance with the provisions of the Residential Tenancies Act 2004. While strong economic performance and changing demographic factors has led to an expanding private rented sector the Board is confident that its work to date has improved stability and sustainability of the sector.

The Board was pleased to see that the level of compliance by landlords with regard to registration has increased significantly during 2006 with the number of tenancies registered increasing to almost 138,000 which was an increase of 64% on the number registered at the end of 2005. This was helped by the requirement in the Finance Act that registration was a condition of claiming mortgage interest relief. However, the Board continues to be concerned at the large number of applications that need to be returned as incomplete as this impacts significantly on the processing time for registration and the resources available to do so. The main difficulties appear to be the submission of invalid PPS numbers, an incorrect fee or the absence of the landlord or tenant signature or both. I would like to again impress on landlords and/or their agents to take greater care when completing the registration form. An improvement in this area would be of benefit to all landlords as it would reduce the processing time for

registration which now stands at approximately 5 weeks. Conscious of the need to speed up the process of registration the PRTB is planning for the introduction of an on-line facility which will require an amendment to the Residential Tenancies Act 2004.

On foot of referrals regarding unregistered landlords, received from various sources during 2006, the Board continued to pursue compliance with the registration requirement in accordance with Sections 144 and 145 of the Residential Tenancies Act 2004. At the end of 2006 the Board engaged solicitors to carry out a body of legal work in relation to the enforcement of registration requirements and a number of cases have been referred to them for prosecution. The Board would also like to acknowledge the assistance provided by the Department of Social and Family Affairs, through the exchange of data, in this area.

The demand on the dispute resolution service of the PRTB increased significantly during 2006. The number of applications received during the year at 1,300 was up 44% on the number received in 2005. In addition a significant number of disputes were resolved through the dissemination of information to parties who then resolved their dispute without recourse to the formal dispute resolution service of the Board. The Board regards this as making an important contribution to resolving disputes between landlords and tenants. Similar to 2005, 67% of dispute cases referred were from tenants, 28% by landlords and the remainder from third parties. This Report also highlights the nature of the dispute cases referred and the Board is concerned that similar to 2005 the percentage of those disputes referred by the



tenant relating to deposit retention was very high at 60%. The Board would like to re-iterate again to landlords that the deposit belongs to the tenant and can only be used to offset any rent arrears outstanding at the end of the tenancy or to defray the costs of damage beyond normal wear and tear. The Board believes there is much scope for improving practices that now exist when tenancies end and landlords decide to withhold deposits. This is clearly evident from the number of disputes being brought to the Board about deposits. As noted below the Board has commissioned research in this area with a view to finding ways to improve practice in the market regarding deposits.

The Board has a particular interest in the standards of private rented accommodation and welcomes the progress being made under the Action Programme, introduced by the Minister for Housing and Urban Renewal, to improve these standards. While concerned at the inspection levels of local authorities the Board are satisfied that the Department of the Environment, Heritage and Local Government are encouraging a more proactive performance based inspection regime through the linkage of the allocation of the proceeds of tenancy registration fees to inspection activity and commissioning the production of good practice guidelines by the Centre for Housing Research. The publication of the tenancy registration data twice yearly by the PRTB assists local authorities in their inspection role.

In relation to its research role, the Board, during 2006, entered into a partnership arrangement with the Centre for Housing Research whereby they would manage

relevant research projects on behalf of the PRTB. Overall funding of €45,000 was approved by the Board for three research projects in 2006. Two of these projects are comparative studies on how other jurisdictions, with a relatively similar sized private residential sector, manage the issue of deposit retention and third party complaints regarding anti-social behaviour in the private residential sector. The Board considered that research in these areas was important based on the level of complaints received in relation to deposit retention and the increase in those relating to anti-social behaviour. Work on the comparative studies was well advanced at the end of 2006 and will be reported on in more detail in the 2007 Annual Report.

The PRTB continues to publish useful advice notices on its website www.prtb.ie and would advise landlords and tenants to consult this information to see if it can resolve their query before contacting the PRTB. While the Board strives to provide a speedy service to both landlords and tenants the amount of time spent on answering general queries impacts on the progress made in processing applications for both registration and dispute resolution. The Board would remind both landlords and tenants who contact the Board's staff that they cannot give any advice of a legal nature to either party to a tenancy.

The Board will be re-locating its offices to a city centre location in January 2008 which will be more accessible for hearings and will enable staff to provide a better quality of service generally.

During 2006, in its commitment to maintaining the highest standards of



corporate governance, the Board developed a number of documents in accordance with best practice as outlined in the Code of Practice for the Governance of State Bodies. The Board appointed a Finance Committee to assist it in discharging its individual and collective legal responsibilities in the areas of financial reporting and control and an Audit Committee to provide for the ongoing systematic review of the control environment and governance procedures within the PRTB including overseeing the internal audit function and advising the Board in relation to its operation and development. To assist in the development of corporate structures within the PRTB the Board awarded a number of contracts during 2006 details of which are included in this report.

accounts will be published once the audit is complete.

I would also like to acknowledge the contribution of the panel of Mediators and Adjudicators who have contributed significantly to the work of the Board. Finally I would like to thank the staff of the PRTB and my member colleagues on the Board for their support and dedication throughout the year.

Tom Dunne
Chairman

Conscious of the need to provide an excellent customer service to a growing multi-cultural society and to meet the requirements of the Official Languages Act 2003 the Board awarded a contract for the provision of translation and interpretation services in 2006.

The Board would like to acknowledge the continued support of the Department of the Environment, Heritage and Local Government throughout 2006, in particular, the units responsible for the private housing sector and accounts. The Board also acknowledges the financial support received from the Department through the grant-in-aid of €2.974 million in respect of 2006 and the increased provision of €3.8 million made available for 2007 to support the transition to stand alone operation. The financial statements of the Board for 2004, 2005 and 2006 are currently being audited by the Comptroller and Auditor General and these

Membership of the Board



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

Ms Sheila McMahon resigned in September 2006 and was replaced by Mr. Liam Gleeson.
Ms. Marjorie Murphy resigned in June 2006 and was replaced by Ms. Orla Coyne



Functions of the Board

Responsibilities

The Private Residential Tenancies Board (PRTB) is a statutory body responsible for the operation of a national registration system for all private residential tenancies; the operation of a dispute resolution service; and the provision of information, carrying out of research and the provision of policy advice regarding the private rented sector.

The Board's principal functions include:

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

- the performance of any additional functions conferred on the Board by the Minister.

Corporate Governance

The PRTB is committed to maintaining the highest standards of corporate governance and embedding the culture of good governance in the PRTB's offices. Significant progress was achieved in this area during 2006 and a number of key corporate governance documents which are outlined below were approved by the Board.

SCHEDULE OF MATTERS RESERVED FOR THE BOARD

The schedule of matters reserved for the Board was prepared in accordance with best practice as outlined in the *Code of Practice for the Governance of State Bodies*. The various matters listed in the schedule reflect the Board's functions as outlined in the Residential Tenancies Act 2004 as well as matters reflecting best practice.

STANDING ORDERS

Standing Orders were prepared in accordance with best practice as outlined in the *Code of Practice for the Governance of State Bodies and guided by sections of the Residential Tenancies Act 2004*. The Standing Orders are a set of formalised rules for the conduct of Board business.

DELEGATED FUNCTIONS FOR THE DIRECTOR

The schedule of functions for the Director has been prepared in accordance with best practice as outlined in the *Code of Practice for the Governance of State Bodies*. The various matters listed in the schedule reflect the Director's functions as outlined in the



Residential Tenancies Act 2004 (RTA) as well as matters reflecting best practice.

CODES OF CONDUCT

The following codes of conduct were prepared in compliance with a requirement in the *Code of Practice for the Governance of State Bodies*:

◆ Code of Business Conduct for Board Members

The Code is designed as the accepted set of standards by which Board Members engage with all of their activities both internally and externally. It sets out the procedures that must be adopted by Members in their dealings with the work of the Board and the PRTB. The basic objectives of the Code are the:

- establishment of an agreed set of ethical principles;
- promotion and maintenance of confidence and trust; and
- prevention of development or acceptance of unethical practices.

