



# Annual Report & Accounts 2010




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**Annual Report  
and Accounts  
2010**

## Chairperson's Statement



I am pleased to present the sixth annual report of the Private Residential Tenancies Board (PRTB) in my second year as Chairperson of the Board. The Irish economic landscape has changed dramatically from the prevailing conditions in

September 2004 when the PRTB was first established and the effects have changed the private rental market very considerably. It's important, therefore to reflect on the new trends emerging and the lessons learnt in order to ensure that the PRTB continues along the path of improved customer service and that regulation of this sector develops in response to changed client and market needs. The Board is charged with setting the strategic direction of the PRTB and we are now in year three of our Corporate Plan and beginning the process of drafting a new Plan.

### Legislative Reform

The Minister of State for Housing and Planning met with the Chairperson and the Director of the PRTB shortly after his appointment. I was pleased with his assurance that he would prioritise the amendment of the Residential Tenancies Act and that this was confirmed by Government approval for the drafting of the Bill on the 26th July 2011. The Board are committed to fulfilling our remit in advising the Minister on policy matters relating to the Private Rental Sector in the context of this Bill. We have made comprehensive proposals to the Department to include in the legislation

- ▶ measures to improve processing times by streamlining bureaucratic internal procedures and to delegate decision making on operational matters from the Board to the Executive
- ▶ simplifying requirements which are not user friendly for our clients e.g. Notices of Termination and very detailed registration requirements
- ▶ measures to address the abuse, by a minority of tenants, of Section 86 protections for those who are in rent arrears. 2010 saw a significant increase in landlord client cases to the PRTB in respect of Rent Arrears. Rent Arrears related cases accounted for 31% of PRTB Dispute cases in 2010, by comparison to 23% in 2009 and this growing issue needs to be addressed urgently by legislation. It is not acceptable that a minority of tenants can abuse their rights under the current legislation, consuming PRTB resources and valuable Court time, sometimes repeatedly, by amassing considerable rent arrears thus placing financial strain on landlords.
- ▶ penalties, of up to three times the amount of the unjustifiably withheld Deposit, to address the illegal retention of tenant Deposits by a minority of Landlords. Deposit Retention was once again the largest area of Dispute handled by the PRTB in 2011 at 43% of all PRTB Disputes. The outcome of these deposit cases was that the PRTB ordered landlords to refund the full deposit in 42% of cases, an additional 37% were ordered to refund part of the deposit and in 21% of cases the landlord was justified in the decision to retain the Deposit. The Board considered the establishment of a Deposit Protection Scheme to address this issue in

2009. At that time it was considered that with less than 1000 cases per annum it was not necessary. However, in light of the Programme for Government the Board is currently reviewing the matter.

## Enforcement

Demand for enforcement of Determination Orders grew considerably in 2010, again reflecting more difficult economic circumstances. It is open to parties to a case to seek enforcement through the Courts independently of the PRTB and many do so. Where the PRTB is required to take enforcement proceedings through the Courts it will take several months as it is an expensive and time consuming process.

The PRTB has embarked upon a more intensive campaign of enforcement against unregistered landlords, with a number of convictions to-wards the end of 2010. This drive is greatly assisted in 2011 by the rollout of new software to systematically compare the data of the PRTB with the Rent Supplement Records of the Department of Social Protection to identify unregistered landlords. It is unacceptable that landlords who benefit each month from public monies (via their tenants Rent Supplement) would neglect their legal obligations to register.

## Challenging Future

Like many other organisations, both private and public, the PRTB is facing ever more challenging financial times. We are now operating on a self financing basis. We must reduce our staff very significantly over the coming two years, from 70 to 33 in line with the Government Employment Control Framework. Demand for our service is growing exponentially. It is intended to include parts of the Voluntary and Co-operative Sector in

our remit. We are proactively planning for these changes: by re-tendering for all of our major contracts, by investing heavily in ICT to facilitate self-service and automated case management, by shared services initiatives with several other public sector bodies and examining options such as outsourcing, scanning and incentives for doing business on-line. We are committed to minimising the impact on our clients, to the extent that we possibly can, but there will undoubtedly be an impact, particularly on clients who lack computer skills to avail of our E Government services.

## Acknowledgements

I would like to conclude by thanking my fellow Board Members as well as the outgoing Board Members Joan O'Dowd, Cian O Lionain, Ciaran McNamara and Aideen Hayden. Ms Hayden was recently appointed to the Seanad and I wish to congratulate her on this appointment and thank her for her sterling work and for the positive influence she has had on the PRTB in its formative years.

Finally, I would like to thank the Director and staff of the PRTB for their work, their dedication and their commitment during the year.

**Orla Coyne**  
*Chairperson*



## Director's 2010 Executive Summary



The PRTB was established in September 2004. More than six years into our establishment it is important to reflect on the delivery on our remit as set for us in the Residential Tenancies Act 2004.

- ▶ To establish and maintain a register of all private rental residential accommodation
- ▶ To replace the Courts for the vast majority of landlord and tenant Disputes and to provide a “cheap and speedy” dispute resolution service.
- ▶ To conduct research with a view to advising the Minister on the private rental residential sector and to educate stakeholders on their rights / responsibilities.

2010 was a very busy year for the PRTB. The main achievements in the course of the year were:

### Dispute Resolution Services

The PRTB provides Adjudication or Mediation services to all tenants and to registered landlords for an application fee of €25. This fee has not changed since 2004.

In 2010 we received 2230 applications for dispute resolution, a 20% increase on 2009 applications, following on from a 13% increase from the 2008/2009 period. Average case processing time was further improved from 12 months in 2009 to

8 months by the end of 2010, thus more than halving the processing time from 18 months in 2008. Priority category cases took 4-5 months to process, i.e. cases involving allegations of rent arrears where the tenant is over-holding in the rental property, illegal evictions or serious antisocial behaviour.

59% of Dispute cases were from Tenants, 37% from Landlords and 4% from Third Parties. There was a significant increase in the proportion of applications made by landlords during 2010 mainly due to an increase in Rent Arrears complaints. Dispute Cases involving Rent Arrears accounted for 31% of PRTB caseload cases overall in 2010, by comparison to 23% in 2009. Deposit Retention, at 43% remained the most common type of Dispute during 2010.

The outcome of an Adjudication or Mediation can be appealed to a three person Tribunal, where evidence is given under oath and recorded. The number of appeals to Tribunals in 2010 nearly doubled, to 340 cases. Average processing time remained at 2/3 months.

The Disputes and Tribunal teams also worked on the early stages of a new ICT Case Management System, to be rolled out to the public in early 2012. A new panel of Mediators and Adjudicators was recruited via the Public Appointment Service and panel members were appointed and trained in early 2011. I would like to acknowledge the contribution of the outgoing panel to the development of the PRTB and to congratulate and welcome our new panel.

## Registrations

We registered over 100,000 new tenancies in 2010, bringing the total number of registered tenancies to just over 230,000 by year end. The introduction of on-line services in November 2010 means our clients can register and pay in minutes. One third of landlords now use the facilities. The project was a major undertaking for a small organisation.

We also laid the groundwork for a compliance programme for prosecuting unregistering landlords. We successfully prosecuted a number of landlords towards the end of 2010.

New software was rolled out in May 2011. By interrogating databases provided by sister public sector organisations (primarily the Department of Social Protection) this is proving a very effective tool both in identifying unregistered landlords and electronically managing their case files to secure registration compliance and bring prosecutions where necessary. 7,755 first notices and 311 second notices issued to non-compliant Landlords up to the end of August 2011 with a further 2,000 second notices expected to issue by the end of October 2011.

## ICT Strategy

2010 was a very significant year in terms of the rollout of our three year ICT Strategy. As mentioned previously the first public facing elements of the Strategy went live in late 2010, ie on-line registration and credit card payment facilities, followed closely by new registration enforcement software which was unveiled in early 2011. This followed months of development and in house testing, and the installation of hardware and Disaster Recovery facilities. I would like to record my thanks to the registrations and ICT staff involved for their work on the project. Work also

began on further elements of the ICT strategy, including electronic case management and on-line applications for Disputes and Tribunals, scanning, automated “track and trace” post facilities for legal notices, website redesign and the first National Rent Index. The results of all of this behind the scene activity, expertly guided by our ICT Steering Committee, will be unveiled in 2011.

## Awareness and Education

The PRTB is fortunate to have an active stakeholder group with representatives from Threshold, the IPOA, IPAV, the IAVI, SUI, Irish Landlords.com, Home Locators and the Make Room Campaign. Staff handled well over 78,000 telephone calls from our clients in the course of 2010. In addition to targeted advertising in publications which our Stakeholders distribute we undertook media campaigns on RTE and a four page supplement in Metro Herald. We issued 144,000 mail-shots to landlord clients. Though limited by resources, we participated in six nationwide seminars, provided local speakers/information leaflets for smaller events and participated in a number of media interviews. Research included the possible inclusion of parts of the Voluntary and Co-operative Housing Sector under the remit of the PRTB and two PHD scholarships via Trinity and UCD on the experience of non Nationals in the Irish rental market.

## Self - Financing Agency

With the support of our parent Department, the Department of Environment, Community and Local Government (DoECLG), the PRTB moved to an entirely self financing position in 2010 and we are no longer in receipt of Exchequer funding. Registration fees increased for the first time, by €20, and it now costs €90 to register a new tenancy (within a month). PRTB will retain 80% of

the registration fee to fund our activities, with 20% going to fund Local Authority inspections of private residential rental accommodation to ensure compliance with minimum standards regulations.

### Acknowledgements

I would like to record my sincere thanks to the staff of the PRTB for their ongoing dedication, commitment, enthusiasm and flexibility. In particular I'd like to thank my senior management team, Kathryn Ward, Carmel Diskin, Frank Gallagher and Máire O'Mahony. Finally, I'd like to acknowledge the Chairperson, Board Members, Committees and DoECLG officers for all of their work on behalf of the PRTB during the year.

**Anne Marie Caulfield**

*Director*

## PRTB Board Members



Orla Coyne  
*Solicitor (Chairperson)*



Aidan Brennan  
*Civil Servant, Department  
of Environment, Community  
& Local Government*



Gene Feighery  
*Environmentalist*



Vincent P. Martin  
*Barrister-at-Law*



Finian Matthews  
*Retired Civil Servant*



Associate Prof.  
Eoin O'Sullivan  
*in Social Policy,  
Trinity College Dublin*



Thomas J Reilly  
*Property Professional*



John Tiernan  
*Former County Manager*



Conn Murray  
*County Manager*



Joseph Meehan  
*Civil Servant, Department  
of Social Protection*

- ▶ Ciaran McNamara  
*Assistant City Manager, Dublin City Council (retired June 2010)*
- ▶ Joan O'Dowd  
*Civil Servant, Department of Social Protection (retired Jan 2010)*
- ▶ Cian Ó Lionáin  
*Civil Servant, Department of Environment, Community and Local Government (up to Dec 2010)*
- ▶ Senator Aideen Hayden  
*Solicitor (appointed to Senate May 2011)*



## **The Board and its Sub-Structures**

## The Functions of the PRTB

The Private Residential Tenancies Board (PRTB) is a statutory body established under the Residential Tenancies Act 2004 (as amended).

The PRTB's principal functions include:

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

## Board Members

The PRTB is committed to maintaining the highest standards of corporate governance in compliance with the Code of Practice for the Governance of State Bodies. The Board has prepared and adopted Codes of Business Conduct for its Board Members, Director and Staff and for Adjudicators and Mediators.

The Board met on 43 occasions during 2010, to deal with matters relating to both Policy and Disputes. In addition there were 21 meetings of the Board's 6 committees. In 2010, Board members were paid fees under deduction of PAYE tax totalling €313,901, of which €95,786 was in respect of attendances at board meetings (Policy, Disputes & Committees) and €218,115 for work associated with Tribunals. For a breakdown of Tribunal Fees for Board Members and non-Board Members, please see the Tribunals Chapter.

Board members were also paid a total of €11,242.12 for travel and subsistence incurred for attendances at meetings and Tribunals in accordance with the Department of Finance guidelines.

### The fees payable in 2010 for Board related duties were as follows:

ACTIVITY	FEES effective from 1 May 2009 onwards
Board Meetings/Committee Meetings/Training	€196
Board Meetings/Committee Meetings – Chairperson	€217
Dispute Meetings	€348
Dispute Meetings - Chairperson	€543
Tribunals	€387
Tribunals - Chairperson	€603

**Board Members' Attendance and Remuneration 2010**

The attendance of Board Members at meetings and participation in other Board related work throughout 2010 is set out below along with the fees received by them for the period 1 January to 31 December 2010.

BOARD MEMBERS	NUMBER OF MEETINGS ATTENDED IN 2010			Fees received
	Board Policy	Board Disputes	Committees & Training	
Orla Coyne	12	27	17	€20,810.00
Aidan Brennan ***	11	7	6	0
Gene Feighery	11	29	6	€13,468.00
Aideen Hayden	9	26	9	€13,096.00
Ciaran McNamara ***	4	1	5	0
Vincent P. Martin	9	25	4	€10,944.00
Finian Matthews	12	26	6	€13,358.00
Joseph Meehan*** Appt on 1 December	0	0	0	0
Conn Murray*** Appt on 1 December	1	1	0	0
Cian Ó Lionáin ***	10	0	4	0
Associate Prof. Eoin O'Sullivan	9	8	7	€196.00
Thomas J Reilly	11	27	15	€14,926.00
John Tiernan	11	14	6	€8,988.00
<b>Total Number of meetings</b>	<b>12</b>	<b>31</b>		<b>€95,786.00</b>

The above figures are gross and are fully taxable

\*\*\* These board members were not paid fees as they are full-time public servants.

(A fee of €196 was paid to Eoin O'Sullivan for participating at a training seminar.)



## PRTB Committees 2010 Activity & Membership

In accordance with Section 157 of the Residential Tenancies Act 2004, the Board has established a number of committees to assist in the discharge of its responsibilities:

1. **Dispute Resolution Committee**
2. **Education, Awareness and Research Committee**
3. **Audit Committee**
4. **Finance Committee**
5. **Legislative Committee**
6. **Section 189 Committee.**

### 1. Dispute Resolution Committee

Cian Ó Lionáin (Chair)	John Lynch
Aidan Brennan	Vincent P. Martin
Jim Bridgeman	Finian Matthews
Anne Colley	Fintan McNamara
Charles Corcoran	Ciaran McNamara
Orla Coyne	(until June 2010)
Gus Cummins	Mary Morris
Keara Donnelly	Henry Murdoch
Tom Dunne	Liam Nolan
John C. Elliott	Liam O'Donnell
Michael Farry	Assoc. Prof Eoin O'Sullivan
Gene Feighery	Dervla Quinn
Geraldine Feeney	Prof Bairbre Redmond
Paul Good	Thomas J Reilly
Aideen Hayden	Pat Riney
Mary Heaslip	Tony Taaffe
Bill Holohan	John Tiernan
Nesta Kelly	

Section 159 of the Residential Tenancies Act 2004 empowers the Board of the PRTB, following consultation with the Minister, to establish a Dispute Resolution Committee and to delegate functions and appoint members to that

committee. The Dispute Resolution Committee (DRC) of the PRTB is the panel from which the 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. The Tribunal upon completion of a hearing make a determination and notify the Board of the determination, pursuant to Section 108(1) of the Act.

Following this the Board, in accordance with Section 121 of the Act, make a legally binding Determination Order that together with the Tribunal Report issues to the parties concerned. 340 such Tribunals were held during 2010. The Dispute Resolution Committee held its annual meeting in November 2010.

### 2. Education, Awareness and Research Committee

Assoc. Prof Eoin O'Sullivan (Chair)	
Gene Feighery	Orla Coyne
Aideen Hayden	Tom Dunne
Thomas J Reilly	Aine Ryall

The Board established a Research Committee in June 2005. The Research Committee decides what research is necessary for the Board to undertake and, with Board approval, makes arrangements for the carrying out of such research. In 2006 the Centre for Housing Research, now part of the Housing and Sustainable Communities Agency entered into a partnership arrangement with the PRTB and it manages a number of ongoing research projects on behalf of the PRTB.

In March 2009, in recognition of the need to promote greater Public awareness, the Board established an Education and Awareness Committee and following this in April 2009 the Board merged the Education and Awareness Committee with the Research Committee. In total the Education, Awareness and Research Committee met five times in 2010.

The Education, Awareness and Research Committee also hosted a number of meetings with key stakeholders such as the IPOA, IAVI, IPAV, IrishLandlord.com, Homelocators, Threshold, Union of Students in Ireland and Money Advice and Budgeting Service (MABS) during the year. Key issues such as the TMS (Tenancy Management System), online notices of termination, the standard residential lease checklist & suggested amendments to the Residential Tenancies Act 2011 were discussed at these meetings. The meetings have proved to be very productive, and allow the PRTB to communicate efficiently with stakeholders and facilitate the enhancement of relationships between stakeholders and the PRTB.

### 3. Audit Committee

Noel O'Connell (Chair)	Cian Ó Lionáin
Dermot Byrne	Assoc. Prof. Eoin O'Sullivan
Finian Matthews	

The Audit Committee consists of five members, three of whom are Board members and two who are external to the PRTB. The Committee is chaired by a qualified accountant, Mr Noel O'Connell. The Audit Committee met on 4 occasions in 2010.

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 PRTB as the Committee considers necessary or appropriate.

The Committee assists the Board in discharging their individual and collective legal responsibilities principally in the areas of financial reporting and control. In addition, it considers whether processes are in place to manage risks in accordance with organisational guidelines and business plans. An Internal Audit Plan 2010-2012 was agreed and from that plan, Crowleys DFK, Chartered Accountants conducted the following reviews during 2010;

- ▶ Purchasing, Procurement and Payments Audit
- ▶ Travel and Subsistence Payments
- ▶ Tribunals and Enforcement of Dispute Resolution Outcomes.