◆ Code of Business Conduct for Director and PRTB staff

The Code of Conduct sets down the general principles and standards, which govern the professional activities and conduct of the Director and Staff of the PRTB, thereby maintaining a high level of public confidence in the organisation as a public body and employer. The provisions of the Code of Conduct are ancillary to the requirements set out in the *Code of Practice for the Governance of State Bodies* and form part of the Terms and Conditions of Employment for all staff. The Code of Conduct relates both to internal and external activities of the PRTB.

◆ Code of Business Conduct for Adjudicators and Mediators

The Code of Conduct sets down the general principles and standards, which govern the professional activities and conduct of the Mediators and Adjudicators appointed to panels by the PRTB under Section 164 of the Residential Tenancies Act 2004. The Code is designed as the accepted set of standards by which Mediators and Adjudicators of the PRTB engage with all of their activities both internally and externally. The basic objectives of the Code are the:

- establishment of an agreed set of ethical principles;
- promotion and maintenance of confidence and trust; and
- prevention of development or acceptance of unethical practices

COMMITTEES

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

◆ Dispute Resolution Committee

The Dispute Resolution Committee was established in December 2004 and comprises members of the Board and other individuals. Tenancy Tribunals that are established to hold hearings into disputes consist of 3 persons drawn from this committee. The rules and procedures



for the conduct of the Dispute Resolution Committee meetings and the performance of its functions have been agreed by the Board in consultation with the Minister for the Environment, Heritage and Local Government. They may be amended at any time with the approval of the Board and the Minister. The Dispute Resolution Committee and any Tenancy Tribunal established by it will at all times act in accordance with the provisions of the Act. The Committee met once in 2006.

◆ **Section 189 Committee**

The Board established a Section 189 Committee in May 2005. The Committee meets whenever called upon to meet by the Director on foot of a request received by the Board for an application under section 189 of the Act. Section 189 provides for the Board applying to the Circuit Court for interim or interlocutory relief where the Board considers it appropriate to do so, for example in cases of serious anti-social behaviour or illegal evictions. The function of the Committee is to decide whether or not the Board should make an application to the Circuit Court under section 189 of the Act. Decisions of the Committee are not subject to confirmation by the Board and are decisions of the Board. The Committee met once in 2006.

◆ **Research Committee**

The Board established a Research Committee in June 2005. The functions of the Committee are to decide what research would be appropriate, necessary or desirable for the Board to undertake having regard to the information that is available to the Board, to make

arrangements for the carrying out of such research and to consider the research findings when available and report there on to the Board. The Committee met seven times in 2006.

◆ **Audit Committee**

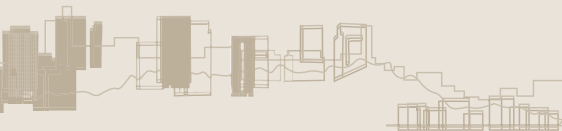
The Board established an Audit Committee in March 2006. The role of the Audit Committee is to advise and make recommendations to the Board and senior management on any matter pertaining to the Internal Audit function within the Board as the Committee considers necessary or appropriate; and to consider whether processes are in place to manage risks in accordance with organisational guidelines and business plans. The Committee met twice in 2006.

◆ **Finance Committee**

The Board established a Finance Committee in May 2006. The terms of reference and procedures of the Finance Committee of the Private Residential Tenancies Board are made under section 158(4) of the Residential Tenancies Act 2004 and are subject to the provisions of the Act. The functions of the Committee are to assist the Board in discharging the individual and collective legal responsibilities that arise principally in the areas of financial reporting and control. The Committee met eight times during 2006.



“During 2006, almost 1300 applications for dispute resolution were received by the PRTB. This is an increase of almost 400 applications or 44% on the number received in 2005”.



Activities

Tenancy Registrations

Under the Residential Tenancies Act 2004, landlords are required to register tenancies with the PRTB within one month of their commencement. Landlords who do not register a tenancy are precluded from referring a dispute to the PRTB. Non registration does not affect tenant rights and tenants will have access to the dispute resolution service irrespective of whether or not the tenancy is registered.

The requirement on landlords to register details of their tenancies with the PRTB is necessary for a number of reasons. In particular, the tenancy details are relevant to disputes relating to rents, rent reviews, terminations, security of tenure and other matters. There is also a need to capture systematically relevant information required to understand more fully the operation of the market for rented residential property. Markets work more efficiently where reliable information and credible statistics are available.

TENANCY REGISTRATION FEES

The following fees are applicable to the registration of tenancies;

- €70 per tenancy provided it is registered within 1 month after the commencement of the tenancy or
- €300 for multiple tenancies in the one building being registered at the same time by the one landlord within one month of the commencement date of the 1st tenancy (i.e. 1st tenant moved in on 01/01/06, then all forms must be submitted by 01/02/06). If, in the 12 months following the payment of a composite fee, one of the tenancies included in the set of multiple tenancies

ends and a new tenancy is created, the application to register the new tenancy does not have to be accompanied by a fee provided it is made within one month of the commencement of the tenancy.

- Where a tenancy is being registered more than 1 month after the commencement of the tenancy, an additional fee of €70 (i.e. €140 in total) is payable for these late registrations. There are no exceptions to the late fee and the composite fee is not available to late registrations of multiple tenancies within the one building.

No fee is payable where 2 payments in respect of the tenancy have been made to the Private Residential Tenancies Board in the previous 12 months. No fee is payable for an update of details of a tenancy already registered.

The Residential Tenancies Act 2004 does not allow for any exemptions from the requirement to pay the late fee in any case regardless of the circumstances or the reasons for the delay.

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

FINANCE ACT 2006

The Finance Act provides that compliance with the registration provisions contained in the Residential Tenancies Act is a condition of eligibility for mortgage interest relief on



residential properties. It is a matter for individual landlords to satisfy themselves that they are in compliance with the Residential Tenancies Act. The PRTB will not routinely provide letters confirming exemption from the Act.

STATISTICS ON TENANCY REGISTRATION

At the end of 2006, the total number of registrations was 137,961, which is an increase of over 53,000 registrations since December 2005. The average number of tenancy applications received on a daily basis increased during 2006 by over 100% to 484. While the Board is very pleased with the relatively high level of compliance by landlords they are concerned that the number of applications being returned as incomplete still remain high at 38%. Applications are routinely returned as incomplete where the PPS number is missing or invalid, incorrect fee is submitted, landlord or tenant signature or both are missing, tenancy commencement date not inserted etc. The Board once again asks that both landlords and their agents take greater care when filling out the form. Detailed registration statistics are shown in Appendix 3.

ENFORCEMENT OF REGISTRATION REQUIREMENT AND ACTION PLAN ON NON-COMPLIANCE

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

The number of referrals received in 2006 and the action taken is shown in Appendix 3.

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

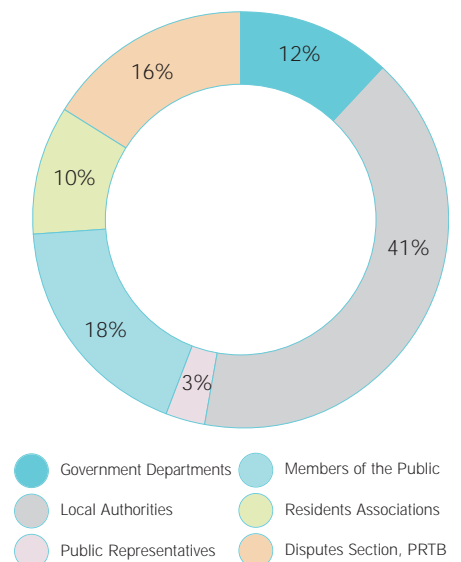
- Business premises, even where partly residential to which Section 13(a) of the 1980 Landlord and Tenant Act applies;
- A dwelling to which Part II of the Housing (Private Rented Dwellings) Act 1982 applies (i.e. formerly rent controlled dwelling occupied by the "original tenant" or his/her spouse) or to which section 13(b) of the 1980 Landlord and Tenant Act applies (i.e. long occupation equity lease tenancies);
- A dwelling let by or to a local Authority or other public authority or a voluntary housing body as social housing;
- A dwelling occupied by the owner under a lease or a shared ownership lease;
- A holiday let;
- A dwelling in which the landlord is also resident;
- A dwelling in which the spouse, parent or child of the landlord is resident and there is no written lease or tenancy agreement; and
- A dwelling that is occupied rent free;

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

SANCTIONS AGAINST UNREGISTERED LANDLORDS

The steps being taken by the PRTB to pursue compliance with the registration requirement are in accordance with the provisions of the Residential Tenancies Act 2004 and, in particular, sections 144 and 145. They include the issue of notices to

Figure 1
% Breakdown of Referrals





landlords and/or occupiers of the dwellings in question, and the prosecution of offenders for non-compliance with the registration requirement.