### 4. Finance Committee

Orla Coyne (Chair)	Thomas J. Reilly
Aidan Brennan	John Tiernan
Ciaran McNamara (until June)	

The function of the Finance Committee is to assist the PRTB in discharging the individual and collective legal responsibilities that arise principally in the areas of financial reporting and control. The Committee considers the Board's finances and policies in detail; reviews budgets and financial reports; advises and makes recommendations to the Board, Director and senior management as appropriate as well as considering the Board's annual accounts. The Committee also exercises such functions, responsibilities and authorities as may be assigned or delegated to it and reports to the Board on all of the above matters.

## 5. Legislative Committee

Orla Coyne	Finian Matthews
Anne Colley	Cian Ó Lionáin
Aideen Hayden	Tom Reilly
Vincent P. Martin	John Tiernan

The Legislative Committee is a subcommittee of the Board established under the provisions of section 157 of the Residential Tenancies Act 2004 and it provides assistance and advice to the Board on the operations of the Residential Tenancies Act. The Committee met 5 times in 2010.

## 6. Section 189 Committee

Orla Coyne	Cian Ó Lionáin
Aideen Hayden	Thomas J Reilly
Finian Matthews	

Section 189 of the Residential Tenancies Act 2004 provides for the Board to apply 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 Board first established a Section 189 Committee in May 2005 and members are re-appointed to the committee on an annual basis as per the Terms of Reference. The Committee meets whenever called upon by the Director on foot of a request received by the Board for an application under section 189 of the Act. 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.

Section 157 of the Residential Tenancies Act 2004, provides that non-board members may be appointed to some of these Committees.

# Tenancy Registration

*231,818 Tenancies on the  
Register of the PRTB at end 2010*

## Registration Activities 2010

Under the Residential Tenancies Act 2004, landlords are required to apply to the Board to register tenancies with the PRTB within one month of their commencement. Landlords of unregistered tenancies 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 the tenancy is registered.

### Tenancy Registration Fees

In 2010 the registration fees were charged at the rate of €70 per tenancy, €300 for multiple applications and a late fee of €140. New Registration Fees, as outlined below, were introduced in January 2011.

#### **If the tenancy commencement date is on or after the 1st January 2011 the Registration Fee is**

- ▶ **€90** per tenancy provided the completed application to register is received by the PRTB within one month from the tenancy commencement date or
- ▶ **€375** for multiple tenancies (composite fee) in the one building being registered at the same time by the one landlord within one month of the commencement date of the first tenancy. 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 that new tenancy does not have to be accompanied by a fee provided it is made within one month of the commencement of that tenancy.

No fee is payable where two 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.

From January 2011 a late fee of **€180** will apply where an application to register a tenancy is received more than one month from the tenancy commencement date. The Residential Tenancies Act 2004 requires that a landlord shall apply to the PRTB to register a tenancy within one month of the commencement of the tenancy. In all circumstances where the application to register is made beyond this one month period, the late fee applies.

#### **If the tenancy commencement date is on or before the 31st December 2010**

A late fee of **€140** applies where an application to register a tenancy is received more than one month from the tenancy commencement date.

### Further Part 4 Tenancy

Registration lasts the length of the tenancy but subject to a maximum of four years. Part 4 of the Residential Tenancies Act 2004 provides that a “Further Part 4” tenancy will commence on the expiry of four years from the commencement of a tenancy. This means that tenancies must be re-registered where they have existed for four years. In 2010, over 35,000 reminder letters were issued to landlords who had registered tenancies with 2006 start dates informing them of their obligations to re-

### Online Registration Services Launched

The PRTB launched its online registration service in November 2010. The service, introduced as part of a new Tenancies Management System (TMS) was developed by a Galway based software firm, Vulcan Solutions and was designed in consultation with our stakeholder groups. Online registration is quick and easy to use and tenancies can now be registered in a matter of minutes at [www.prtb.ie](http://www.prtb.ie). There is a series of frequently asked questions and useful prompts on the website to assist landlords and agents in registering tenancies online with the PRTB. The staff in the PRTB played a very significant role in the development of the system and in the review and implementation of new registration business processes throughout the year.

A publicity campaign promoting online registration was undertaken and included Radio and Newspaper media advertising, four information seminars in Cork and Dublin for landlord stakeholders and a mail shot issued to over 144,000 landlords. By year end the uptake of online registration was 26% which is lower than expected. However, this had increased to 35% by July 2011 and the PRTB will continue to promote and encourage landlords to use this service.

register the Further Part 4 tenancy as appropriate. Reminder letters are no longer issued, as a cost saving measure, and landlords are reminded that it is their responsibility to ensure that their tenancies are renewed as appropriate.

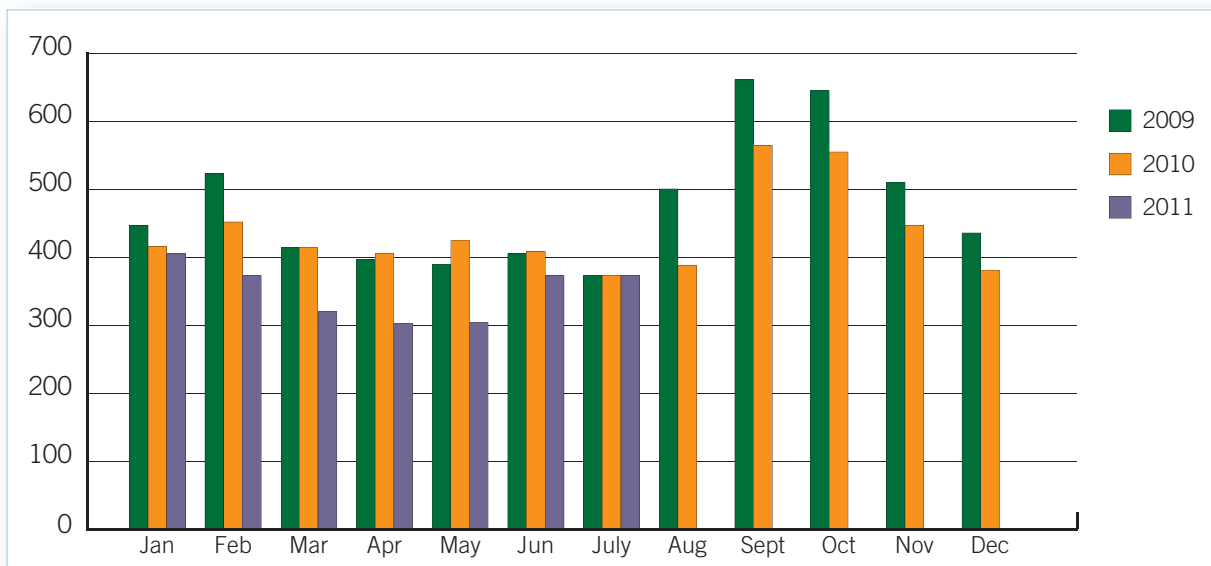
### 2010 Tenancy Registration Statistics

In 2010, the PRTB registered 101,888 new tenancy agreements, which was an increase of almost 6,000 over the previous year.

### Number of tenancies registered each year

DATE	TENANCIES
Sept 2004 to December 2005	85,000
2006	54,000
2007	80,849
2008	85,904
2009	95,969
2010	101,888

### DAILY AVERAGE NUMBER OF APPLICATIONS RECEIVED PER MONTH 2009-2011



The average volume of forms received by the PRTB during 2010 was in the region of 400 per day, with annual peaks in September/October.

The total number of tenancies registered with the Board at the end of 2010 was 231,818 which is

representative of 145,021 landlords and 494,659 tenants. These figures however should be read with some caution as there is no requirement for a landlord to notify the PRTB where a registered tenancy has ceased.

### REGISTRATION STATISTICS AT 31 DECEMBER 2010

Number of tenancies registered	231,818
Number of landlords	145,021
Number of tenants	494,659
Average number of applications received daily	400
Amount of phone calls answered by Registration in 2010	35,048

### Incomplete Tenancy Registration Applications

Due to the large number of incomplete registration applications submitted processing time for postal applications increased significantly by year end.

Landlords are encouraged to register online as this will only take minutes to complete and electronic confirmation of registration will be provided immediately. Landlords and agents who submit postal applications are reminded to take greater care when completing registration forms and ensure that all questions on the registration form are completed in full and the appropriate fee is submitted.

Applications are classed as 'incomplete' when information required under the Act is missing or incorrect e.g. valid PPSN for landlord(s), tenancy commencement date, rent amount etc. A high number of applications are also submitted with incorrect fees.

Part 7 of the Housing (Miscellaneous Provisions) Act 2009 included an amendment to Section 135 (5) of the Residential Tenancies Act 2004. It provides that a landlord has 1 month from the tenancy commencement date to apply to the PRTB to register a tenancy. If the form submitted is incomplete it will be returned by the PRTB and the late fee will apply unless it is resubmitted within the month. The Board adopted a practical approach in relation to this change in legislation until the online system was up and running.

PRTB staff in Registrations Section answered over 35,000 telephone queries in 2010, to assist landlord clients with legal registration obligations and coach them through on-line registration facilities

### Enforcement of Registration Requirement and Action Plan on Non-Compliance

The PRTB actively pursues landlords for non-registration. Failure to register tenancies can result in prosecution with fines of up to €4,000 and/or

six months imprisonment. Staff members follow up on information received from a variety of sources including the Department of Social Protection, Local Authorities & members of the public. The steps being taken by the PRTB are in accordance with the provisions of the Residential Tenancies Act 2004, in particular, sections 144 and 145. To the end of 2010 the Board has served almost 15,000 enforcement notices on landlords. Over 1,900 solicitors' letters were also issued.

### Landlords convicted for failure to register tenancies

The PRTB secured a number of criminal convictions in the District Court against landlords who failed to register their tenancies with the PRTB despite having received a number of statutory notices and warnings requesting them to do so. In each case the court imposed fines and awarded legal costs against the landlords.

The PRTB has intensified enforcement activity against unregistered landlords in 2011. New ICT systems were introduced in early 2011 to facilitate database comparisons with other state agencies and departments to identify unregistered landlords for compliance purposes. The case management software also assists in managing cases being prosecuted.

### Register of Tenancies

The PRTB is required to maintain a register of tenancies in accordance with the Residential Tenancies Act 2004 and to provide and manage an up-to-date database for information, policy-making and statistical purposes. 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 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.

### How to check if a rented property is registered?

To check the published register, log on to the PRTB's website at [www.prtb.ie](http://www.prtb.ie). Go to Published Register and 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 monthly basis. If you are aware of a rented property which is not registered you can report this to the PRTB, in strict confidence, at [Enforcement@prtb.ie](mailto:Enforcement@prtb.ie)

### Joined up Government in PRTB

The PRTB is committed to improved joined up Government and data is exchanged between the PRTB and various external bodies in accordance with the Residential Tenancies Act 2004 (as amended) and other relevant legislation.

**Department of Social Protection:** The PRTB receives quarterly data from the Department of Social Protection in relation to dwellings where the tenants are in receipt of rent supplement. The Board cross checks this information with the tenancy registration database and initiates enforcement proceedings where landlords are not registered. A further phase of the new tenancies management system to support and automate the PRTB's work on enforcement of registration requirements was introduced in May 2011. The software will allow the PRTB to automatically compare the Department's database with the PRTB's tenancy register and systematically identify unregistered landlords whose tenants are in receipt of rent supplement payments.



The Department of Social Protection also receives an extract from the PRTB's register of tenancies and other information on request for the purpose of assisting them with regard to rent reviews and for the purpose of prevention and detection of fraud in social welfare payments.

**Revenue Commissioners:** The PRTB provides the Revenue Commissioners with information from the Register of Tenancies on request. The PRTB also supplied details to Revenue in respect of over 160 individual Revenue requests for information.

**Local Authorities - enforcement of housing standards:** An extract from the Register of Tenancies was supplied to each Local Authority in October 2010 to assist them in their responsibilities with regard to inspections and the enforcement of minimum standards in rented accommodation.

**Local Authorities - Non Principal Private Residence Levy:** The PRTB continued to facilitate the payment of the Non Principal Private Residence levy in 2010.

The PRTB was represented at senior management level on the committee which oversees the scheme. An extract from the Register of Tenancies was supplied to the Local Authorities in April. All data exchange is conducted in accordance with the Local Government (Charges) Act 2009.

**Central Statistics Office:** Information from the Register of Tenancies is supplied to the Central Statistics Office under Section 30 of the Central Statistics Act 1993 for statistical purposes as requested.

## Funding to Local Authorities through Registration Fee Income

In accordance with the provisions of the Residential Tenancies Act 2004, funding is provided to the Local Authorities to meet the cost of inspections of private rented residential accommodation. On foot of specific payment directions made by the Minister for Housing & Local Services three sevenths\* of the registration fee income was allocated to the Local Authorities in 2010. The remainder was retained by the PRTB to defray its own operating costs. The PRTB holds this money in a fiduciary capacity and the amount disbursed to local authorities in 2010 under instruction from the DoECLG was €5,600,000 bringing the total disbursed to Local Authorities by the PRTB to €20,682,515 from 2004 to 2010.

*\*the payment to the Local Authorities was raised to 20% of the registration fee in July 2010*

Further information on Local Authority inspection rates and the new minimum standards in Private Rental Accommodation is available on the DoECLG's website: [www.environ.ie](http://www.environ.ie).

Details of funds recouped to each of the local authorities are also available at the following link:

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,23156,en.xls>

## **PRTB Dispute Resolution**

*20% Increase in applications for  
Dispute Resolution Services in 2010*

## Dispute Resolution Activities 2010

2010 was a challenging year for the Disputes Resolution Service, with an unprecedented 2,230 dispute applications being received, representing an increase of 20% on the 2009 figure. Much of the increase was accounted for by rent arrears

complaints from landlords against tenants. As a result of this, rent arrears related complaints increased from 23% of all PRTB cases in 2009 to 31% during 2010.

	2008 Cases	2008/09 changes	2009 Cases	2009/10 changes	2010 Cases
Applications Received	1,650 cases	+13%	1,859 cases	+20%	2,230 cases
Determination Orders Made	516 DOs	+78%	922 DOs	+61%	1,481 DOs*
Average Case Processing Times from application date to Determination Order date	18 months	6 month decrease	12 months	4 month decrease	8 months at end 2010
Cases awaiting hearing	1,388	47% decrease	730	–	732

**\*Approximately a third of applications are either settled, withdrawn by applicants or deemed withdrawn due to non-response from applicants during the course of the Dispute Resolution process and therefore Determination Orders are not made in those cases.**

Despite a decrease in staff numbers within the dispute resolution section, the average processing time for a dispute was reduced to 8 months, a four month decrease on the 2009 figure of 12 months. There was a 61% increase in the number of Determination Orders made by the Board in comparison to 2009 and the cases awaiting hearing did not increase, in spite of the 20% increase in dispute applications. The reduction in case processing times was achieved as a result of the continued streamlining of processes, and the commitment of the staff within the dispute section to increasing efficiencies.

### Accessing the Dispute Resolution Service

The PRTB Dispute Resolution Service replaces the Courts in relation to the majority of landlord and tenant disputes in the private rented residential sector.

The application form can be found online at [www.prtb.ie](http://www.prtb.ie), or can be posted to the applicant. The fee for dispute resolution is €25.00. The PRTB website also refers parties on to other bodies which can provide landlords and tenants with advice and guidance.

In order for landlords to apply for dispute resolution, they must have registered their tenancy. As outlined in the registration section of this report, online registration has been available to landlords since November 2010, and a landlord can register online in a matter of minutes. If the tenancy has already ended, the landlord can still register the terminated tenancy in order to avail of dispute resolution. Tenants and third parties do not need the tenancy to be registered in order to avail of the service.

Adjudications and Mediations take place in our hearing rooms in the PRTB offices in Dublin, and in various local authority offices throughout the country.

## Methods of Dispute Resolution

Parties involved in a dispute can apply for either Adjudication or Mediation as a means of dispute resolution.

Adjudication is a means of dispute resolution whereby an independent adjudicator is appointed to examine the evidence of the parties. The hearing itself is informal, with the adjudicator enquiring into all matters under dispute. The adjudicator will make a determination which will be issued to the parties after the hearing. If either party is not satisfied with the outcome they have 21 days from the date of service of the Adjudicator's decision in which to appeal to a tenancy Tribunal. An adjudicator may assist the parties in coming to an agreement. Agreements reached at Adjudication are subject to a 21 day "cooling off" period, and cannot be appealed to a tenancy Tribunal after this time; such agreements go forward to the Board for the making of a Determination Order incorporating the terms of the agreement.

A number of deposit retention cases have been resolved by means of Paper Based Adjudication. In this process, the parties are requested to make

written submissions in support of their case and to include relevant evidence e.g. photos or invoices. All submissions are copied to each party and a specific timeframe is outlined in which responses can be submitted in respect of the exchanged material. The papers are then forwarded to an Adjudicator for decision on the matter. The report of this decision is forwarded to the parties and is subject to the same appeal period as adjudication (above).

Alternatively, if both parties agree to mediation, a PRTB mediator will be appointed to assist the parties to resolve the dispute themselves. If the dispute is resolved at mediation, the Board proceeds to make a Determination Order incorporating the terms agreed by the parties. If no agreement is reached, the applicant can request that the matter be referred to a tenancy Tribunal.

An adjudication or mediation decision that is not appealed will become a binding Determination Order of the PRTB in resolution of the dispute. Parties can request enforcement of this order through the Courts, in instances of non compliance. It is the policy of the PRTB to publish Determination Order outcomes of all cases apart from mediation outcomes which are confidential.