No prosecutions have been initiated by the end of 2006, however the Board have engaged solicitors to carry out a body of legal work in relation to the enforcement of registration requirements and a number of cases have been selected for referral to them for prosecution.

PUBLISHED REGISTER

In March 2006 the PRTB published a register of tenancies extracted from the registration details submitted to it by landlords. An updated version was published in November 2006. The published register is available on the PRTB's website at www.prtb.ie and a hard copy is available to view at the offices of the PRTB. The published register does not contain any information that discloses the identity of the landlord(s) or the tenant(s) of the dwelling, or the amount of the rent payable under the tenancy of the dwelling.

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

REGISTER FOR LOCAL AUTHORITIES

In March 2006, the PRTB supplied to each local authority on a functional area basis, information from its register of tenancies that was reasonably necessary for the

performance of the authority's functions in relation to the enforcement of standards and rent book regulations in houses, dwellings or other structures (either generally or those which have been provided by the authority). An updated version was supplied to each local authority in November 2006.

FUNDING TO LOCAL AUTHORITIES

In accordance with the provisions of the Residential Tenancies Act 2004, funding was provided to the Local Authorities to take account of registration fee income foregone due to the introduction of the new system of registration. The amount of funding paid to local authorities in 2006 was in excess of €1m. The payment was allocated on the basis of the number of tenancies registered in each housing authority area. Future payments will be based on housing authority inspection targets and implementation.

REVISED TENANCY REGISTRATION FORM

During 2006, in an effort to reduce the number of tenancy registration applications being returned as incomplete to landlords or their agents, the PRTB carried out a review of the application form and a revised form was made available from July 2006. Landlords and agents are requested to use the revised version of the application form which can be downloaded from the PRTB's website at www.prtb.ie. The form also includes a facility to accept fees for registration by credit or debit card.

ENHANCEMENTS TO TENANCY REGISTRATION SYSTEM

The information provided by landlords in relation to tenancies is stored on a database and reports drawn from this provides the



information that is available on the published register. Information stored on the database is also invaluable to the PRTB in relation to its other functions in the area of dispute resolution and the provision of information and policy advice on the private residential sector. During 2006 the PRTB commenced a project of enhancements to the tenancy registrations system.

TENDERS SOUGHT & AWARDED

In accordance with procurement requirements tenders were sought and approved by the Board for a number of key services as outlined below:

◆ **Banking Services**

The contract for the provision of investment banking was awarded to the National Treasury Management Agency (NTMA) while the contract for the provision of current account banking facilities was awarded to Ulster Bank Ltd.

◆ **Legal Services**

The contract for the provision of legal services was awarded to Matheson Ormsby Prentice Solicitors while a specific block of work in relation to enforcement of registrations was assigned to Lavelle Coleman Solicitors.

◆ **Translation and Interpretation Services**

The contract for the provision of Translation and Interpretation Services was awarded to Word Perfect Translations.

◆ **Internal Audit Services**

The contract for the supply of the PRTB's Internal Audit Services was awarded to Crowleys DFK Chartered Accountants.

◆ **Accountancy & Payroll Services 2006-2008**

The contract for the provision of accountancy services for the accounting years 2006-2008. was awarded to Mazars.



Dispute Resolution Service

The PRTB dispute resolution service replaces the courts in relation to the majority of landlord and tenant disputes. The Board operates a two-stage dispute resolution process. (See appendix 5) The first stage consists of either mediation, if chosen by both parties, or adjudication. Both mediation and adjudication are confidential to the parties. The second stage is a public hearing by a Tenancy Tribunal if the matter is not resolved at stage 1. The Board refers some cases directly to stage 2.

APPOINTMENT OF PANELS OF MEDIATORS AND ADJUDICATORS

A panel of mediators and adjudicators was established by the Board in December 2004 in accordance with section 164(4) of the Residential Tenancies Act 2004 for a term of at least 3 years which will expire on 5 December, 2007. Mediators and Adjudicators were chosen from a range of backgrounds, skills and experiences including valuation, arbitration, chartered surveying, legal and business. Drawing on their professional expertise, the Mediators and Adjudicators seek to resolve disputes between tenants and landlords.

STATISTICS ON DISPUTE RESOLUTION

During 2006, almost 1300 applications for dispute resolution were received by the PRTB. This is an increase of almost 400 applications or 44% on the number received in 2005. 56% of cases received relate to the Dublin area while 44% of cases relate to the rest of the country. A very large number of disputes brought to the attention of the Board were resolved by the Board providing information to the parties who then resolved

their dispute without recourse to the formal dispute resolution service of the Board. The Board regards this as making an important contribution to resolving disputes between landlords and tenants. (Figure 2&3)

Figure 2
Dispute Cases by Region - 2006

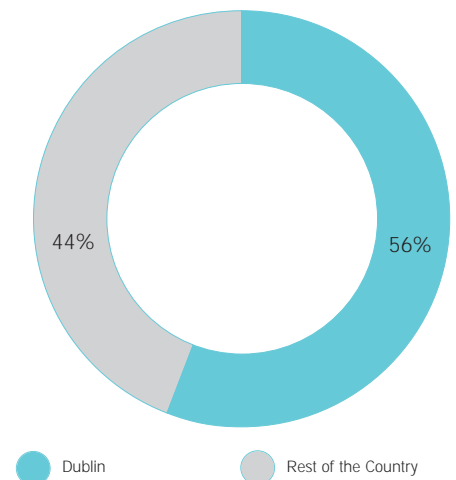
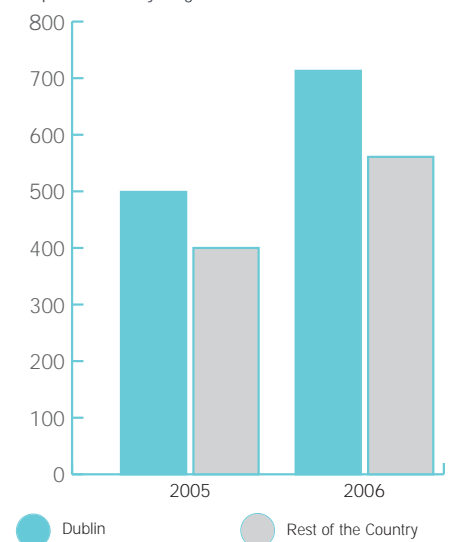


Figure 3
Dispute Cases by Region





On average, 25 dispute applications were received on a weekly basis. Similar to 2005 almost 67% of 2006 cases have been referred by the tenant, 28% by the landlord and the remainder by third parties.

(Figure 4 & 5)

60% of dispute cases taken by tenants relate to deposit retention as outlined in the chart below

By the end of 2006 the PRTB had issued binding determination orders in respect of 486 cases (99 in 2005 and 387 in 2006), details of which are published on its website – the PRTB does not publish determination orders reflecting agreements reached at mediation although it does publish orders reflecting agreements reached between the parties at adjudication. A total of 185 Determination Orders issued in 2006 related to Deposit Retention Cases. An analysis of the outcome shows that in 143 cases (77%) the landlord was required to fully or partially refund the deposit to the tenant.

On a number of occasions during 2006, through the media, the PRTB reminded landlords that the deposit, which they hold in relation to a tenancy belongs to the tenant and they are not entitled to spend this money on refurbishment etc. Deposits should only be used to offset rent arrears where they may exist following the termination of the tenancy or to defray the cost of damage to the dwelling by the tenant that is beyond normal wear and tear. Landlords are advised to inspect the dwelling prior to the tenant vacating in order to resolve any issues in relation to damage.

More detailed Dispute Resolution Statistics are shown in Appendix 4.