## Appointment and Training of Panels of Adjudicators and Mediators

The PRTB appoints independent adjudicators and mediators to resolve tenancy disputes. The 2007 - 2010 panel expired in December 2010. The PRTB would like to thank the outgoing panel members for their work and commitment over the past three years. The PRTB held an open competition, through the Public Appointments Service in November 2010 inviting suitable persons to apply to become members of a new three year panel

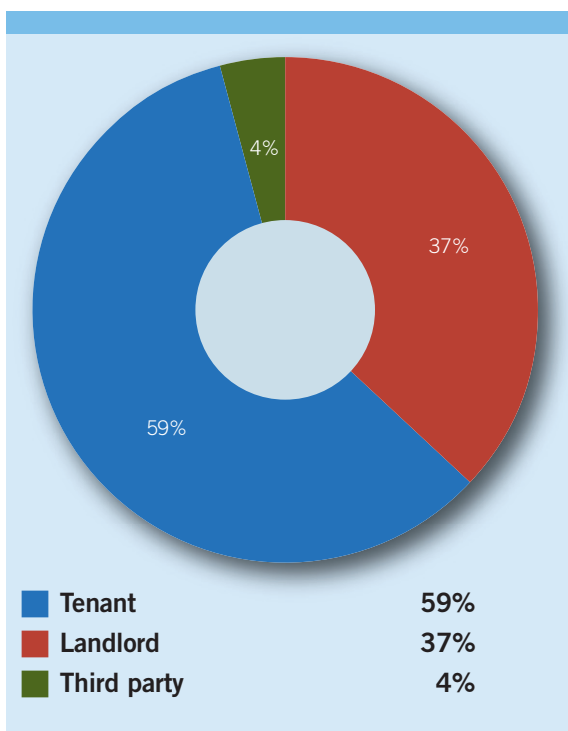
from January 2011. The selection process included an examination on the Residential Tenancies Act 2004, role play and a competitive interview.

Adjudicators and mediators are paid a flat fee of €660 per day and are required to hear a number of cases for that fee. Adjudicators and mediators are also subject to a service level agreement. Members of the 2007 - 2010 panel are listed in Appendix 3 of this report.

### 2010 Dispute Resolution Statistics

During 2010, 2,230 applications for dispute resolution were received by the PRTB. This figure represents a 20% increase in the number of applications received in 2009. On average the PRTB receive 42 applications for dispute resolution per week. Slightly over half of the applications related to cases in the Dublin area (51%), whilst 49% related to the rest of the country.

#### Breakdown of all 2010 cases by Applicant Party

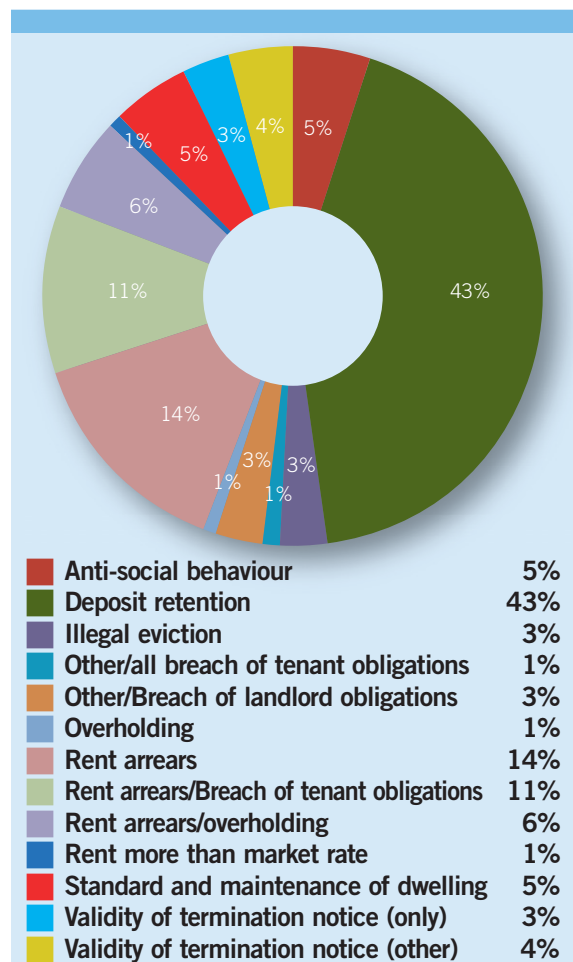


In 2010, 59% of applications for dispute resolution were from tenants, 37% from landlords and 4% from third parties. In comparison with 2009, the proportion of cases referred by landlords has increased from 29% of all dispute applications to 37%, mostly as a result of the rising numbers of disputes involving tenancies in rent arrears. By comparison to 2009 the provision of rent arrears cases referred by landlords has increased from 23% of all dispute applications to 31%.

Despite this increase, Deposit Retention is still the cause of most disputes to the Board, which has consistently been the case since its establishment in 2004.

The next chart summarises the most common categories of dispute cases submitted by landlords, tenants and third parties.

#### Breakdown of all 2010 Cases by Dispute Type

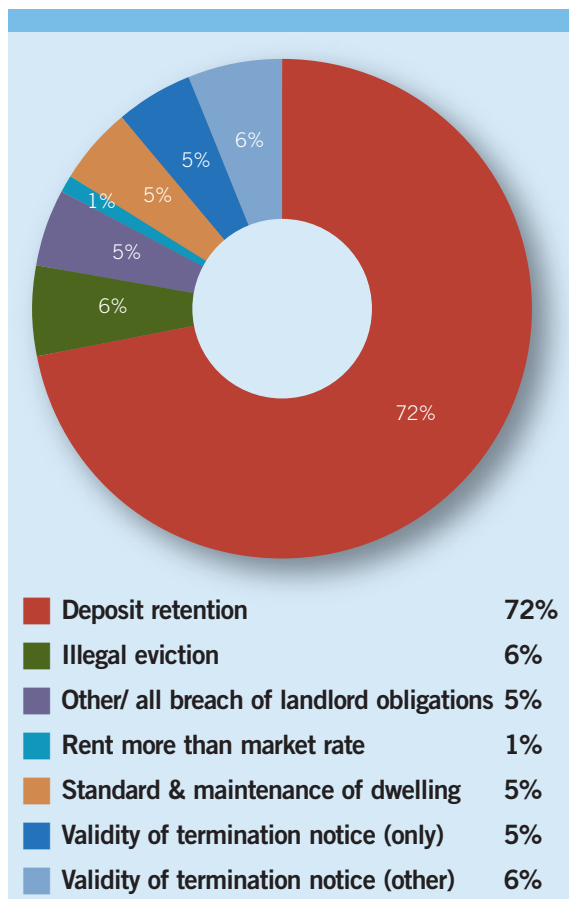


### Tenants' applications for dispute resolution

As outlined in the previous paragraphs, Deposit Retention continues to be the most common reason for a tenant to refer a dispute to the PRTB. This category of case represents 43% of all disputes cases referred to the Board within the year, and 72 % of all cases taken by tenants.

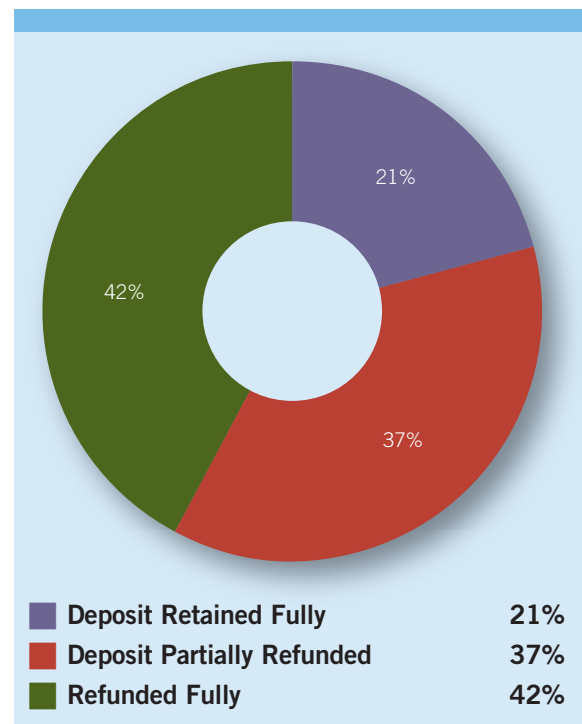
Deposits are the property of the tenant. Tenants are legally entitled to a refund of their deposit once the agreed tenancy period has expired, providing there are no rent arrears or unpaid bills outstanding, and the property is not damaged in excess of normal wear and tear. Adjudicators have discretion under Section 115 of the Residential Tenancies Act 2004 to award damages against landlords who unjustifiably retain deposits.

### Breakdown of all 2010 Cases referred by Tenants



In 42% of all Determination Orders during 2010, the PRTB ordered landlords to refund the full deposit and in an additional 37% of cases to refund part of the deposit. In 21% of cases the PRTB found the landlord was entitled to withhold the deposit.

### 2010 Determinations on Deposit Retention disputes

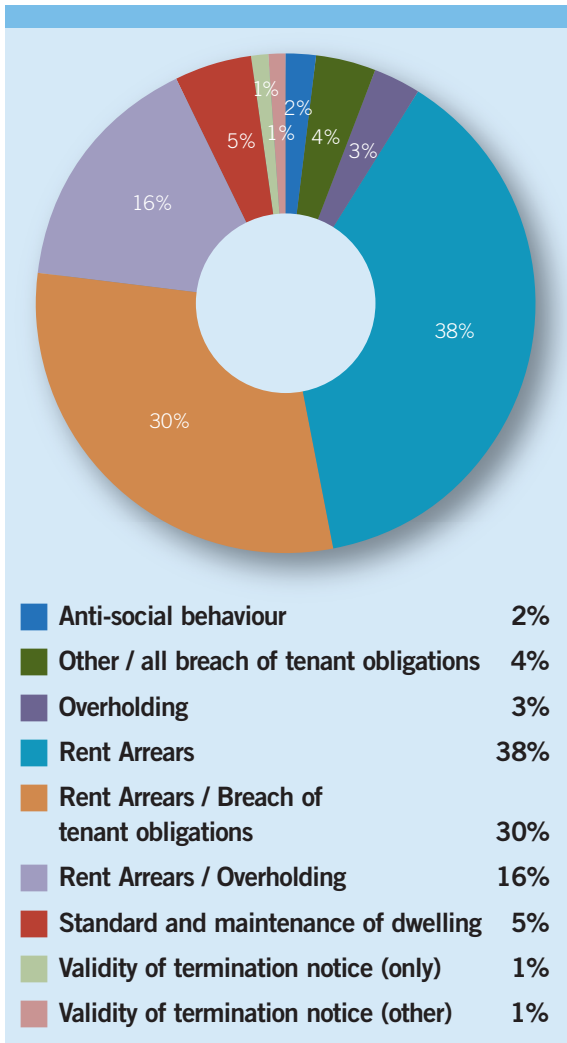


### Landlords' applications for Dispute Resolution

Rent arrears related complaints, once again represented the largest category of cases referred by landlords in 2010. 31% of all disputes referred to the Board in 2010 involved arrears either solely or partially, compared with 23% in 2009.

Tenants are required by law to continue to pay their rent when it falls due, regardless of whether they are in an ongoing dispute with their landlord. A landlord may serve a notice of termination to a tenant who is in arrears of rent. In order to terminate a tenancy in rent arrears, an initial 14

Breakdown of all 2010 Cases referred by Landlords



day letter should be sent to the tenant followed by a valid 28 day notice of termination. It is important for landlords to be aware that if a notice is found to be invalid a PRTB adjudicator can deal with the outstanding rent arrears on the day of the hearing, but cannot terminate the tenancy. The Residential Tenancies Act 2004 specifies the precise format for 14 day rent arrears notices and Notice of Termination and general information can be viewed on the PRTB’s website, [www.prtb.ie](http://www.prtb.ie)

## **PRTB Tenancy Tribunals**

*2010 saw a 93% increase over 2009 in the number of Tribunals convened while still maintaining a two to three month processing time.*



## Tenancy Tribunals 2010

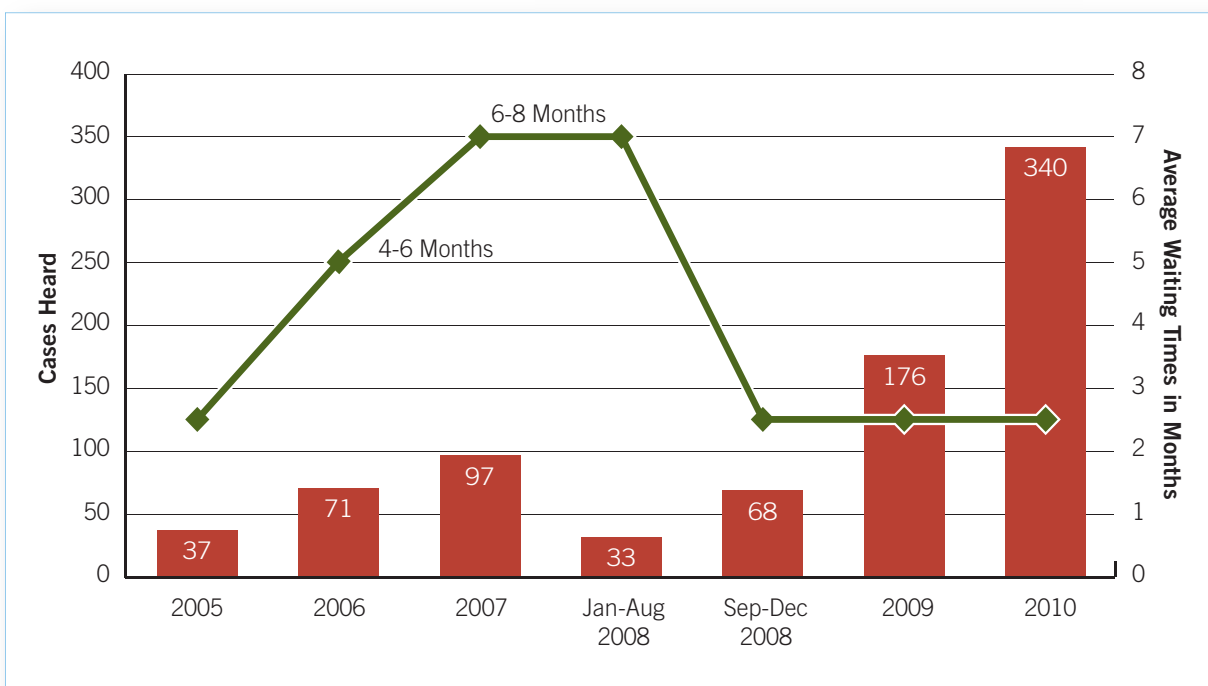
A dispute will be referred to a Tenancy Tribunal (i) if any of the parties appeal the Adjudicator’s decision within 21 days, or (ii) in the event that Mediation is unsuccessful and any of the parties request a referral to a Tenancy Tribunal. In exceptional cases, the PRTB may refer a dispute directly to the Tribunal where there appears to be imminent risk of damage to the dwelling or danger to one of the parties.

Each Tenancy Tribunal consists of three people. All three people are members of the Dispute Resolution Committee of the Board. A Tribunal is a fresh hearing of the facts of the case or, with the consent of both parties, may be limited to a specific issue. Tribunals are more formal than adjudication hearings with the parties required to take an oath or affirmation prior to giving evidence.

A stenographer is also present and the Tenancy Tribunal holds its hearings in public and its functions are quasi-judicial. Tribunal Reports are published on the PRTB’s web site [www.prtb.ie](http://www.prtb.ie)

In 2010, the PRTB dealt with an unprecedented 93% increase in Tribunal hearings from 2009, convening approximately 340 Tenancy Tribunals whilst successfully maintaining the time scale of these hearings at an average of two to three months. It is evident that the number of Appeals to Tenancy Tribunal continues to rise, with 37 Tribunal hearings in 2005 increasing to 340 tribunal hearings in 2010. The average waiting time for Tribunal hearings has been reduced from the 6 - 8 months average waiting time for a hearing in 2007 and the majority of 2008, to an average of 2-3 months in 2009 and 2010.

### 2005-2010 Cases Heard v Average Waiting Times



## Tribunal Members' Attendance and Remuneration 2010

DRC MEMBER	NUMBER OF TRIBUNALS ATTENDED IN 2009		Total Fees Received
	As a Member	As a Chairperson	
Aidan Brennan	12	2	0
James Bridgeman	17	6	€18,720
Anne Colley	26	10	€30,942
Charles Corcoran	28	4	€18,153
Orla Coyne	8	27	€23,427
Gus Cummins	29	7	€22,626
Keara Donnelly	30	6	€24,264
Tom Dunne	19	6	€19,494
John Elliott	22	4	€20,691
Michael Farry	22	6	€15,318
Geraldine Feeney	27	9	€27,927
Paul Good	22	8	€19,575
Aideen Hayden	15	30	€40,518
Mary Heaslip	29	8	€27,837
Bill Holohan	23	3	€14,796
Nesta Kelly	27	7	€25,038
John Lynch	24	5	€19,188
Finian Matthews	13	25	€36,252
Ciaran McNamara	0	0	0
Fintan McNamara	21	13	€26,685
Mary H. Morris	20	5	€17,253
Henry Murdoch	25	11	€20,790
Liam Nolan	22	9	€22,761
Liam O'Donnell	24	0	€12,771
Cian O Lionáin	12	2	0
Assoc. Prof. Eoin O'Sullivan	15	27	€33,759
Dervla Quinn	25	11	€29,439
Prof Bairbre Redmond.	18	10	€17,775
Thomas J. Reilly	8	25	€28,035
Patrick J. Riney	24	3	€16,344
Tony Taaffe	25	11	€26,424
Gene Feighery	19	17	€24,705
John Tiernan	12	11	€11,277
Vincent P Martin	17	12	€20,142
<b>Total</b>	<b>680</b>	<b>340</b>	<b>€712,926</b>

The attendance of Members of the Dispute Resolution Committee at Tribunals throughout 2010 is set out above along with the fees received by them during the period 1 January to 31 December 2010.