Figure 4
Dispute Cases by Category - 2006

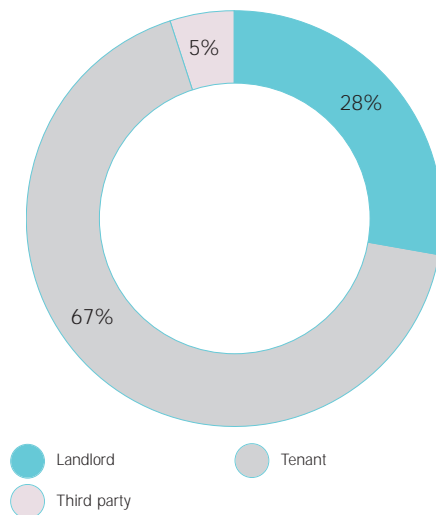


Figure 6
Dispute Cases Taken by Tenant - 2006

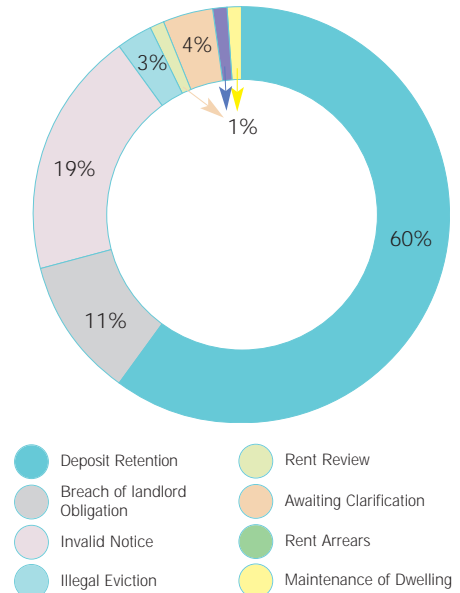


Figure 5
Dispute Cases by Category

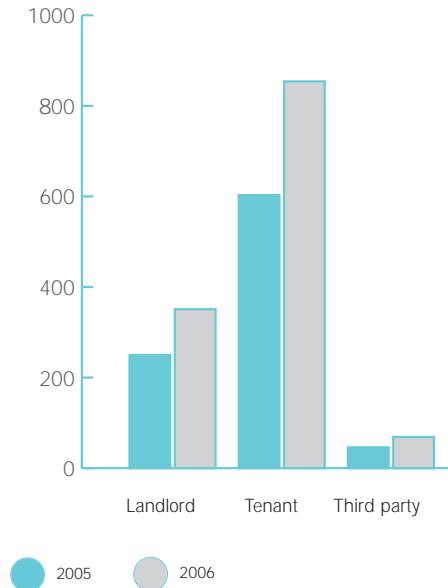
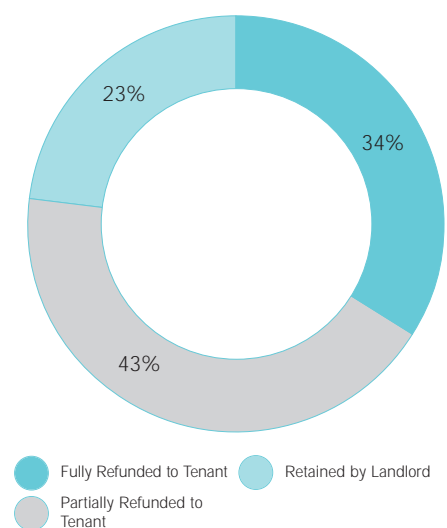


Figure 7
Deposit Retention Cases Completed in 2006





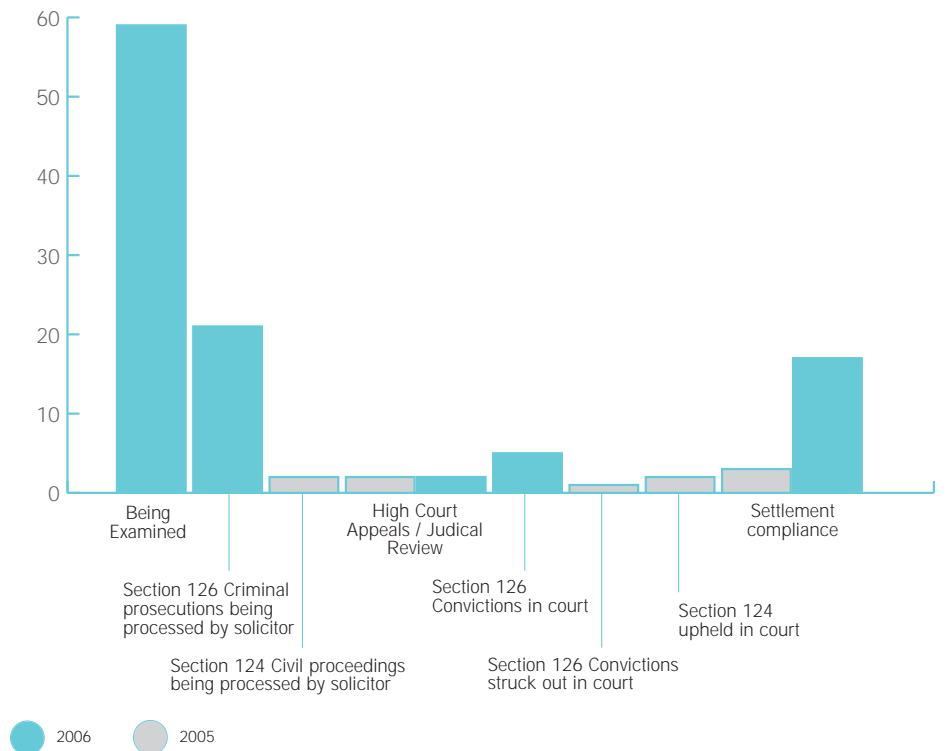
ENFORCEMENT

Section 9 and 126(1) of the Residential Tenancies Act 2004 empowers the Board to pursue criminal proceedings against a non-compliant party in relation to 1 or more of the terms of a Determination Order. Section 124 empowers the Board to apply to the Circuit Court for an Order to direct either party to comply with the terms of the PRTB's Determination Order. The PRTB's policy is to pursue Section 126 criminal prosecution proceedings against the non-compliant party.

However, in cases of overholding the Board will also pursue Section 124 proceedings. To the 31st December 2006 a total of 106 cases have been referred for enforcement of the Determination Order. 2 cases taken in 2005 were completed in 2005 both of which were upheld in court (Section 124).

The status of the enforcement cases is outlined in the chart below: (Figure 8)

Figure 8
Process Stage of Enforcement





DISPUTE RESOLUTION CASES

The nature of the dispute cases referred to the PRTB so far include deposit retention, illegal evictions, invalid Notices of Termination, over-holding, rent arrears, other breaches of tenant obligations, breach of landlord obligations, and anti-social behaviour cases referred by third parties. Outlined below is a summary account of a selection of dispute resolution cases where determinations were made in 2006.

◆ CASE 1

UNLAWFUL TERMINATION OF TENANCY

An application for dispute resolution was received by the PRTB from the (applicant) tenant on the 16th October 2006. This application followed phone calls, which the PRTB had received from the tenant indicating that he had been evicted from the rented dwelling. An injunction was taken against the (respondent) landlord to re-instate the tenant back into the dwelling pending an emergency Tribunal hearing being set up by the PRTB. Affidavits were provided to the Court by the member of staff of the PRTB who had dealt with the calls and also by the tenant himself. The Court ordered the landlord's agent to provide alternative accommodation for the tenant. The agent for the landlord did not provide suitable alternative accommodation and the PRTB were forced to go back to the Courts. The tenant had been sleeping in his car, as he was not in a position to secure alternative accommodation.

The PRTB held an Emergency Tribunal hearing into this matter in November 2006. The tenant and landlord's agent were present at this hearing. The agent gave evidence indicating that notice to vacate

was served on the tenant due to persistent late payment of rent, litter problems and also an allegation of aggression. The tenant denied all of these allegations.

The agent confirmed that he had changed the locks on the dwelling and placed the tenant's belongings in bags and boxes. He stated that he had served 3 written notices on the tenant, however he did not have the notices with him and the Tribunal refused to allow any evidence to be submitted after the conclusion of the hearing. The Tribunal asked the agent to produce the rent book to substantiate his claims of late payment of rent. The agent said that he did not keep a rent book but that he issued receipts for rent paid. In the absence of a rent book the Tribunal was not in a position to consider whether or not rent was in arrears. The agent also confirmed that apart from 1 offer of alternative accommodation to the tenant, he had made no further effort to comply with the Interim Order of the Circuit Court.