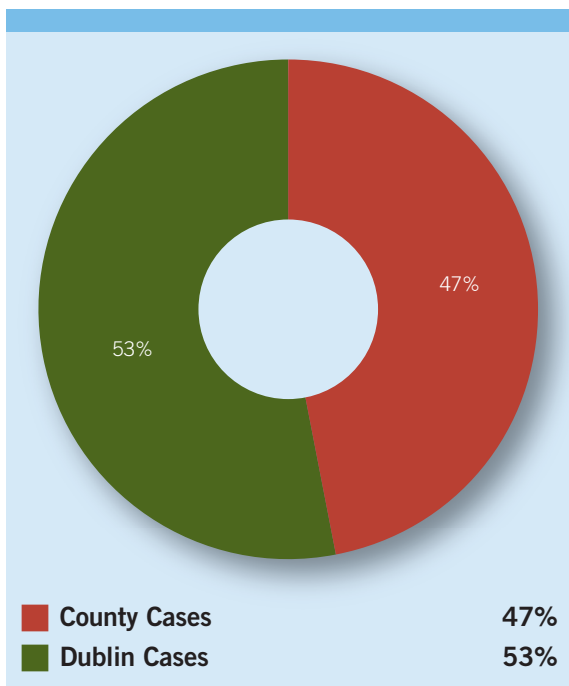
The total fees in the table are the fees actually paid in 2010 under deduction of PAYE. These payments include payments for prior year activities and do not include fees payable at year end. The fees quoted in the 2010 Financial Statements reflect fees payable or paid for work actually carried out in the year.

### Tribunal Statistics 2010

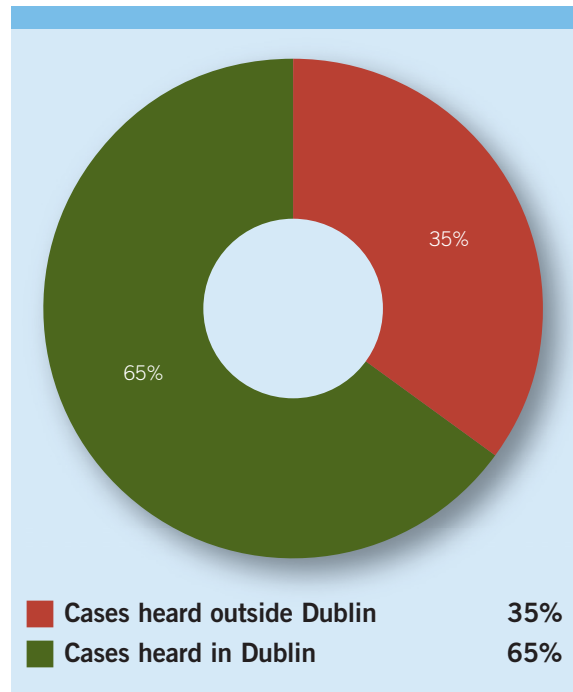
During 2010, 485 appeals to a Tenancy Tribunal were received and considered by the Board, of which 420 appeals were granted and 65 refused. Appeals were refused by the Board as they were either late or failed to submit the fee. There were 340 Tribunals convened in 2010. This represents a 93% increase in Tribunal hearings from 2009 to 2010. 20% of appeals in 2010 were appeals from Paper Based Adjudication cases, 75% from Oral Adjudication cases and 5% were referrals from Mediation. 59 appeals were withdrawn prior to hearing.

53% of Tenancy Tribunals convened in 2010 relate to the Dublin area, while 47% of Tenancy Tribunals relate to the rest of the country. 65% of Tribunals were convened in Dublin with the remaining 35% convened in various locations throughout the remainder of the Country. The Tenancy Tribunals arising in surrounding areas of Dublin including *inter alia* Wicklow, Kildare, Meath, Louth cases were convened in the PRTB offices in Dublin.

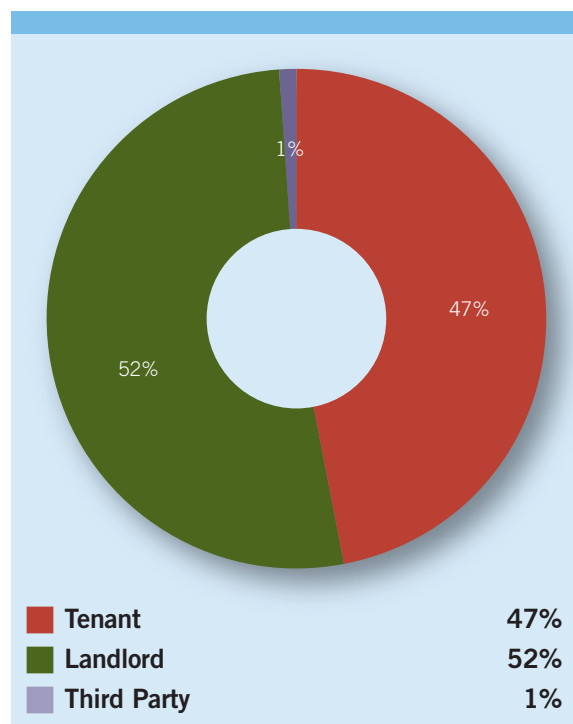
### County v Dublin Cases



### Tribunal Hearings by Venue



### Tribunals: Breakdown of Cases Heard in 2010 by Appellant Party



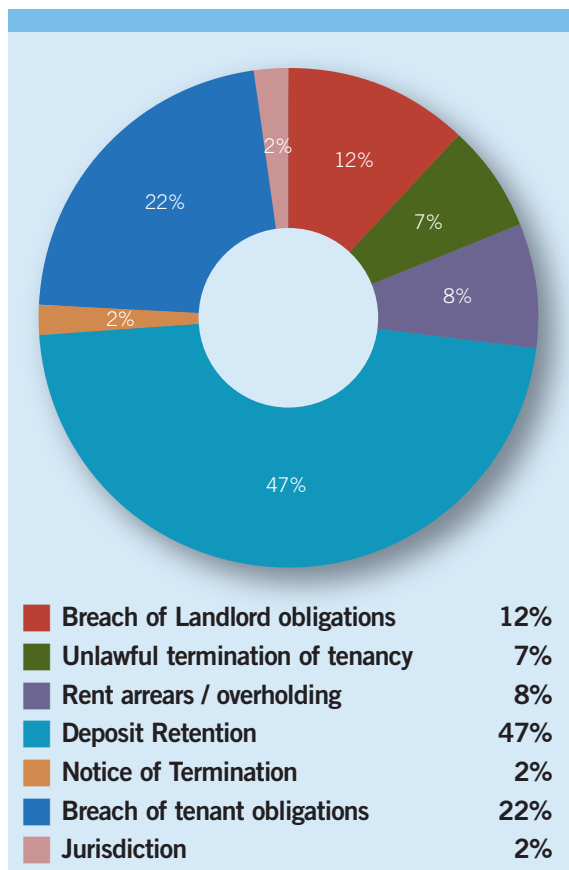
Just over half (52%) of the appeals that went before a Tenancy Tribunal in 2010 were from landlords, 47% by tenants and the remaining 1% by third parties.

### Deposit Retention cases appealed to Tribunal

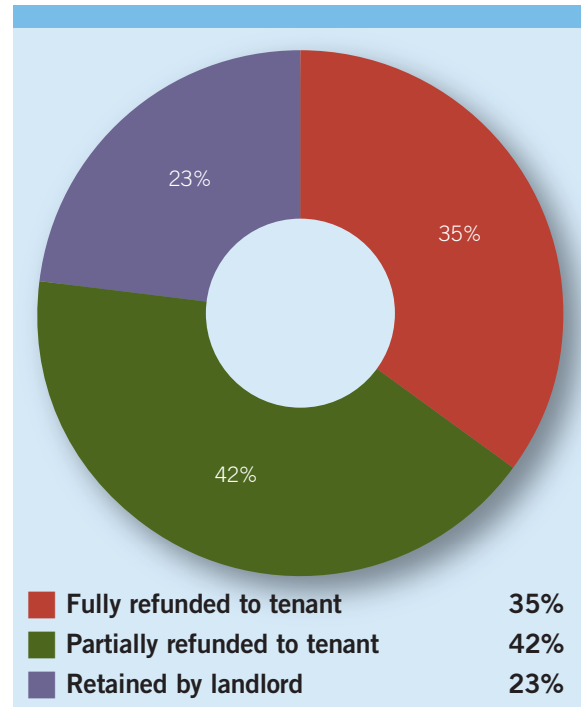
Section 12 of the 2004 Act places an obligation on landlords to return or repay promptly any deposit paid by the tenant to the landlord, save in accordance with the Act.

Deposit retention cases have been the single largest category of appeal before a Tenancy Tribunal, representing 47% of Tribunal hearings in 2010. In 77% of these cases the Tribunal determined that landlords should refund part or all of the deposit to their tenants

### Breakdown of 2010 Tribunal Cases by Dispute Type



### 2010 Tribunal Determination on Deposit Retention Dispute Cases

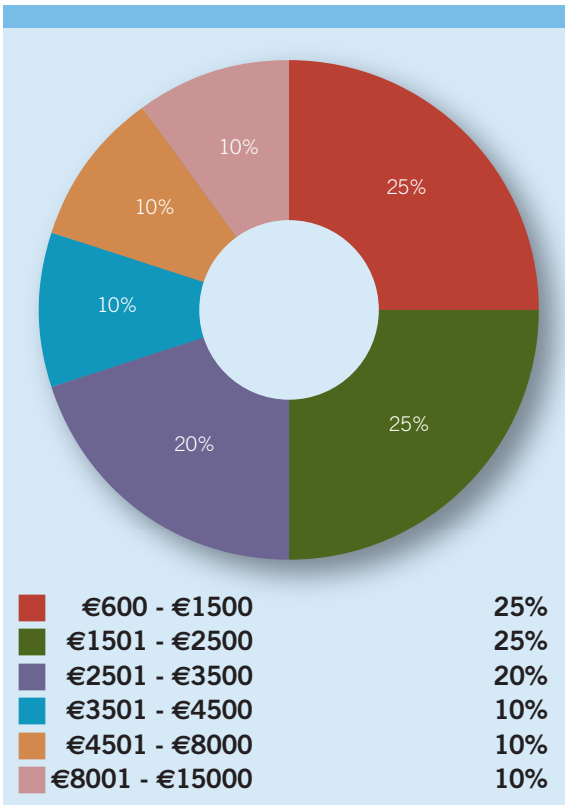


### Illegal Eviction Cases

An unlawful termination of tenancy may occur where a landlord, through force, intimidation or otherwise, prevents a tenant from accessing a rented dwelling and or removes a tenant's belongings from the dwelling, whether or not a valid Notice of Termination had been served in respect of the tenancy. Awards made in favour of tenants, for distress and inconvenience caused as a result of the unlawful termination of the tenancy, have dropped from 11% of illegal eviction cases in 2009 to 7% in 2010. Awards ranged from €600 to €15,000 depending on the nature and circumstances of the unlawful termination.

**Awards of up to €15,000 were made in favour of tenants who were illegally evicted in 2010**

### Breakdown of Awards in 2010 for Unlawful Termination of Tenancy (illegal eviction)



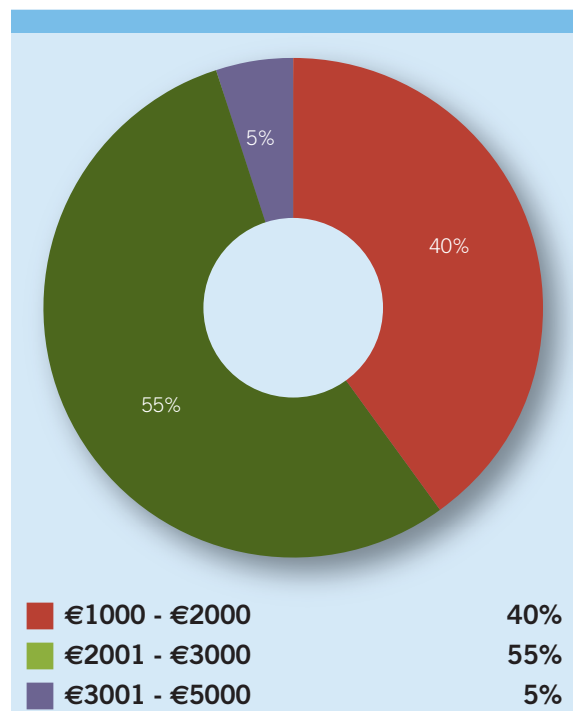
### Costs awarded to the PRTB

The Tribunal has the power, pursuant to Section 115(2) (i) of the 2004 Act, to direct that the whole or part of the costs or expenses incurred by the Tribunal be paid by one or more of the parties. Examples of Tribunals where costs may be awarded include *inter alia* where there is no co-operation by a party to the dispute, or more likely, where the appellant/applicant fails to attend without notice or good cause and has not provided a written submission of his appeal case to the Tribunal. The Tribunal may also deem that the hearing was convened as a result of an abuse of the dispute resolution process. In 6% of the Tenancy Tribunals convened in 2010 costs were awarded to the PRTB as a contribution towards the expenses of the Tribunal. These costs ranged from €1,000 to €5,000 and averaged €2,750. In the

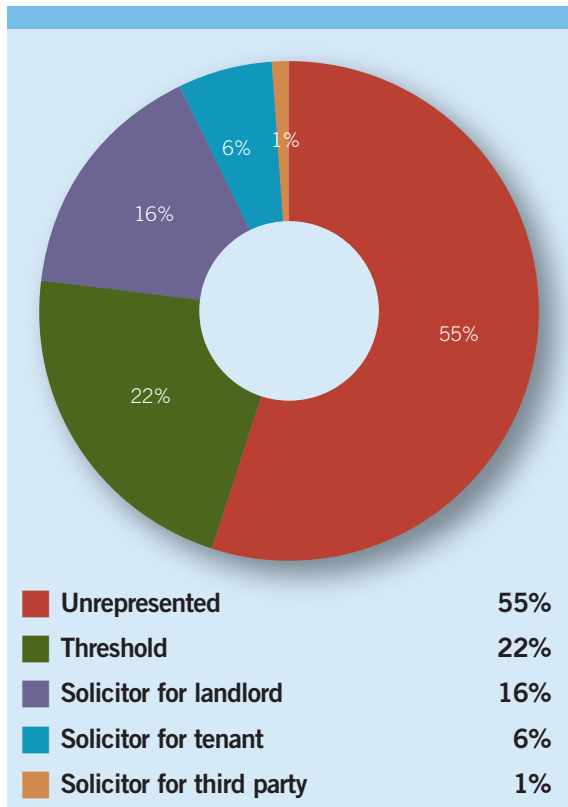
majority of these instances the appellant did not attend the hearing and did not provide good cause for his/her non attendance. However, there have been cases where the appellant, their agent or their representative did attend the hearing, yet costs were awarded to the PRTB. For instance, where an appellant attended the Tenancy Tribunal but had no knowledge of the dispute and presented no new evidence to assist the tribunal in dealing with the appeal application.

In the majority of cases both parties were unrepresented at tribunal hearings. Tenants were represented at Tribunal Hearings in 28% of cases, landlords were represented in 16% of cases and third parties were represented in 1% of cases.

### Costs awarded to the PRTB



### Legal Representatives at Tribunals





## **PRTB Enforcement of Determination Orders**

*A total of 561 new enforcement requests  
were received in 2010*



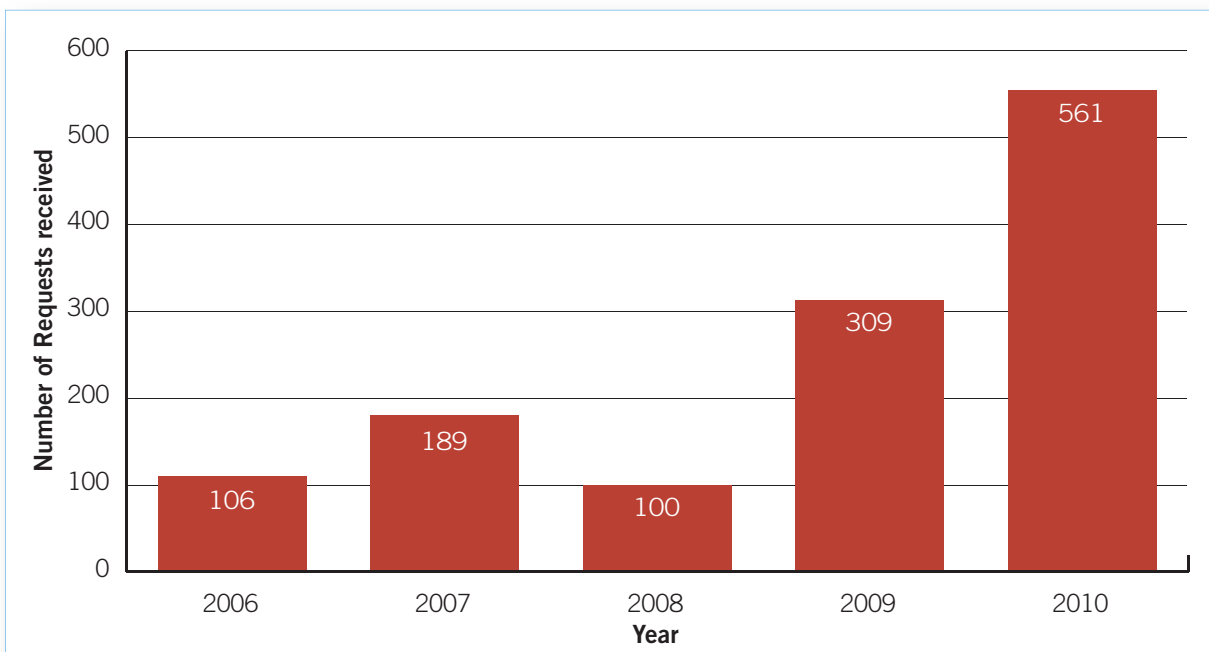
## Enforcement Services 2010

The Residential Tenancies Act 2004 stipulates that failure to comply with a Determination Order (DO) made by the PRTB may be enforced by either criminal prosecution or civil proceedings, or both. There are serious implications for a party who does not comply with a PRTB Order.

Criminal prosecutions can only be initiated by the PRTB, and are brought to the District Court. The penalties for a Criminal Conviction can be severe, comprising a fine of up to €4,000 and/or a period of imprisonment of up to six months, plus a further fine no greater than €500 a day for continuing non-compliance. In addition to the criminal prosecution, where an amount of money is owed by the non-compliant party, it is the policy of the PRTB to seek a Compensation Order up to the maximum limit of the District Court (i.e. almost €6,350).

Civil proceedings, on the other hand, are brought in the Circuit Court. It is open to a party in a case to take civil proceedings. However, many clients request the PRTB to enforce the Determination Orders on their behalf. In this regard, Section 124 of the Act provides that the PRTB or another party (i.e. the party seeking to have the Determination Order enforced) may apply to the Circuit Court for an Order directing the non-compliant party to comply with the PRTB's Determination Order. If the PRTB succeeds in obtaining an Order of the Circuit Court and there is a continuing failure to comply, it is open to the PRTB to apply for an Order for attachment and committal of the non-compliant party. While such matters rest with the discretion of the Court, an application for attachment and committal may result in imprisonment.

### Requests received by year



In either type of legal proceeding it is the PRTB's policy to seek to recover all administrative and legal costs incurred, and in general the Courts have tended to be receptive to costs recovery.

The above information relates to the Board policies in place for the period in question, i.e. 2010. However, enforcement is discretionary as the legislation places no onus on the Board to enforce its Determination Orders, and therefore it is open to the Board to make changes to its policy at any time.

### New Enforcement Requests Received in 2010

A total of 561 new enforcement requests were received in 2010. This total exceeded that for the previous year by 252, an increase of 82% in one year.

This increase is probably due, in part, to the economic downturn. It also reflects the significant increase in cases heard by the PRTB's Dispute and Tribunals Sections.

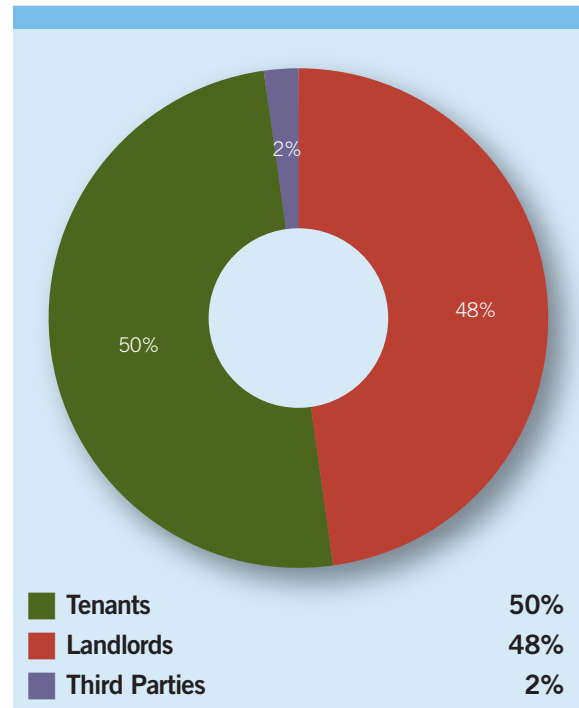
The number of requests received from Tenants (278) marginally exceeds those received from landlords (269) with just 14 requests received from third parties. This is consistent with the trend in previous years.

### New Enforcement requests received in 2010 categorised by Type of Dispute

**A total of 561 requests were received in 2010.**

It is evident from the 269 requests from landlords that the principal problems experienced by them related to rent arrears; 121 requests related to rent arrears, 92 requests

### Parties requesting enforcement 2010



related to rent arrears and breach of tenant obligations, a further 21 cases were in respect of over-holding and breach of tenant obligations with the remaining 35 cases made up of other matters.

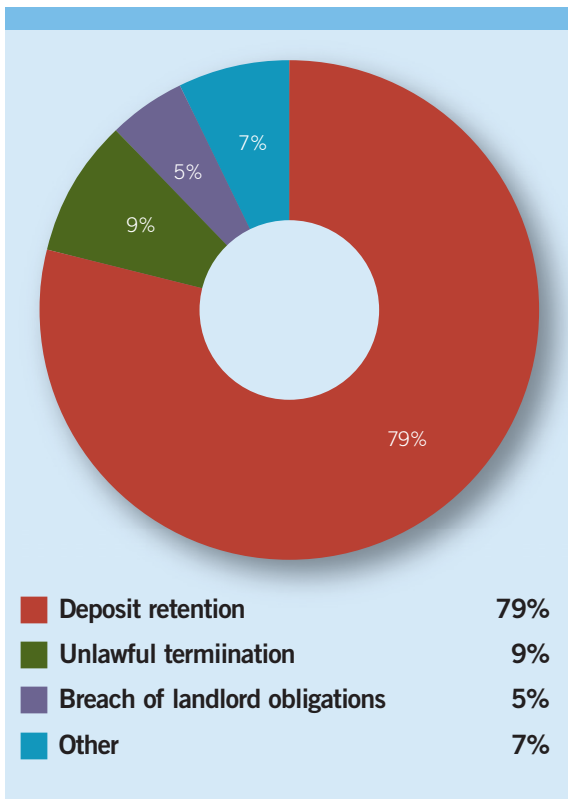
From the 278 requests received from tenants the principal difficulty was deposit retention; 221 requests were received in relation to deposit retention, unlawful termination cited in a further 24 cases and the remaining 33 requests made up of other matters.

14 requests were received from third parties. These in the main relate to Landlords failing to enforce tenant obligations.

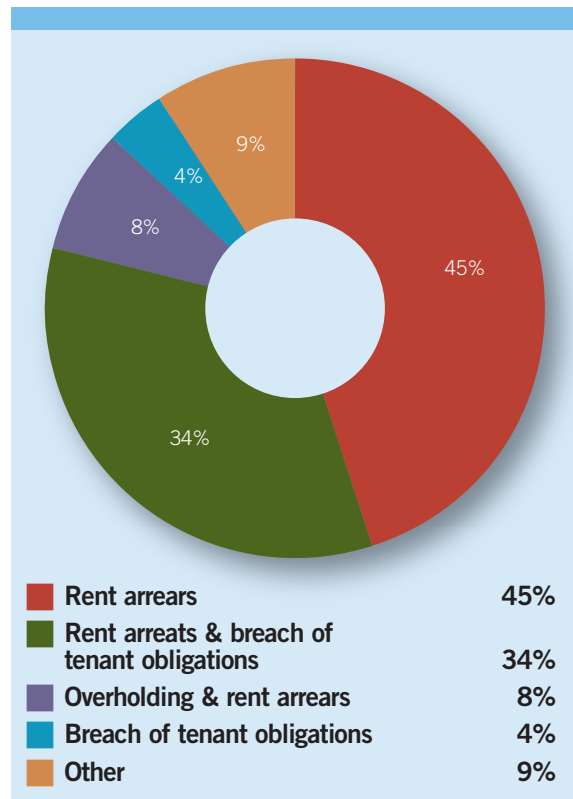
Some 279 of these new referrals proceeded into the legal arena before the end of the year.

Details of the main types of issues referred for Enforcement 2010

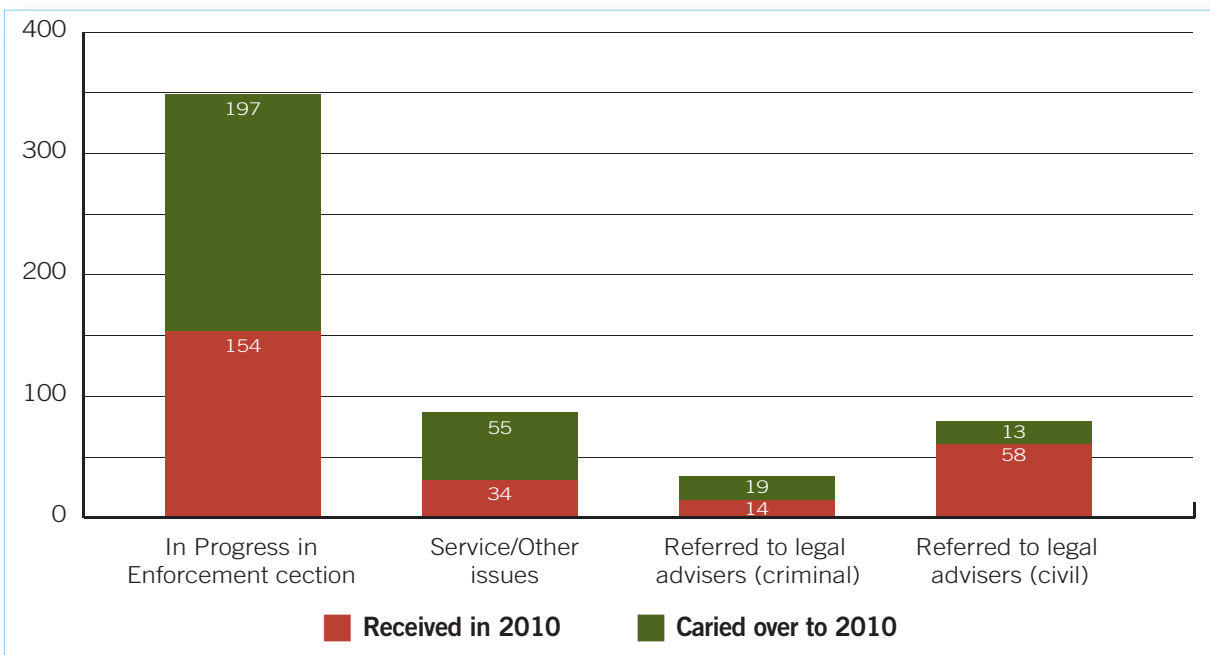
Requests received from tenants



Requests received from landlords



Work in Progress – Status of Cases



### Enforcement Cases carried into 2010 from previous years

In addition to the 561 new enforcement requests received in 2010, the PRTB's Enforcement section also dealt with 197 cases that remained ongoing at the end of 2009.

### Successful Outcomes

Compliance or settlement following initial intervention from the PRTB's Enforcement Unit was achieved without the requirement of legal proceedings in a total of 138 cases in 2010; 111 from 2010 requests with 27 from the outstanding 2009 requests.

### Legal Actions

The PRTB, having unsuccessfully sought compliance through non legal means, referred 76 cases to its legal advisors for either criminal prosecutions or civil proceedings to be commenced for non-compliance with its orders. The PRTB achieved success in sixteen cases heard by the Courts in 2010; in 3 cases criminal convictions were obtained plus fines and costs to the PRTB, in a further 13 civil cases, Court Orders upholding the Boards Orders were obtained in addition to the PRTB costs. Prior to Court hearings settlement and or full compliance plus costs were agreed in a further 10 cases.

### Cost Implications

It should be noted that the Courts, generally, have been amenable to making costs awards in favour of the PRTB. Additionally, in a particular dispute case where late compliance was achieved after legal proceedings were initiated the PRTB continued with its prosecution and were successful in its proceedings.

It is PRTB policy to seek costs where cases are

set for a hearing date and are then settled in advance of the Court Date.

Apart from the penalties set out in the legislation, failure to comply with a Determination Order has far-reaching implications in terms of costs, which can often be significant.



# Information Communication Technology Strategy

## Information Communication Technology Strategy

### An overview

The PRTB's investment in ICT is a key element in our three year Corporate Plan and future strategy. It is intended to leverage ICT to provide self service options to clients and to bring improved efficiencies through automating processes internally, thus minimising to the extent we possibly can, the impact of decreasing staff numbers and the decision to place PRTB on a self financing basis and end direct Exchequer funding. The final phases of the project will cause some disruption to Disputes / Tribunal clients for a number of weeks in the last quarter of 2011 while the system is tested and implemented. When fully rolled out (by end 2011) the strategy will include:

- ▶ Best industry standard Disaster Recovery and Firewalls (Live July 2010)
- ▶ Online registration and online payment facilities (live November 2010)
- ▶ Electronic case management for court cases related to enforcement of registrations (Live May 2011)
- ▶ Automated mining of other public sector databases, eg Rent Supplement database of the Department of Social Protection (Live May 2011)
- ▶ Scanning of all documentation submitted in hard copy and automated reading, where that is possible (OCR/ICR) (Live November 2011)
- ▶ Electronic case management for court cases related to enforcement of Determination Orders (Live November 2011)
- ▶ Online applications for Disputes and Tribunal services (Live November 2011)
- ▶ Electronic file / case management for Disputes and Tribunals, including secure remote portal access for Adjudications/ Mediators/ DRC members (Live November 2011)
- ▶ Project with An Post to electronically "track and trace" all postal items where proof of service is required.
- ▶ Launch of the first National Rent Index (Live December 2011)
- ▶ Website redesign (Live January 2012)

The potential benefits to the PRTB and our clients in terms of improved efficiencies are considerable. As for any other E Government initiative, this is wholly dependent on maximising uptake.

### Launch of the Tenancy Management System

On 8 November 2010, Michael Finneran T.D., Minister for Housing and Local Services, launched the Board's Tenancies Management System (TMS) at an event in the Custom House. The Minister noted the imaginative and coherent way in which the project had been overseen and that it was to the PRTB's benefit that senior ICT professionals from key public sector bodies with proven track records in this area like the National Treasury Management Agency (NTMA), Revenue and the Local Government Management Agency (LGMA) volunteered to

serve on the ICT Steering Committee. The experience, and practical assistance, that has come to the PRTB via this Committee has proved invaluable and continues to be a critical factor in the successful working relationship between the PRTB staff, the IT contractor and external agencies. This project was viewed as something of a flagship project where innovative technical solutions were allied to genuine Public Service inter-agency information-sharing and cooperation. The Minister also noted that online registration is now a reality for the PRTB and in a world where staffing resources are, unfortunately, under huge pressure it is only by making best use of intelligent ICT systems that we can hope to deliver best service to the public.

### Progress in 2010

2010 was a pivotal year for the use of ICT within the PRTB. Following on from the award of the contract to supply a new Tenancies Management System (TMS) to Vulcan Systems, the initial part of 2010 was spent reviewing the business processes within the Registration side of the business and introducing 3 prototypes of the proposed system. This innovative approach, which was tightly integrated with stage payments only for product that was delivered, made for a clear and efficient mechanism to measure whether what was being delivered was that which we had specified in our initial Request for Tender (RFT). The system went live in October 2010, only two months later than initial expectations. The old system, RACTS, is still available for historical reference and has been ported to an environment where it can be maintained. By Christmas 2010 our on-line registration rate was approximately 26% with the remaining 74% still being paper based despite a nationwide advertising campaign. This figure compares favourably with other well-known e-

Gov online initiatives such as Motor Tax and TV Licence but these rates still fall short on what we aspire to.

Cheques received with paper forms are now being lodged at the beginning of the registration cycle via processes facilitated by the scanning of cheques. This has increased productivity and throughput of cheques in the Finance area. The recognition of income from cheques is now only being delayed by incomplete forms.

Tenders were carried out in the first quarter of 2010 to supply 1) Servers and Storage and 2) Network Infrastructure to the PRTB, in order that the equipment could be put in place to host the new TMS system. The Servers and Storage contract was awarded to Calyx (now trading as Unity) and the Network contract to Diacom. Further competitions were held for the supply of Wide Area Network links which was won by Complete Telecom. Hosting facilities for our web servers and Disaster Recovery implementation were provided by the Local Government Computer Management Agency (LGMA) as was a government framework agreement with the ePayments company Realex, to process credit and debit card transactions on-line.

These initiatives lead to the introduction of the latest Microsoft Server, Email systems and Databases, in order to mitigate risk on the introduction of TMS, which is based on the Microsoft CRM (Customer Relationship Management) product suite and the SharePoint series of collaboration tools. Office 2007 was rolled out to the internal PRTB user population in order to further exploit the facilities within CRM. Successful Disaster Recovery (DR) testing was carried out prior to go-live of TMS. Acceptable failover windows are to be defined by the board and delivered within the coming year.



Microsoft CRM implementations in an environment such as the PRTB's is the subject of much interest amongst other government departments and agencies because this type of installation, called an XRM (for eXtended Relationship Management) system, involves the extension of the functionality of the system without the need to write code, thereby reducing the time to market, reducing the development cost and reducing the dependence on bespoke software solutions that are within the bailiwick of the supplying company only.

Connectivity between O'Connell Bridge House and our Disaster Recovery site is facilitated by Wireless (microwave) links and fibre optic thus ensuring maximum speed and reliability of service in an on-line environment which did not exist heretofore. Extensive service level agreements are in place with our service providers with some allowing out of hours coverage to maximise uptime on our systems.