The Tribunal was satisfied that the agent had carried out an illegal eviction. The illegality of the eviction was based on the lack of service of a valid Notice of Termination. Evidence as to the reasons for the illegal eviction cannot alter the fact that the termination of a tenancy without a valid notice of termination is illegal. The tenant in this case is entitled to redress in accordance with Section 115 (2) (d) of the Act.

The Tribunal determined that:

- The Tenant was on 12 October 2006 illegally evicted from his home.
- The Landlord pay to the Tenant, within 14 days of the date of issue of the Determination Order, the sum of €8,000



being damages for the illegal eviction pursuant to section 115 (2)(d) of the Residential Tenancies Act.

- The Landlord's Agent acted in contempt of the Circuit Court Order in this matter. The PRTB furnish to the Landlord, an invoice for the costs of the application by the PRTB to the Circuit Court, such costs to be discharged within 14 days from the date of issue of the invoice, to be taxed in default of agreement.
- The Landlord's Agent by failing to comply with the order of the Circuit Court has acted in a manner calculated to delay and undermine the workings of the PRTB. In accordance with Section 115 (2)(i) of the Act the Landlord pay the sum of €1,000 towards part of the costs of the PRTB in the convening of the Tribunal.

The Determination Order in this case was issued to all parties however to date there has been non-compliance with this Determination Order. The PRTB are currently proceeding with a criminal prosecution against the landlord for non-compliance with the terms of a Determination Order.

◆ CASE 2 OVERHOLDING/RENT ARREARS

A dispute application was received from the applicant (landlord) in April 2006. The landlord had indicated that the tenant (respondent) was in rent arrears and was now refusing to vacate the dwelling.

An adjudication hearing was set up. At the hearing the landlord stated that the last rent payment made by the tenant was in March 2003 and that there were very substantial arrears of rent. The landlord stated that she sent a letter to the tenant in February 2006 informing her that rent had not been received in respect of the dwelling since March 2003, that rent arrears prior to that date amounted to €2523.80 and that rent arrears since that date amounted to €13,332.20. The letter also stated that unless full payment of the debt was made within 21 days that Notice of Termination of tenancy would be issued. The landlord explained that the reason why there was little contact between the landlord and the tenant regarding rent arrears between March 2003 and February 2006 was because the property was in probate up until late 2005. The landlord stated that no response was received to the letter and a Notice of Termination was served in March 2006.

The tenant stated that it was her view that there were no outstanding arrears in March 2003 as alleged by the applicant. The tenant stated that any gaps in the record of payments were probably explained by the fact that some rent payments had been made in cash. The tenant explained that she was unable to make any rent payments since March 2003 because the landlord had failed to sign her rent book and that this prevented her from claiming her rent allowance.



In summary the landlord stated that no rent had been paid since 6 March 2003, that there were very substantial arrears of rent and that a valid notice of termination of tenancy had been issued. The landlord was seeking an order from the PRTB that the tenant vacate the dwelling and pay all rent owed. The landlord was also seeking an interim order for immediate access to the dwelling. The tenant denied that there were any rent arrears in March 2003 and stated that due to the landlord's failure to sign her rent book, she was unable to claim her rent allowance and was therefore not in a position to make any rent payments since March 2003.

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

- A valid notice of termination was served by the landlord on the tenant.
- The tenant and all persons residing in the dwelling vacate the dwelling within 60 days of the date of issue of the Order.
- The tenant pay to the landlord, within 30 days of the date of issue of the Order, the sum of €13,320 being rent arrears for the period 6 March 2003 to 6 February 2006 and pay rent at the rate of €381, or such amount as lawfully varied by the landlord, per month or part thereof from 7 February 2006 to the date of giving up possession of the dwelling.
- The landlord insofar as it is reasonable and possible to do so, facilitate the tenant in obtaining any rent subsidy to which she is legally entitled, by providing such signed documentation as required by the relevant statutory bodies and agencies in respect of the tenancy of the dwelling.
- The tenant allows, at reasonable intervals,

the landlord or her agents access to the dwelling, by appointment, for inspection purposes in accordance with section 16(c) of the Residential Tenancies Act.

The Determination order was made in September 2006, however the tenant did not comply with all the conditions of the Determination order. The PRTB's procedure in such cases is to pursue criminal prosecution proceedings against the non-compliant party. However in this case it has not been possible for the PRTB to take any action to enforce the Determination Order as the tenant vacated the dwelling and the PRTB does not have an address for the tenant and their whereabouts are not traceable due to lack of a PPS number.

The message that the PRTB would like to get across to landlords is that it is vitally important when entering into new letting arrangements to require the new tenants to insert their PPS number and sign the registration application form from the very outset of the tenancy.



◆ CASE 3

INVALID NOTICE OF TERMINATION

A dispute resolution form was lodged by the (applicant) tenant in relation to a notice of termination that was received. The tenant was questioning the validity of the notice of termination that was served on the grounds that there was rent arrears.

An Adjudication hearing was set up. The tenant claimed that three separate notices of termination had been served on him. The tenant felt that the (respondent) landlord had changed her mind in waiting for the rent allowance claim to be processed. The tenant also alleged intimidation was used by the landlord's son in law.

The landlord refuted that the notice of termination served on the tenant was invalid. The landlord claimed that she did agree that the tenant could pursue the rent allowance scheme, but did not agree at any stage that the rent could fall into arrears. The tenant was in rent arrears of €2,240 (7 months).

The Adjudicator heard all evidence from either side and determined that:

- A valid Notice of Termination was served by the Landlord on the Tenant.
- The Tenant pay to the Landlord, within 28 days of the date of issue of the Order, the sum of €2,240 being arrears of rent owing from February 2006 to August 2006 in respect of the dwelling.
- The Tenant vacate the dwelling within 7 days of the date of issue of the Order and pay rent at the rate of €320 per month or part thereof from September 2006 to the date of giving up possession of the dwelling.

◆ CASE 4

DEPOSIT RETENTION

The (applicant) tenant lodged a dispute application for the refund of €1004.41 in relation to deposit retention and other issues i.e. (breach of quiet enjoyment and damage to her property).


An adjudication hearing was set up. A preliminary issue arose as to whether the adjudication hearing should go ahead where proceedings were to come before the small claims court. The adjudicator determined that the hearing should proceed as the claim in the small claims court did not prevent the adjudication hearing determining issues under the PRTB application.

The tenant rented 1 bedroom in a three-bedroom apartment. There were 4 other tenants in the apartment. The tenant alleged that upon returning from Christmas Holidays the apartment was in a damaged state. Her bedroom (which was locked) had been broken into and was now uninhabitable. She notified the landlord. She asked that her deposit be returned as she could not live in the apartment. The tenant's deposit was not returned.

The (respondent) landlord alleged that all the tenants were responsible for the damage. He sought to retain an overpayment of €220.20 (which included a deposit of €200) towards the cost of the damage caused.

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

- The landlord pay to the tenant, within 14 days of the date of issue of the order, the



sum of €220.20, being the deposit of €200, plus €20.20 overpayment of rent and utilities in respect of the tenancy of the dwelling.

The adjudicator did not award compensation to the tenant for breach of quiet enjoyment or damage to her property as no real complaints were made to the landlord prior to the tenant's return to the apartment after the Christmas Holidays and no vouched estimate for the cost of the damaged property was given. A determination order was issued by the Board. This order was complied with and this case is now closed.

◆ **CASE 5**
STANDARD/MAINTENANCE OF DWELLING AND OTHER BREACH OF LANDLORD OBLIGATIONS

The PRTB received a dispute application form from the (applicant) tenant in November 2006 in relation to the standard and maintenance of the dwelling and other breach of landlord obligations.

The tenant outlined his case as follows: When he viewed the property he was told that the heating was included in the cost of the rent. Upon moving into the dwelling the tenant discovered that the heating was only on for approximately five hours per day and was on a communal timer. The tenant felt that this was misleading as he wanted the heat put on more frequently. Due to the bad heating a serious damp problem had occurred in the dwelling.

The tenant was given the option of having the damp issue repaired but this would involve vacating the property. He enquired how long the work would take and if he could be re-accommodated elsewhere. He was then issued with a notice of termination and asked to vacate.

The tenant also alleged that he made a complaint to the (respondent) landlord about the windows in the dwelling. The landlord fixed the windows but the tenant alleges that the damp and cold were still an issue within the dwelling.

The tenant said that his right for quiet and peaceful enjoyment of the dwelling had been breached as the landlord entered the dwelling on a regular basis without prior notice.



An adjudication hearing was held. Having studied the relevant documentation on file and heard evidence the adjudicator found that:

- The landlord was not in breach of his obligations in relation to the provision of unlimited heating within the cost of the rent. However the inability to provide adequate heating within the flat, was a significant breach of landlord obligations to maintain the property in an acceptable and reasonable standard.
- With regard to the dampness, which existed, although no documentary evidence was submitted, the tenant claimed to have required medical attention brought about by reason of habitation in a damp house/flat and the wearing of damp clothes. The adjudicator accepted this as not being an unreasonable scenario and considered the landlord to be responsible for same. On the basis of evidence given at the hearing, the adjudicator was satisfied that the tenant incurred medical expenses in the region of €50. In respect of dampness on clothes, the adjudicator considered that dry cleaning and laundry expenses in the amount of €50 to be reasonable.
- As the property was in a substandard condition during the winter months due to poor heating and dampness, the adjudicator considered that it was reasonable that a retrospective reduction in rent be appropriate for the months of November and December.
- Although the termination notice did not comply with the act, as this was not acted upon by the landlord and the two parties came to a mutually acceptable date to terminate the tenancy, the adjudicator did

not consider this a matter which required adjudication in that the matter had resolved itself prior to the PRTB hearing.

- Regarding alleged entries into the flat and invasions of privacy by the landlord this would appear to be a matter accepted by the tenant as acceptable practice prior to entering into the tenancy in that the tenant was aware that the manner of payment would be collection of rent by the landlord, where the rent would be left at an agreed location within the flat awaiting collection. On this basis the adjudicator did not consider this to be a breach of the landlord obligations.

The adjudicator determined that:

- The landlord pay the tenant a total of €300 for losses suffered by reason of the substandard condition of the property in particular with respect to the inadequacy of the heating and dampness associated with same.

The report made by the adjudicator was issued to both parties who were then given 21 days to appeal. As no appeal was received the Board made a determination order which was binding on both parties.



Information and Research

In 2006 the Board entered into a partnership arrangement with the Centre for Housing Research (CHR) whereby the CHR would manage relevant research projects on behalf of the PRTB. It was agreed that the CHR would undertake public procurement in accordance with public procurement guidelines. In June 2006, following a recommendation by the PRTB Research Committee and with Board approval the following 3 research projects were advertised;

- *The Private Residential Tenancies Board (PRTB) Scholarship programme* to provide funding for a masters or doctoral degree by research related to developing the knowledge area of the private residential housing sector. The value of the scholarship is €15,000 per annum for up to 3 years, plus college fees.
- *Comparative Study of Private Residential Tenancy Deposit Retention*. This required a detailed comparative study of how other jurisdictions with a relatively similar sized private residential sector (approximately 10–20 per cent of total stock) manage the issue of deposit retention. The budget available for this study was €15,000.
- *Comparative Study of Third Party Complaints Regarding Anti-Social Behaviour*. This required a comparative study of how other jurisdictions manage the issue of third party complaints regarding anti-social behaviour in the private residential sector. The budget available for this study was €15,000.

Following an invitation to tender for the comparative studies the consultants Candy Murphy and Associates were appointed. The consultants reported in early 2007 and further details will be published in the 2007 Annual Report.

IMPROVEMENTS TO PRTB WEBSITE

The PRTB's website www.prtb.ie provides accurate and practical information to landlords and tenants. A number of improvements were made to the website during 2006. The layout of the website was enhanced to enable users to navigate the site more easily. Additions to the website include information notes on the following:

- Licensees in private rented accommodation
- Deposit refund
- Occupying a tenancy beyond the expiry of the notice period
- Illegal eviction
- Sections 37 and 194 - deemed termination of tenancies
- Sample letter to be issued by a landlord to the tenants in the case of a complaint by a third party of landlord failure to enforce the tenant obligation not to engage in anti-social behaviour.

Tribunal Reports are also published on the website.

CONFERENCES

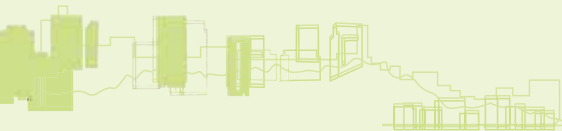
The PRTB supported the IPOA by sponsoring an information stand at their Conference on Energy Efficiency and Property. The conference also provided the PRTB with a useful mechanism to dispense information to landlords attending the conference. The information stand was manned by 3 PRTB staff members who responded to queries from landlords regarding registration of tenancies as well as the dispute resolution service provided.

**LEVEL OF QUERIES RECEIVED**

During 2006 the PRTB continued to be actively engaged in providing information on the new legislative provisions affecting landlords and tenants. Staff have responded to many queries received about various aspects of the new legislation and other tenancy matters. While providing information in response to queries staff are not in a position to give legal advice.



“It is the policy of the PRTB to treat all of our customers properly, fairly, impartially and with courtesy”



Resources

Staff

Section 167 of the 2004 Act allows the Minister to provide services to the Board including the services of staff. In accordance with this section the Board has been primarily staffed by Departmental officials in a combination of formal assignments, and loaned and temporary staff. The permanent staff complement currently stands at 26.

During 2006, the Board appointed Margaret Taheny Moore to fill the position of Director and Kathryn Ward and Emer O’Gorman as Assistant Directors. During the year the Board continued to use the services of agency staff to undertake specific duties mainly in relation to the registration system. The secondment of 2 staff from Dublin City Council continued during 2006 and has since been extended for a further period of 12 months.

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

Transition to a fully stand alone operation which is likely to be completed in 2007, will impose its own overheads as the PRTB will no longer have the use of other services currently being provided by the Minister such as payroll, accounts branch processing payments, IT Unit, accommodation services, staff training, etc.

Training

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

Safety, Health and Welfare

The well being of the PRTB’s employees is safeguarded through adherence to health and safety standards. The Safety, Health and Welfare at Work Act, 2005 imposes certain requirements on employers and the PRTB, in the transitional period of moving to a stand-alone position, has met these requirements in accordance with the Health and Safety Statement of its parent Department, the Department of Environment, Heritage and Local Government. Work will commence on a Health and Safety Statement for the PRTB in 2007.

Customer Care

It is the policy of the PRTB to treat all of our customers properly, fairly, impartially and with courtesy and the PRTB expect their staff to be treated with fairness and courtesy in return. It aims to ensure that the right of customers to equal treatment established by equality legislation is upheld in the delivery of its services and aims to meet any special needs that customers may have. In 2007 work will commence on the development of a Customer Charter and Customer Service Action Plan for the PRTB.

Finance

The Financial Statements of the Board for 2004, 2005 and 2006 are currently being audited by the Comptroller and Auditor General and these accounts will be published once the audit is complete.



Data Protection

Under the Data Protection Acts, a person has a right to be given a copy of his/her personal data. A subject access request should be made in writing, by letter, signed and accompanied by a copy of a current identification document e.g. driving licence or passport. The PRTB currently do not charge for a subject access request, however we reserve the right to charge a fee not exceeding €6.35. The Private Residential Tenancies Board will undertake to reply to a request within 40 calendar days.

Under the Data Protection Acts, a person has a right to have his/her personal data corrected if inaccurate, or erased if there is not a legitimate reason for retaining the data. A request for rectification or erasure should be made in writing, by letter, signed and accompanied by a copy of a current identification document e.g. driving licence or passport. There is no charge for such a request.