Peer reviews have been facilitated by the National Treasury Management Agency (NTMA) to ensure best practice is being adhered to and project oversight is within the remit of an ICT Steering Group which comprises external representatives from the Revenue, NTMA and LGMA along with senior management from within the PRTB business units.

The Registrations Enforcement part of TMS is scheduled for roll out in early 2011 with Disputes/Tribunals/Disputes Enforcement following later in the year. New security systems will be put in place alongside upgrades to our Disaster Recovery systems to ensure tighter timeframes for failover in an emergency. Further enhancements will be made to our Network Management Systems to allow more proactive interventions before real issues come to pass.

## **Corporate Governance & Administration**

*The PRTB handled 78,222 calls in 2010.*

*Staff received ongoing training to assist them  
in providing accurate information*

## Corporate Governance & Administration Activities 2010

The PRTB operates within its own governing legislation the Residential Tenancies Act 2004, as amended, and also complies with a range of National and EU statutory and administrative requirements. There are procedures in place to ensure compliance with such requirements and throughout 2010 the PRTB worked to develop and monitor its systems of governance. The principal requirements are:

1. Code of Practice for the Governance of State Bodies
2. Ethics in Public Office Act, 1995 and 2001
3. Safety, Health and Welfare at Work Act 2005
4. Employment Equality Acts, 1988 and 2004
5. Official Languages Act 2003
6. Data Protection Acts, 1988 and 2003.

### Ethics in Public Office Acts, 1995 and 2001

The PRTB is a prescribed public body for the purpose of the Ethics in Public Office Act, 1995 and 2001. All Board members and relevant members of staff have been given the appropriate information and advised of their obligations under the ethics legislation.

### Risk Management

Under the provisions of the Code of Practice for the Governance of State Bodies all public sector bodies are obliged to implement a formalised risk management system. During 2010 the Board

conducted a comprehensive review of its risk profile resulting in the development of an updated risk register which identifies the current key risks and mitigating controls adopted by the Board.

### Employment Equality Acts, 1998 and 2004

The PRTB is committed to a policy of equal opportunity and adopts a positive approach to equality in the organisation. The Board is committed to developing a balanced work/life environment for all staff. It currently operates flexible working hours and attendance arrangements.

### Human Resources

The Corporate Services and Finance divisions perform the PRTB's central administrative and support functions. This includes corporate governance support to the Board, human resource management, training and development, financial management and budgeting.

All aspects of PRTB 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, Community and Local Government and the Minister for Finance. 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 personnel that were

recruited directly in 2008, Departmental & Local Authority officials in a combination of formal assignments and through loaned and temporary personnel. In March 2009 the Department of Finance announced the recruitment and promotion moratorium and for this reason there was no further recruitment in the PRTB during 2010.

### Staff Training and Development

One of PRTB's aims identified in the Corporate Plan 2009-11 is to ensure that the organisation has the appropriate human resources in order to deliver on its mandate, which is based on a value-for-money ethos. This is achieved by implementing appropriate systems of training and development, performance management and knowledge management to ensure professionalism at all levels and creating a workplace that continues to foster team working and learning within a customer service ethos.

### Performance Management and Development System

All PRTB staff are involved with and participate in the Performance Management Development System. All staff complete their role profile forms and personal training plans and engage in meetings with their line manager in this regard. The system allows staff and management to co-ordinate individual and team performance with the goals of the organisation, through setting objectives and targets for individuals and teams and monitoring progress in their achievement. The system has contributed greatly to the ever expanding productivity of staff in the PRTB.

### Repayment/Refund of Fees Scheme

The Training and Development Unit launched the Repayment/Refund of Fees Scheme 2010 in June for the academic year 2010-2011 and 10 Applications were received and approved (an increase of 50% on 2009). Staff are assisted in their studies for courses of direct relevance to their duties in the PRTB such as Accountancy (ACCA) and Bachelor of Science in Information Technology.

### 2010 Training Plan

Provision of training in the PRTB is based on the training needs identified by staff in their PMDS personal training plans.

### Training delivered/sourced to date

39 individual courses, seminars and conferences were sourced and funded for staff in 2010. 14 courses were provided externally by Public Affairs Ireland (PAI) and 3 by the Institute of Public Administration (IPA).

In addition 7 presentations/talks were organised for staff on various topics in 2010 including

- ▶ presentations by our legal advisors in 2010 Matheson, Ormsby and Prentice on *An Overview of the RTA 2004, Legal Privilege; Compliance periods & Recent Judgments and Judicial Review of Administrative Decisions, and Statutory Appeals*
- ▶ a presentation by the Employee Assistance Officer on *Dignity in the Workplace*
- ▶ a seminar on *Migrants in the private Rented Sector* by the Centre for Housing Research
- ▶ a *Managing Pressure Seminar* by the Stress Management Institute of Ireland.

Board Members attended 5 courses/presentations including a *Corporate Governance seminar* delivered internally to the Board by UCD and a *Media Skills* course and a *Conference on Good Governance*.

### Customer Service

All staff members receive on-going training on customer service and telephone skills. Information sessions on the relevant sections of the Residential Tenancies Act 2004 and training on internal procedures including one on telephone procedures were also provided to staff in 2010 to assist them in providing an efficient and professional service to the PRTB's customers.

Each day the PRTB receives an average of 373 items of post and an average of 300 telephone calls. In 2010 the PRTB answered over 78,000 telephone calls.

Disputes	22,785
Reception	16,947
Registration	35,048
Tribunal	3,442
<b>Total</b>	<b>78,222</b>

The PRTB accommodates customers who wish to communicate through written Irish and also assists those with a limited knowledge of the English language, including the commissioning of translation of key documents and providing interpreters at hearings.

### Accessibility

The PRTB provides modern and accessible offices and meeting rooms that fully meet with occupational, health and safety standards.

The offices are wheelchair accessible and sign language and other language interpretation is available when sought. For customers outside Dublin, Mediators, Adjudicators and Tribunal members travelled to hearings in numerous different locations to facilitate complainants and respondents.

### Data Protection & Freedom of Information

The PRTB is a registered data controller under the Data Protection Acts. The Board operates in accordance with a formal Data Protection Policy as agreed with the Office of the Data Protection Commissioner. This policy places the Board 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.

The PRTB received several requests under the Data Protection Act in 2010 and all requests were dealt with and copies of information supplied to the requesters where required. The PRTB did not come within the terms of the Freedom of Information Acts, during 2010.

### Procurement and Tenders Sought and Awarded

Competitive tendering is the normal procedure utilised by the PRTB in the procurement process. All tenders issued have had due regard to the value thresholds for the application of procurement rules.

The PRTB confirms compliance with procurement procedures in respect of competitive tendering. This includes adherence to both national guidelines and the relevant EU Directives, which have the force of law in this State.

Any person who wishes to be engaged by the Board as a consultant or adviser may notify the Board in writing and any notification for that purpose shall include particulars of the person's qualifications and experience. The PRTB follows public procurement requirements when seeking tenders or quotations. During 2010, the Board or the Director approved a number of key services as outlined below:

- ▶ PRTB Service & Storage Infrastructure (Virtualisation Platform) -Unity (formerly Calyx) - March 2010
- ▶ Network Infrastructure - Diacom - May 2010
- ▶ Government Network link - Eircom - June 2010
- ▶ Disaster Recovery - Local Government Services Board - June 2010
- ▶ Wide Area Network Links - Complete Telecom - June 2010

### Official Languages Act 2003

The PRTB comes under the remit of the Official Languages Act 2003 which provides a statutory framework for the delivery of services through the Irish Language; progress was made during the year in implementing the Board's scheme under the Official Languages Act.

In accordance with Section 10 of the Act, this Report is published in Irish and English.

### Tax Compliance

The PRTB is compliant with its obligations under taxations laws, and all tax liabilities are paid on or before the relevant due dates.

### Prompt Payment of Accounts Act, 1997

The PRTB complies with the requirements of the Prompt Payment of Accounts Act, 1997. During the year ended 31st December 2010, the PRTB incurred interest on late payments of €2,355. The overall proportion in monetary terms of late payments to total invoiced payments was .05%.



# **Report and Financial Statements**

*for the year ended 31 December 2010*



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# Report of the Comptroller and Auditor General for presentation to the Houses of the Oireachtas

## Private Residential Tenancies Board

I have audited the financial statements of the Private Residential Tenancies Board for the year ended 31 December 2010 under the Residential Tenancies Act 2004. The financial statements, which have been prepared under the accounting and policies set out therein, comprise the Statement of Accounting Policies, the Income and Expenditure Account, the Statement of Total Recognised Gains and Losses, the Balance Sheet, the Cash Flow Statement and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and Generally Accepted Accounting Practice in Ireland.

## Responsibilities of the Board

The Board is responsible for the preparation of the financial statements, for ensuring that they give a true and fair view of the state of the Board's affairs and of its income and expenditure, and for ensuring the regularity of transactions.

## Responsibilities of the Comptroller and Auditor General

My responsibility is to audit the financial statements and report on them in accordance with applicable law.

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operations.

My audit is carried out in accordance with the International Standards on Auditing (UK and Ireland) and in compliance with the Auditing Practices Board's Ethical Standards for Auditors.

## Scope of Audit of the Financial Statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements, sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of

- ▶ whether the accounting policies are appropriate to the Board's circumstances, and have been consistently applied and adequately disclosed
- ▶ the reasonableness of significant accounting estimates made in the preparation of the financial statements, and
- ▶ the overall presentation of the financial statements. I also seek to obtain evidence about the regularity of financial transactions in the course of audit.

In addition, I read all the financial and non-financial information in the Annual Report to identify material inconsistencies with the audited financial statements. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my report.

### Deferred Pension Funding

Without qualifying my opinion, I draw attention to Note 11(c) which sets out the basis on which the Board recognises the deferred pension funding asset.

### Opinion of the Financial Statements

In my opinion, the financial statements, which have been properly prepared in accordance with Generally Accepted Accounting Practice in Ireland, give a true and fair view of the state of the Board's affairs at 31 December 2010 and of its income and expenditure for the year then ended.

In my opinion, proper books of account have been kept by the Board. The financial statements are in agreement with the books of account.

### Matters on which I report by exception

I report by exception if

- ▶ I have not received all the information and explanations I required for my audit, or
- ▶ my audit noted any material instance where moneys have not been applied for the purposes intended or where the transactions did not conform to the authorities governing them, or
- ▶ the information given in the Board's Annual Report for the year for which the financial statements are prepared is not consistent with the financial statements, or
- ▶ the Statement on Internal Financial Control does not reflect the Board's compliance with the Code of Practice for the Governance of State Bodies, or
- ▶ I find there are other material matters relating to the manner in which public business has been conducted.

I have nothing to report in regard of those matters upon which reporting is by exception.

**Andrew Harkness**  
**For and on behalf of the**  
**Comptroller and Auditor General**  
 28 November 2011

## Statement of Responsibilities

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 the Environment, Community 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 the 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 proper books of account 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.

**Anne Marie Caulfield**  
*Director*

**Orla Coyne**  
*Chairperson*

## Statement on Internal Financial Control

### Responsibility for the system of Internal Financial Control

On behalf of the members of the Private 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 Private 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 Private Residential Tenancies Board is based on a framework of 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;
- ▶ clearly 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 2010 and this work will continue in 2011.

### 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 2010.

**Orla Coyne**

*Chairperson*

## Statement of Accounting Policies

The significant accounting policies adopted in these financial statements are as follows:

### 1. General

The general functions of the Board are:

- ▶ the operation of a national registration system for all private residential tenancies that come under the remit of the Residential Tenancies Act, 2004;
- ▶ the operation of a dispute resolution service and;
- ▶ the provision of information, carrying out of research and the provision of policy advice to the Minister regarding the private rented sector;
- ▶ the provision of administrative and secretarial support for the Tribunals (the related costs are included in administrative expenses).

### 2. Basis of Accounting

The financial statements have been prepared under the accruals basis of accounting in accordance with generally accepted accounting principles and under the historic cost convention. The statements are in a form approved by the Minister for the Environment, Community and Local Government. The accounts are stated in euro.

### 3. Income

#### State Funding

State funding represents cash received in the year from the Department of the Environment, Community and Local Government.

#### Registration & Dispute Fees

Fees in respect of registrations and disputes are recognised at the point when an application is received.

#### Other Income

Other income represents interest accruing on exchequer notes held currently with the National Treasury Management Agency and deposits held with other financial institutions, and any legal costs recovered in the year.

### 4. Tangible Fixed Assets

Tangible fixed assets are stated at cost less accumulated depreciation.

Depreciation is provided on a straight line basis at rates which are estimated to write off the cost of the assets over their expected useful lives as follows:-

Leasehold Improvements	5%
Straight Line	
Furniture & fittings	10%
Straight Line	
Office equipment	20%
Straight Line	
Computer equipment	20%
Straight Line	

## 5. 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.

## 6. Capital Account

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

## 7. Staff Pensions

In accordance with section 163 of the Residential Tenancies Act 2004 a draft scheme for the granting of superannuation benefits to staff of the Board has been prepared and submitted to the Minister for approval and this approval is pending.

The Private Residential Tenancies Board operates a defined benefit pension scheme which is funded annually on a pay as you go basis from monies available to it.

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 the Environment, Community and Local Government. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable, and offset 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 Environment, Community 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 Environment, Community and Local Government.



## Income and Expenditure Account

for the year ended 31 December 2010

	Notes	Year Ended 31 December 2010 €	Year Ended 31 December 2009 €
<b>Income</b>			
State Funding	1	6,477	974,415
Deferred Pension Funding	11c	205,000	175,000
Registration Fees	2	8,363,247	8,391,708
Amounts due to Local Authorities	7	(2,591,008)	(3,764,325)
Disputes Fees		65,755	46,847
Other Income	3	252,262	334,016
Transfer (to)/from Capital Account	8	(717,302)	54,773
		<b>5,584,431</b>	<b>6,212,434</b>
<b>Expenditure</b>			
Staff Costs	4a	(3,363,944)	(3,158,359)
Administration Costs	4b	(4,212,027)	(4,034,183)
Depreciation	5	(213,042)	(198,903)
Profit on disposal of fixed asset		246	-
		<b>(7,788,767)</b>	<b>(7,391,445)</b>
(Deficit) / Surplus for the year	9	<b>(2,204,336)</b>	<b>(1,179,011)</b>

The Statement of Accounting Policies and Notes 1 to 17 form part of these Financial Statements.

All income and expenditure for the year ended 31 December 2010 relate to continuing activities.

**Anne Marie Caulfield**  
Director

**Orla Coyne**  
Chairperson

## Statement of Total Recognised Gains & Losses

for the year ended 31 December 2010

Notes	Year Ended 31 December 2010 €	Year Ended 31 December 2009 €
(Deficit) / Surplus for the year	(2,204,336)	(1,179,011)
Experience (loss) / gain on pension scheme Liabilities	65,000	18,000
Changes in assumptions underlying the present value of pension scheme liabilities	–	(43,000)
Actuarial gain/ (loss) recognised	65,000	(25,000)
Adjustment to deferred pension funding	(65,000)	25,000
<b>Total recognised (loss) / gain for the year</b>	<b>(2,204,336)</b>	<b>(1,179,011)</b>

**Anne Marie Caulfield**  
Director

**Orla Coyne**  
Chairperson

## Balance Sheet

as at 31 December 2010

	Notes	31 December 2010 €	31 December 2009 €
<b>Fixed Assets</b>			
Tangible assets	5	2,740,688	2,023,386
<b>Current Assets</b>			
Debtors	6	42,138	62,452
Cash at Bank		8,955,760	14,354,435
		<b>8,997,898</b>	<b>14,416,887</b>
<b>Creditors</b>			
Amounts falling due within one year	7	(7,182,147)	(10,396,800)
Net Current Assets		1,815,751	4,020,087
<b>Total Assets Less Current Liabilities Before Pensions</b>		<b>4,556,439</b>	<b>6,043,473</b>
Deferred pension funding	11	(790,000)	(650,000)
Pension scheme liabilities	11	790,000	650,000
<b>Total Assets Less Current Liabilities</b>		<b>4,556,439</b>	<b>6,043,473</b>
<b>Financed By</b>			
Accumulated (deficit) / surplus	9	1,815,751	4,020,087
Capital Account	8	2,740,688	2,023,386
		<b>4,556,439</b>	<b>6,043,473</b>

The Statement of Accounting Policies and Notes 1 to 17 form part of these Financial Statements.

**Anne Marie Caulfield**  
Director

**Orla Coyne**  
Chairperson

## Cashflow Statement

for the year ended 31 December 2010

	Notes	Year Ended 31 December 2010 €	Year Ended 31 December 2009 €
<b>Reconciliation of operating surplus to net</b>			
<b>Cash inflow from operating activities</b>			
Operating (deficit) / surplus for the year	9	(2,204,336)	(1,179,011)
Depreciation	5	213,042	198,903
Interest Earned	3	(236,720)	(300,554)
Profit on disposal of fixed assets		(246)	-
Transfer (from) / to Capital Account	8	717,302	(54,773)
Decrease/(Increase) in debtors	6	20,314	(15,504)
(Decrease)/Increase in creditors	7	(3,214,653)	368,501
Net cash outflow from operating activities		<b>(4,705,297)</b>	<b>(982,438)</b>
<b>Cashflow Statement</b>			
Net cash (outflow) / inflow from operating activities		(4,705,297)	(982,438)
<b>Returns on Investment and Servicing of Finance</b>			
Interest Received	3	236,720	300,554
<b>Net Capital Expenditure</b>			
Payments to acquire tangible fixed assets	8	(939,175)	(144,130)
Proceeds from disposal of fixed assets	8	9,077	0
<b>(Decrease)/Increase in cash</b>		<b>(5,398,675)</b>	<b>(826,014)</b>
<b>Reconciliation of net cashflow to movement in net funds</b>			
Net funds at 1 January		14,354,435	15,180,449
Net funds at 31 December		8,955,760	14,354,435
<b>(Decrease)/Increase in cash</b>		<b>(5,398,675)</b>	<b>(826,014)</b>

The Statement of Accounting Policies and Notes 1 to 17 form part of these Financial Statements.