Appendices

APPENDIX 1

List of Committees and their Membership

DISPUTE RESOLUTION COMMITTEE

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

*Resigned September 2006

** Resigned June 2006

SECTION 189 COMMITTEE

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

RESEARCH COMMITTEE

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

AUDIT COMMITTEE

Noel O' Connell, (Chairperson)
 Denis Conlan
 Aideen Hayden
 Conn Murray

FINANCE COMMITTEE

Conn Murray, (Chairperson)
 Jim Bridgeman
 Aideen Hayden
 Fintan McNamara
 Dr. Eoin O'Sullivan

APPENDIX 2

Board Members attendance at Board Meetings and details of Fees paid to members in the period 1 January 2006 to 31 December 2006

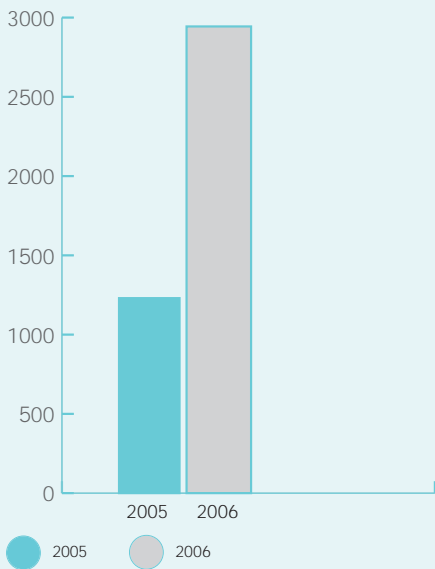
Board member	Board Meetings attended				Tribunals attended		Payment
	Board	Disputes	Committee	Training	Chair	Member	Total
Tom Dunne, Chairperson	10	14	9	2 days	6	9	€26,032
James Bridgeman	9	7	4	4 days	7	7	€17,256
Anne Colley	8	9	5	2 days	5	7	€15,819
Aideen Hayden	9	9	13	2 days	10	15	€28,500
Mary Heaslip	10	11	7	2 days	4	15	€20,933
Sheila McMahon - resigned in September 2006	8	10	0	0			€0 *
Fintan McNamara	9	12	14	2 days	10	8	€26,679
Conn Murray	4	2	7	1 day			€0 *
Marjorie Murphy - resigned in June 2006	3	2	3	0	1	6	€7,588
Liam O'Donnell	7	7		2 days	3	8	€14,729
Dr. Eoin O'Sullivan	9	12	18	1.5 days	9	11	€27,408
Dervla Quinn	10	13	3	4.5 days	10	13	€28,658
Dr. Bairbre Redmond	8	11	7	2 days	7	5	€18,981
Pat Riney	5	6	2	1.5 days	3	9	€12,556
Tony Taaffe	10	15	2	2 days	3	17	€26,043
Orla Coyne - appointed in December, 2006							
Liam Gleeson*	3	4	1	2 days			€0*

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

There were 26 Board meetings (including Disputes meetings) and 21 Committee Meetings in the period under review.

Attendance at	Fees paid effective from		
	1 December, 2005	1 June, 2006	1 December, 2006
Board Meetings/Committee Meetings/Training	€193 (€213 for Chair)	€198 (€218 for Chair)	€204 (€225 for Chair)
Dispute Meetings / Tribunal Hearings	€342 (€533 for Chair)	€351 (€546 for Chair)	€361 (€563 for Chair)

Figure 9
Number of Referrals Received



APPENDIX 3
Registration Statistics as at 31 December 2006

Number of applications registered on computer system	137,961
Number of landlords	83,102
Number of tenants	246,587
Average number of applications received daily	484
Average number of applications returned daily because there is no cheque attached	11 (2%)
Average number of applications returned daily as being incomplete	184 (38%)

**ENFORCEMENT FOR
NON-REGISTRATION OF TENANCIES**

To date the Enforcement Section has received in excess of 4000 referrals. Over 3800 enforcement notices have been served on landlords and/or occupiers. (Figure 9, 10, 11)

Figure 10
Number of Enforcement Notices Issued

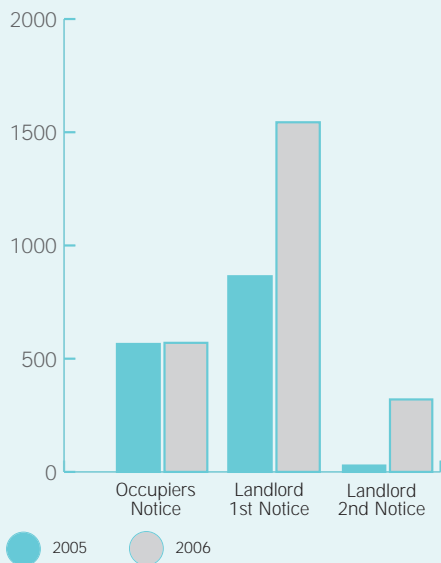


Figure 11
Breakdown of Responses

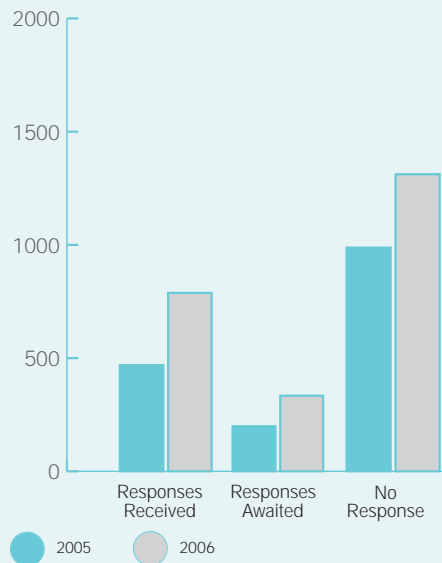


Figure 12
Response Rate 2005

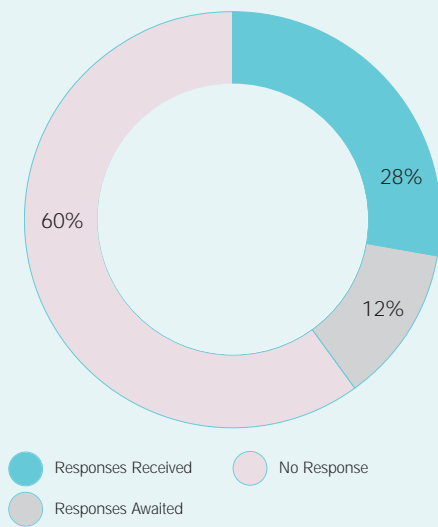
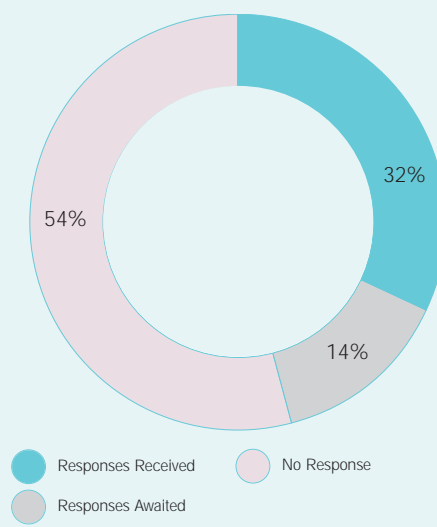


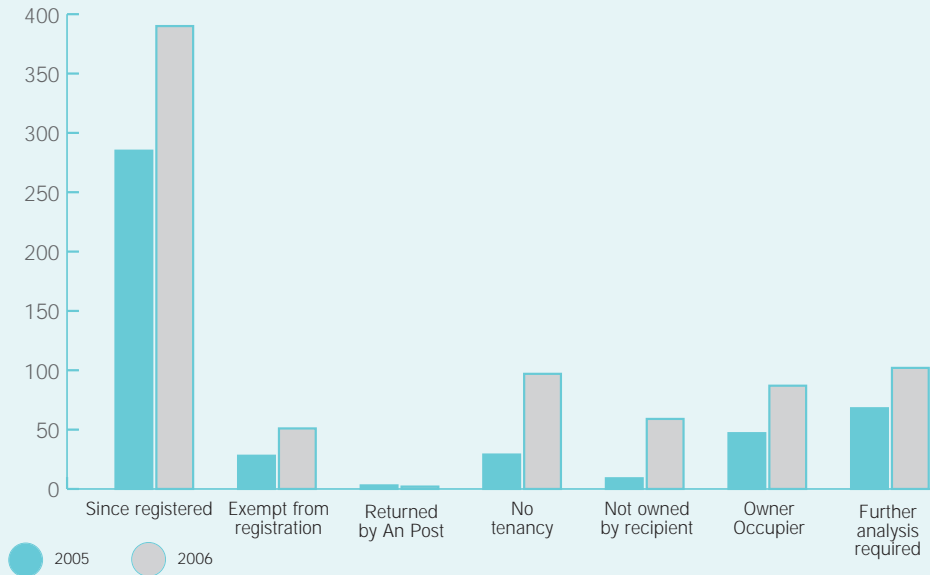
Figure 13
Response Rate 2006



Responses awaited

14 days have not expired ie. Landlords have 14 days to respond to enforcement notices.