**Anne Marie Caulfield**  
Director

**Orla Coyne**  
Chairperson

## Notes

(forming part of the financial statements)

### 1. STATE FUNDING

The PRTB operates on a self financing basis since 1st January 2010. State funding was provided in 2010 through the Office of the Minister for the Environment, Community and Local Government and amounted to €6,477, in respect of disability training and a residual amount from the Rent Tribunal Bank Account when administrative responsibilities transferred to the PRTB.

State funding provided through the Office of the Minister for the Environment, Community and Local Government amounted to €974,415 for the year ended 31st December 2009.

### 2. REGISTRATION FEES INCOME

Fees which were received from landlords as payment for the registration of their tenancies amounted to €8,363,247 (2009 - €8,391,708).

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

To Local Authorities:

- ▶ 3/7ths in the period to 6th July 2010 which amounted to €1,769,780;
- ▶ 20% in the period from 7th July 2010 which amounted to €821,228;

Retained by the PRTB towards its administration costs:

- ▶ 4/7ths in the period to 6th July 2010 which amounted to €2,539,707.
- ▶ 80% in the period from 7th July 2010 which amounted to €3,232,532.

### 3. OTHER INCOME

	31 December 2010	31 December 2009
	€	€
Interest income	236,720	300,554
Legal costs recovered	15,542	33,462
	<b>252,262</b>	<b>334,016</b>

## 4a. STAFF COSTS

	Year Ended 31 December 2010	Year Ended 31 December 2009
	€	€
Seconded & PRTB Staff	1,769,746	1,751,461
Agency Staff	1,118,861	1,147,122
Pension Costs	351,923	144,134
Training of Staff and Office Holders	44,488	35,294
Social Welfare Costs	78,926	80,348
	<b>3,363,944</b>	<b>3,158,359</b>

**Staff numbers:**

The number of staff employed by the Board in the year was 25 (2009: 25). A further 13 staff were seconded to the Board by the Department of the Environment, Community and Local Government (2009: 13), 2 by Dublin City Council (2009: 2), 1 by the Central Statistics Office (2009: 1) and 1 from the Local Government Computer Services Board (2009: 1).

**Pension Levy:**

€38,974 of pension levy has been deducted and paid over to the Department of the Environment, Community and Local Government (2009: €27,908).

## 4b. ADMINISTRATIVE EXPENDITURE

	Year Ended 31 December 2010	Year Ended 31 December 2009
	€	€
Board Members fees	97,481	147,147
Tribunal Members fees	763,587	363,053
Adjudicators and Mediators fees	371,906	449,057
Rent Tribunal (Note*)	14,409	-
Travel & Subsistence	38,165	36,359
Legal & Professional fees	1,047,618	1,335,983
Audit fees	11,609	10,340
Accountancy	81,492	85,254
Stenography costs	250,784	140,751
Meeting Expenses	10,849	9,190
Office Supplies	94,528	78,876
Postage & Distribution costs	260,668	217,839
Printing & Translation costs	229,639	254,931
Telephone expenses	19,587	21,511
Public Information & Education	104,356	3,829
Computer Expenses & Maintenance	175,906	85,136
Establishment costs	509,323	602,354
Cleaning services	23,030	23,158
Research Studies	76,363	140,817
Late Payment in Commercial Transactions	2,355	1,272
Miscellaneous	28,372	27,326
	<b>4,212,027</b>	<b>4,034,183</b>

Note\*: These include the Rent Tribunals Members fees and travel and subsistence expenses.

## 5. TANGIBLE FIXED ASSETS

	Computer Equipment €	Leasehold Improvements €	Furniture & Fittings €	Office Equipment €	Total €
<b>COST</b>					
Opening Balance	529,445	1,746,933	195,203	83,833	2,555,414
Additions	933,453	-	5,722	-	939,175
Disposals	(12,616)	-	-	-	(12,616)
<b>At 31 December 2010</b>	<b>1,450,282</b>	<b>1,746,933</b>	<b>200,925</b>	<b>83,833</b>	<b>3,481,973</b>
<b>DEPRECIATION</b>					
Opening Balance	255,497	168,439	37,534	70,558	532,028
Charge for the year	100,656	87,348	19,827	5,211	213,042
Depreciation on disposals	(3,785)	-	-	-	(3,785)
<b>At 31 December 2010</b>	<b>352,368</b>	<b>255,787</b>	<b>57,361</b>	<b>75,769</b>	<b>741,285</b>
<b>NET BOOK VALUE</b>					
<b>At 31 December 2010</b>	<b>1,097,914</b>	<b>1,491,146</b>	<b>143,564</b>	<b>8,064</b>	<b>2,740,688</b>
At 31 December 2009	273,948	1,578,494	157,669	13,275	2,023,386

## 6. DEBTORS

Amounts falling due within one year	31 December 2010 €	31 December 2009 €
Prepaid expenses	32,140	8,293
Interest receivable	3,486	39,647
Net Wages Control	1,124	1,829
Voluntary Deductions	76	5,621
Sundry Debtors	5,312	7,062
	<b>42,138</b>	<b>62,452</b>



## 7. CREDITORS

Amounts falling due within one year	31 December 2010	31 December 2009
	€	€
Creditors & Accruals	1,622,997	1,022,192
Amounts Due to Local Authorities	5,559,150	9,374,608
	<b>7,182,147</b>	<b>10,396,800</b>

### 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;

	31 December 2010	31 December 2009
	€	€
Opening Balance	9,374,608	9,210,284
Fees allocated to local authorities in the year	2,591,008	3,764,325
Fees disbursed in the year	(6,406,466)	(3,600,001)
<b>Amounts due to local authorities</b>	<b>5,559,150</b>	<b>9,374,608</b>

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 the Environment, Community and Local Government.

## 8. CAPITAL ACCOUNT

	31 December 2010	31 December 2009
	€	€
Opening Balance	2,023,386	2,078,159
<b>Transfer (to) / from Income and Expenditure Account</b>		
Funding to acquire Assets	939,175	144,130
Amortisation in line with asset depreciation	(213,042)	(198,903)
Release of disposal of Fixed Asset	(8,831)	-
	717,302	(54,773)
<b>Closing Balance at 31 December</b>	<b>2,740,688</b>	<b>2,023,386</b>

## 9. ACCUMULATED SURPLUS / (DEFICIT)

	31 December 2010	31 December 2009
	€	€
Opening Balance	4,020,087	5,199,098
(Deficit) / Surplus for the year	( 2,204,336)	(1,179,011)
<b>Closing Balance at 31 December</b>	<b>1,815,751</b>	<b>4,020,087</b>

## 10. ACCOMMODATION

In October 2007 the Private Residential Tenancies Board signed a 20 year leasehold agreement in respect of the second and third floors of O'Connell Bridge House, D'Olier Street, Dublin 2. The lease contains a break clause at the end of year 5. The annual commitment under this lease at year end was €433,476.

## 11. SUPERANNUATION

### a) Analysis of total pension costs charged to Expenditure

	31 December 2010	31 December 2009
	€	€
Current service cost	170,000	150,000
Interest on pension scheme liabilities	35,000	25,000
Employee contributions	(31,476)	(30,866)
	<b>173,524</b>	<b>144,134</b>
Superannuation (Department staff)	178,399	-
	<b>351,923</b>	<b>144,134</b>

**b) Movement in net pension liability during the financial year**

	31 December 2010	31 December 2009
	€	€
Net pension liability at 1 January	(650,000)	(450,000)
Current service cost	(170,000)	(150,000)
Past service costs	-	-
Interest costs	(35,000)	(25,000)
Actuarial gain/ (loss)	65,000	(25,000)
Deficit at end of year	(790,000)	(650,000)

**c) Deferred Funding for Pensions**

In previous years, the PRTB's income consisted of fees and substantial State Funding. The Board recognised an asset in respect of Deferred Pension Funding on the basis of a set of assumptions and a number of past events including the statutory basis for the establishment of the superannuation scheme and the annual funding process by the Department of Environment, Community and Local Government. As the PRTB is no longer dependent on State funding it has commenced discussions with the Department on future funding of pensions. Pending resolution of these discussions, the Board continues to account for Deferred Pensions Funding as heretofore.

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

	2010	2009
	€	€
Funding recoverable in respect of current year pension	205,000	175,000
State Grant applied to pay pensions	-	-
	<b>205,000</b>	<b>175,000</b>

The deferred funding asset for pensions as at 31 December 2010 amounted to €790,000 (2009: €650,000).

**d) History of defined benefit obligations**

	2010	2009
	€	€
Defined Benefit Obligations	790,000	650,000
Experience gains on Scheme Liabilities Amount	65,000	18,000
Percentage of Scheme Liabilities	8%	3%

The cumulative actuarial loss recognised in the Statement of Total Recognised Gains and Losses amounts to €306,000 (2009: €371,000).

### e) General Description of the Scheme

At 31 December 2010 the PRTB employed 42 staff (2009: 42), of which 13 were civil servants on secondment from the Department of the Environment, Community and Local Government, 2 were on secondment from Dublin City Council, 1 on secondment from the Central Statistics Office, 1 on secondment from the Local Government Computer Services Board and 25 were members of staff of the PRTB.

Civil Servants on secondment are covered by Civil Service pension arrangements. The Civil Service Superannuation Schemes are defined benefit schemes which are unfunded and administered by the Department of Finance. There is no charge in the financial statements for any further superannuation liabilities which may arise in respect of these staff.

A defined benefit superannuation scheme applies to the staff of the PRTB and is operated on an administrative basis pending approval by the Minister for the Environment, Community and Local Government. Benefits are financed on a “pay as you go” basis. Staff pension entitlements do not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

The valuation used for FRS 17 disclosures has been based on a full actuarial valuation by a qualified independent actuary to take account of the requirements of FRS 17 in order to assess the scheme liabilities at 31 December 2010.

The financial assumptions used to calculate scheme liabilities were:

	31 December 2010	31 December 2009
Discount rate	5.5%	5.5%
Salary increase assumption	4.0%	4.0%
Pension increase assumption	4.0%	4.0%
Price inflation	2.0%	2.0%

## 12. 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 2010 to be €2,355 (2009: €1,272).

## 13. CONTINGENT LIABILITIES

The Board had 720 dispute resolution cases awaiting hearing at 31 December 2010. 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 2010 is included in the Financial Statements. In addition approximately 190 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.

## 14. CAPITAL COMMITMENTS

The Board has authorised the construction of a new IT system for the processing of online registrations. At 31 December 2010 a number of commitments had been made. The total capital commitments contracted for but not provided for in the accounts were €721,000. There is also a further amount of €284,000 authorised by the Board but not yet contracted for.

## 15. 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.

## 16. DIRECTORS & BOARD MEMBERS REMUNERATION

### Directors' Remuneration

Directors' Salary	€92,222
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The Director is engaged under a secondment arrangement from the Department of Environment, Community and Local Government which pays her salary. The amounts disclosed above were paid to the Department as reimbursement of salary. The Director was not in receipt of any bonuses or benefit in kind in 2010. The Directors' pension entitlement does not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

Board Member	Fees €
Orla Coyne, Chairperson	€20,810
Aidan Brennan	€0
Gene Feighery	€13,468
Aideen Hayden	€13,096
Ciaran McNamara	€0
Vincent P Martin	€10,944
Finian Matthews	€13,358
Joseph Meehan	€0
Conn Murray	€0
Cian O Lionáin	€0
Assoc. Prof. Eoin O'Sullivan	€196
Thomas J Reilly	€14,926
John Tiernan	€8,988
<b>Total</b>	<b>€95,786</b>

The above figures refer to actual payments made to Board Members during 2010. As a result of their nature some of these payments relate to meetings attended in 2009. The figure included in Note 4b for Board Members Fees is calculated on an accruals basis for all meetings attended during 2010, regardless of when the payments were made.

Furthermore, fees have not been paid to Board Members who are also full-time public servants.

Board members were also reimbursed a total of €11,242 for travel and subsistence incurred for attendances at meetings and Tribunals. These were paid in accordance with the Department of Finance guidelines.

## 17. APPROVAL OF FINANCIAL STATEMENTS

The Financial Statements were approved by the Board on 19th October 2011.



## Appendices



## APPENDIX 1

# Case Studies 2010

All Determination Orders are published on [www.prtb.ie](http://www.prtb.ie). These cases reflect the nature and range of PRTB disputes dealt with in 2010.

## Adjudication Case Studies

### Case 1 - Counter-case. Rent Arrears, Breach of Tenant obligations and Alleged Illegal Eviction

#### Background

The landlord lodged an application in relation to rent arrears and breach of tenant obligations. Following receipt of the notification of this dispute, the tenant lodged a counter case for alleged illegal eviction. The landlord claimed that the tenant was in arrears of rent of €3,900 and that to the best of her knowledge the tenant had gone abroad. She gave evidence that out of concern that her property was abandoned, she attempted to gain admittance and found the locks had been changed. The landlord stated that she had the door opened by a security company on 12 February 2010 and found that there was nobody living in the dwelling, but that the tenant's property was still there. The landlord had new locks fitted and placed the tenant's property in storage.

#### Adjudication Hearing

An adjudication hearing was convened & both parties were in attendance. The landlord outlined her position with regard to the rent arrears and stated that she served a number of notices of termination on the tenant regarding arrears. The tenant accepted at the hearing that the arrears were due and owing. The adjudicator examined a

series of emails between the parties regarding the arrears and rent intermittently being paid, and found that the landlord could not make meaningful contact with the tenant.

The adjudicator also found that the landlord was justified in concluding, based on the circumstances, that the tenant had effectively vacated the dwelling.

#### Determination

The adjudicator determined as follows:

The tenancy is deemed to have been terminated by the tenant. The tenant shall pay the total sum of €3,690.00 to the landlord, within seven days of the date of issue of the Determination Order, being rent arrears of €3,900.00, together with €120.00 for lock replacement and €70.00 storage costs, less €400 to the applicant tenant, being the balance of the €600 security deposit having justifiably retained €200.00 in respect of damage in excess of normal wear and tear.

### Case Two - Deposit Retention

#### Background

The applicant tenant lodged an application for alleged overpayment of rent, unjustified deposit retention and alleged invalid notice.

#### Adjudication Hearing

An adjudication hearing was convened. The respondents did not attend, however one of the respondents sent a submission to be taken into consideration at the hearing. The adjudicator found that the person named on the application

as respondent, had held herself out to be the landlord, but was an agent for the landlord. The respondents sought to justify their retention of the deposit by claiming that the tenancy was ended by mutual agreement. The respondent claimed that the tenant was in arrears of rent. The adjudicator took into account the respondent's failure to serve a valid 14 day notice of rent arrears followed by a valid notice of termination, and also found that the tenant was not in arrears as she had paid rent in advance. The adjudicator also found that there was a breach of landlord obligations as the dwelling was below the minimum standard required.

#### **Determination**

The Respondent Landlords shall pay the Applicant Tenant the total sum of €1,200.00 within 7 days of the date of issue of the Determination Order by the PRTB. This amount comprises the entire of the unjustifiably retained deposit of €600.00 together with damages of €600.00 for retaining the deposit.

### **Case Three - Alleged breach of Landlord obligations to enforce tenant obligations and anti social behaviour of Tenant**

#### **Background**

The applicant sought dispute resolution as a third party affected by alleged noise pollution emanating from the rented dwelling adjoining his property and alleged anti social behaviour of the tenant.

#### **Adjudication Hearing**

A hearing was convened. Both the respondent landlord of the rented dwelling and the applicant third party were in attendance. The tenant was also present. Although not a party to the dispute, tenants are entitled to receive all documentation and attend any hearing in respect of anti social behaviour cases in order to defend their good name and any allegations made against them. The

applicant third party gave evidence of a number of incidences of interrupted sleep and loud music into the night, during which he contacted the Gardaí. The respondent landlord gave evidence that she contacted the tenant after one incident and informed the tenant of the complaints. The landlord also gave evidence that no other neighbours had any difficulty with the tenant and provided a written statement from the neighbour on the opposite side of the rented dwelling that she had no issues with the tenant. The landlord also produced a letter from the Gardaí confirming that on their call to the property the tenants were cooperative and listened to the concerns regarding excessive noise. The tenant also gave evidence disputing the allegations of the third party.

#### **Determination**

The applicant third party's application regarding breach of landlord obligations for failure to enforce the obligations of the tenant in respect of anti-social behaviour and noise pollution by the tenant was not upheld.

In the adjudicator's Summary of Reasons he stated that "an allegation of anti-social behaviour has serious implications for the character, person and good name of a citizen as well as their accommodation, and where it is alleged, a heavy burden of proof rests on the person making the allegation".

## Tenancy Tribunal Case Studies

### *TR162/DR848/2010. No evidence produced showing that security deposit was paid.*

#### **Background:**

The tenant lodged an application for dispute resolution services to the PRTB in relation to deposit retention. The matter was referred to an oral adjudication, in which the Adjudicator determined that the landlord pay to the tenant the sum of €505.00, being part of the security deposit of €600.00 unjustifiably retained, less the sum of €95 for damage to a washing machine, which the respondent tenant accepted that he caused. Subsequently a notice of appeal to Tribunal was received from the landlord.