Figure 14
Breakdown of Responses Received



APPENDIX 4
Statistics on Dispute Resolution

The PRTB received almost 1,300 dispute cases in 2006. The type of disputes referred to the PRTB varied throughout 2006 and details of the types and those who referred the disputes are as follows:

Figure 15
 Dispute Cases Taken by Landlord - 2006

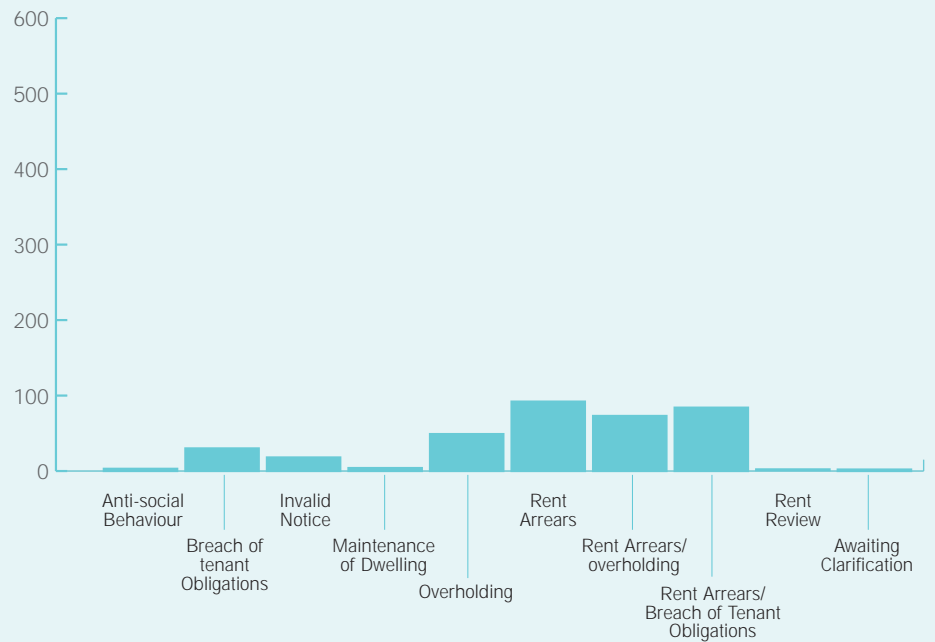


Figure 16
Dispute Cases Taken by Tenant - 2006

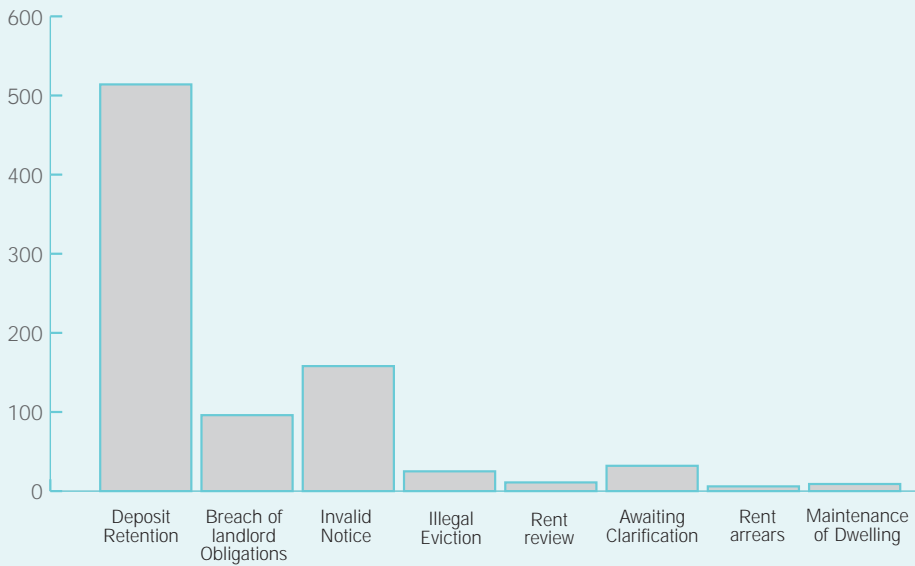
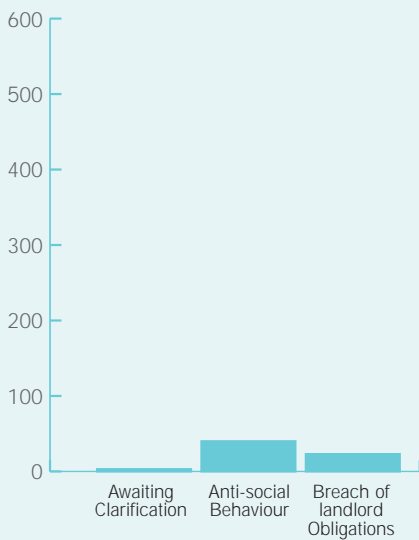


Figure 17
Dispute Cases Taken by Third Parties - 2006



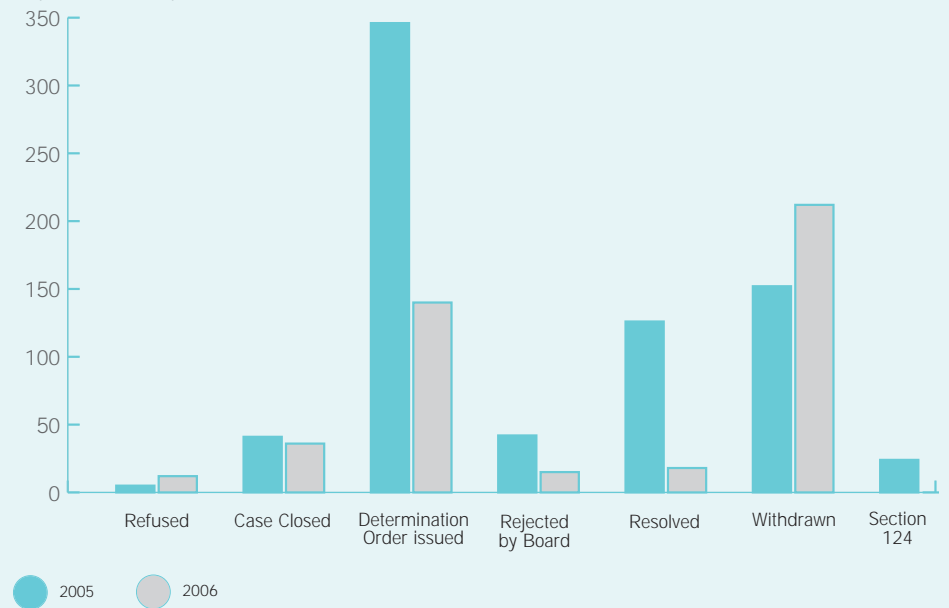
A total of 1169 Dispute cases (54%) were completed by the end of 2006. 736 are in respect of 2005 cases and 433 are in respect of 2006 cases. Over 82% of dispute cases received in 2005 were completed by the end of 2006, while 34% of the 2006 cases were also completed.

(Figure 16, 17)

The chart below shows the breakdown of Dispute Cases Completed by end of 2006.

(Figure 18)

Figure 18
Dispute Cases Completed



- ◆ **Withdrawn**
Party has withdrawn the application or the PRTB has deemed the case withdrawn due to no response
- ◆ **Rejected by Board S. 84**
The PRTB formed an opinion that it should not deal with dispute in accordance with Section 84, Residential Tenancies Act 2004

- ◆ **Case Closed**
No agreement reached at mediation and not pursued further by the parties
- ◆ **Resolved**
Determination Order has been complied with
- ◆ **Section 124**
Non compliance with Determination order and enforcement proceedings initiated

ENFORCEMENT

The status of the enforcement cases is outlined in the tables below:

Processing Stage of Enforcement	2005 (carried over)	2006
Being examined-		59
Section 126 Criminal Prosecutions being processed by Solicitor		21
Section 124 Civil Proceedings being processed by Solicitor	2	-
High Court Appeals/Judicial review	2	2
Section 126 Convictions in Court	-	5
Section 126 Struck Out in Court	1	-
Section 124 Upheld in Court	2	-
Settlement Compliance	3	17
Total	10	104

APPENDIX 5
Dispute Resolution Process