### Submissions of the Parties

#### **Appellant Landlord's Case:**

The Appellant Landlord gave evidence that he had never met or had any dealings with the Respondent Tenant. He added that he was not sure if he was ever a tenant in his dwelling. The Appellant Landlord stated that if he believed that the Respondent Tenant was a tenant of the said dwelling, and that he did actually pay a security deposit, he would have no difficulty returning the deposit to him. However, he stated that he has no proof at all that this is the case; for example, he has no receipt for payment of the deposit. He conjectured that because he remains unaware of the circumstances of the deposit payment as alleged by the Respondent Tenant, for all he knows, the Respondent Tenant may have paid the said deposit (if at all) to another tenant who retained same.

#### **Respondent Tenant's Case:**

The representative for the Respondent Tenant outlined to the Tribunal how the Respondent

Tenant paid the deposit by way of electronic payment transfer from the Tenant's account to the bank account of an existing tenant of the dwelling.

There was no documentary evidence confirming receipt of the deposit paid to the existing tenant or to the Appellant Landlord's agent as alleged.

#### **Determination:**

On the basis of the evidence presented to it, and on the balance of probabilities, the Tribunal finds the Respondent Tenant's claim for the return, of what he alleged was an unjustifiably retained part of his security deposit, is not upheld.

### *TR323 /DR11/2010 Unlawful Termination of Tenancy*

#### **Background:**

The Tenant made an application to the PRTB alleging unlawful termination of tenancy. The matter was referred to an Adjudicator, who determined that the Landlord should pay a net amount of €4,790 to the Tenant, being €10,000 damages for breach of Landlord's obligations and attempted illegal eviction, plus the €300 security deposit and €490 for plumbing expenses incurred by the Tenant, less €6,000 for arrears of rent. Subsequently an appeal was received from the Tenant.

### Submissions of the Parties:

#### **Appellant Tenant's Case:**

The Appellant Tenant stated that he commenced the tenancy of the 6 bedroom dwelling in August 2007 and that for almost 2 years there was a good relationship between the Tenant and the Landlord. The rent was €1,000 per month paid in advance and Appellant Tenant paid the Respondent

Landlord a security deposit in the sum of £300 sterling. In June 2009 the Appellant Tenant and his family decided to take a holiday for the period of July and August 2009 and he advised the Respondent Landlord and her husband of this. He said he paid July's rent in advance and upon return intended to pay rent for the month of August. He stated that his belongings were left in the dwelling during the holiday period.

On returning for a day during his holiday in mid-August, the Appellant Tenant found that the house was in the course of re-decoration on the part of the Respondent Landlord. Carpets were rolled up, curtains were taken down and furniture was stacked against the walls. Items of his own and his family's personal property were interfered with and stored in plastic bags and boxes.

When he approached the Respondent Landlord's husband, he stated that he was told that the Landlord was under the impression that the holiday was for one month only and when he had not been seen and had not paid the rent they considered that he had moved out. He sought some time from the Landlord to enable him to find alternative accommodation for himself and his family.

Beginning around the time of his return on 15th August, and particularly from mid September, he experienced serious problems with the water supply to the dwelling. He gave evidence that the landlord sent a note and advised the Appellant Tenant that: 'Rental of House does not include water charges, this is not our problem, contact Water Board to fix your water'.

He engaged and paid for the services of expert engineering and plumbing advisors but without permission for access to part of the supply system in the control of the Respondent Landlord the problem was not diagnosed or remedied. The family was without a water supply and proper

central heating at the dwelling from mid-August 2009 to the end of February 2010. He graphically described the difficulties he, his wife and children experienced in drawing water to the house from a tap in a neighbours yard particularly during the cold and icy conditions of December, January and February of the 2009/2010 winter. This presented significant hardship and stress on his family. During this period the Appellant and his wife continued to seek alternative accommodation but had difficulties partly due to the need to secure a dwelling with sufficient space for themselves and their 6 children.

Evidence was produced to show that in December 2009 the Respondent Landlord notified the Appellant Tenant that the rent was being increased to €2,000 per month.

The Appellant Tenant stated that he was appealing the adjudicator's determination mainly on the grounds that he did not believe the award reflected adequately the hardship and stress he and his family were subjected to due both to the actions and the failures on the part of the Respondent Landlord.

#### **Respondent Landlords Case:**

There was no appearance by the Respondent Landlord; however, she stated in written evidence that she was told the Appellant Tenant and his family would be away on holiday for 1 month only. The Respondent Landlord stated that she was shocked at the condition of the house when she entered the dwelling in early July. There were flies and maggots and unclean dishes in the kitchen, taps were left on and there were a number of filled recycling bags in the utility room. There was a burn on the carpet in the bedroom.

It was stated in her evidence that she left a list of items for repair and maintenance for the Appellant Tenant as well as a notice to quit. When she entered the house on 10th August and found that the Tenants had not returned she assumed they

may have moved away. She commenced to prepare the house for painting and refurbishment.

**Determination:**

The Tribunal determined that the Respondent Landlord shall pay the total net sum of €12,239.67. This sum is comprised of €15,000 damages for the unlawful termination of the tenancy and the unlawful breach of Landlord's statutory obligations as to the condition of the dwelling, plus reimbursement of €2,885.90 being the cost of engineering advice and plumbing costs, having allowed for the return of the unjustifiably retained security deposit of €353.77 (the equivalent of £300 sterling), and having deducted €6,000 for rent arrears.

**TR355 /DR230/2010 *Damage to the Dwelling in excess of normal wear and tear***

**Background:**

The Tenant made an application to the PRTB. The matter was referred to an Adjudicator who determined that the Landlord must pay the Tenant the sum of €2,100, being the retained security deposit. Subsequently a valid appeal was received from the Landlord.

**Submissions of the Parties**

**Appellant Landlords Case:**

The Appellant Landlord stated that the Dwelling was a relatively new house in 'showroom' condition at the commencement of the tenancy. The monthly rent was €2,100 and the security deposit was €2,100. He had engaged Estate Agents to let the property.

The Appellant Landlord stated that he was shocked at the condition of the dwelling when he inspected it immediately following termination of the tenancy by the Respondent Tenant. He submitted

photographs to demonstrate the condition of the property at the time of this inspection. These photographs showed a number of different scribbles on walls fittings and items of furniture. These, he said, were in every room of the house. They were made with a variety of crayon, biro and marker. Following cleaning he still had to use a proprietary paint product to cover up the marks because the biro marks kept showing through the coats of paint. The Appellant stated he was claiming a total amount of €8,625.68 for damage beyond normal wear and tear. The Appellant Landlord stated that the 5 leather upholstered kitchen chairs that were extensively marked with biro could not be repaired at an economic cost and he had to replace them with new ones. The Appellant Landlord gave evidence that the leather couch in the property had been damaged and the leather was split through. The Respondent Tenant's attempt to repair the leather couch was not successful. He stated that the couch replacement had cost €2,280, although there was ambiguity in regard to the invoices presented.

The Appellant Landlord conceded that an inventory list was not provided to the Respondent Tenant. He thought his agent would do this but could not produce any evidence to show same had been done. He also conceded that he had not carried out regular inspections of the dwelling during the tenancy.

The Appellant landlord stated that, despite the provision of the tenancy agreement, he himself had been paying the monthly Sky rental all along. Whilst he did consent to the work on the satellite dish, he did not agree at any stage that he would take responsibility for the cost of that work, which was instigated by the Respondent Tenant when he wanted to upgrade to HD.

**Respondent Tenant's Case:**

The Respondent Tenant stated that he considered any damage caused to the property to be normal

wear and tear, particularly in light of the fact that the dwelling was let to a family with young children. He stated that the graffiti on the walls was not as widespread as to warrant the repainting of the entire house as claimed by the Appellant Landlord. Not all walls in the house had been marked, the photographs were close-ups and should have included some broader angle shots to show the small areas concerned. In his view ad hoc touch - up type painting work to small areas would restore the walls to their original condition. He also considered that much of the crayon and marker damage could be removed merely by wiping. He himself had removed some of the crayon marks successfully. He had attempted to remove the biro marks but this was not successful.

He accepted that the damage to the 5 kitchen chairs was of a nature such that it was uneconomical to repair them, but considered that, as they were almost 3 years old at the end of the tenancy, any replacement value should be on the basis of their condition at that stage rather than a new set. He also accepted that the leather couch was damaged but that he had spent €150 on its repair.

The Respondent Tenant gave evidence that on the day on which he was carrying out cleaning at the termination of the tenancy the Landlord rang to state that he wished to show the property to a prospective new tenant.

This resulted in his having to rush the job and some matters were not attended to. However it was his contention that these were matters that could be dealt with by minimal cleaning on the part of the Appellant Landlord.

The Respondent Tenant gave evidence relating to the satellite reception at the dwelling being very poor or non-existent. When he sought to upgrade the system to HD he rang the Appellant Landlord

and asked him to speak to the technician with regard to re-adjustment of the dish on the chimney. He believed that conversation and the contents of subsequent text contact showed that the Appellant Landlord accepted that the cost of the work would be borne by the Appellant Landlord. This amounted to €155 (subsequently referred to in written submissions as €150).

The Respondent Tenant gave evidence of not having received an inventory of the items in the dwelling despite seeking same. He also refuted that he had caused damage to the decking as alleged by the Appellant Landlord, and suggested that the damage referred to was there on commencement of the tenancy. He cited a number of matters that were not attended to promptly by the Appellant Landlord including repair to a blocked toilet, repair to a clothes dryer and the outlet from the main bathroom wash hand basin. He referred to a mouse infestation that had occurred during the tenancy.

#### **Determination:**

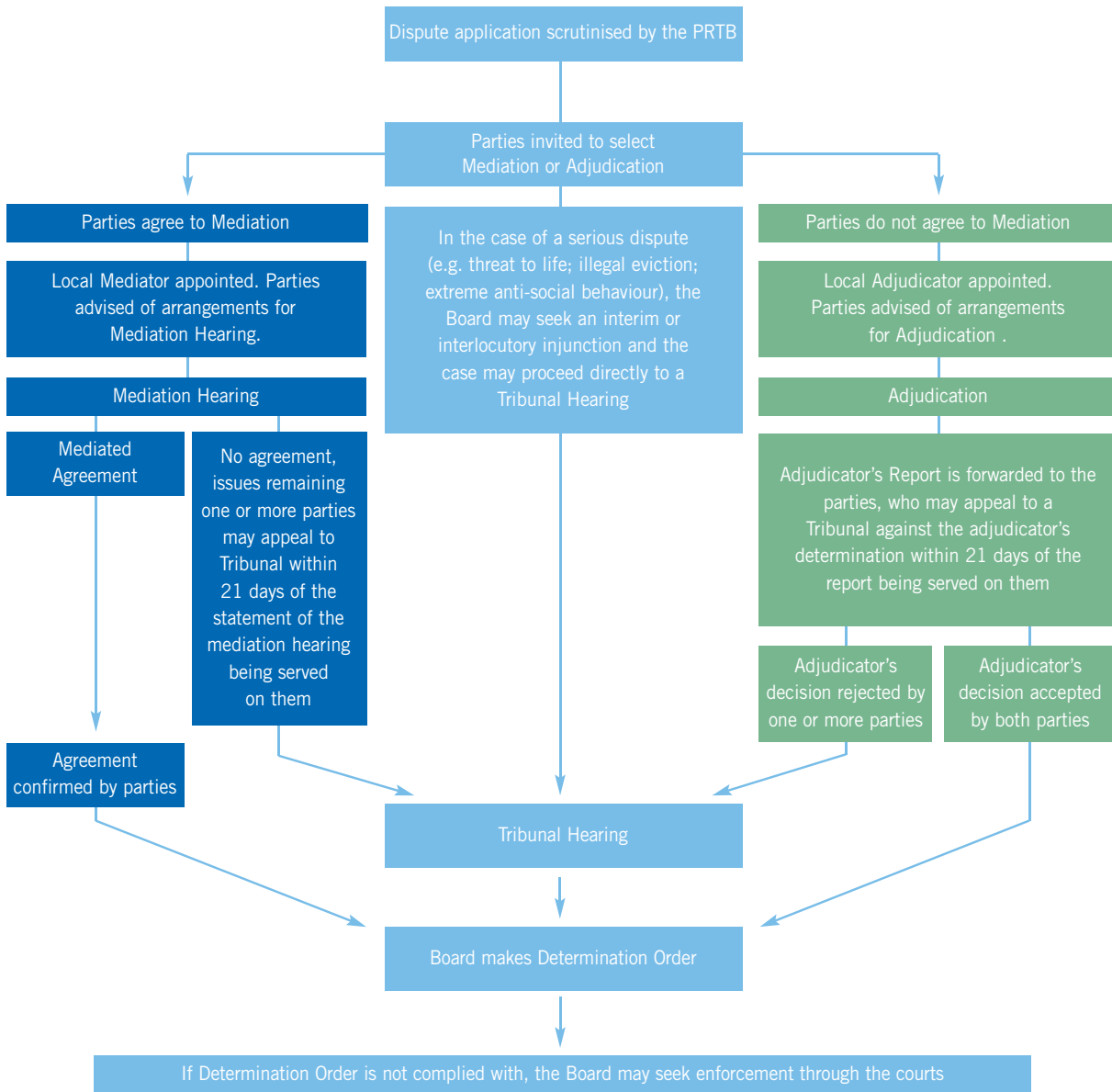
The Respondent Tenant shall pay the net sum of €875 to the Appellant Landlord in respect of damage over and above normal wear and tear to a total value of €2,975, having deducted the amount of the security deposit, in sum €2,100, as has been justifiably retained by the appellant Landlord in respect of the tenancy of the dwelling.

#### **Other Tribunals that may be of interest**

1. TR167/DR1263/2010: No Jurisdiction as the named Appellant Landlord was not in fact the Landlord
2. TR183 /DR680 & DR707/2010: Notice of Termination, Breach of Landlord/ Tenant Obligations
3. TR244/DR990/DR996/2010: Standard and Maintenance of the Dwelling & Notice of Termination required on the expiry of a fixed term lease agreement.

APPENDIX 2

# Dispute Resolution Process



## APPENDIX 3

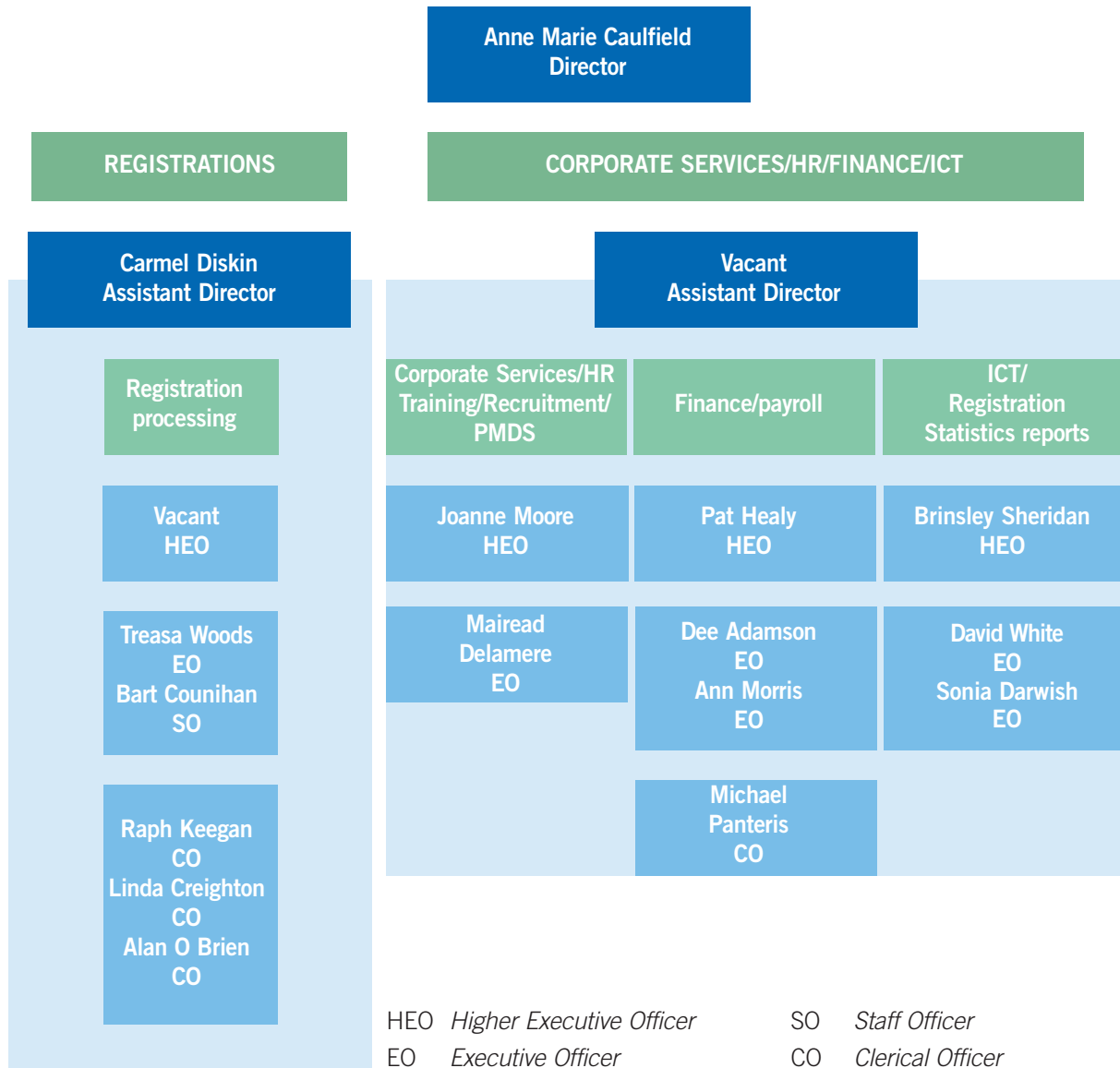
## 2010 Panel of PRTB Adjudicators and Mediators

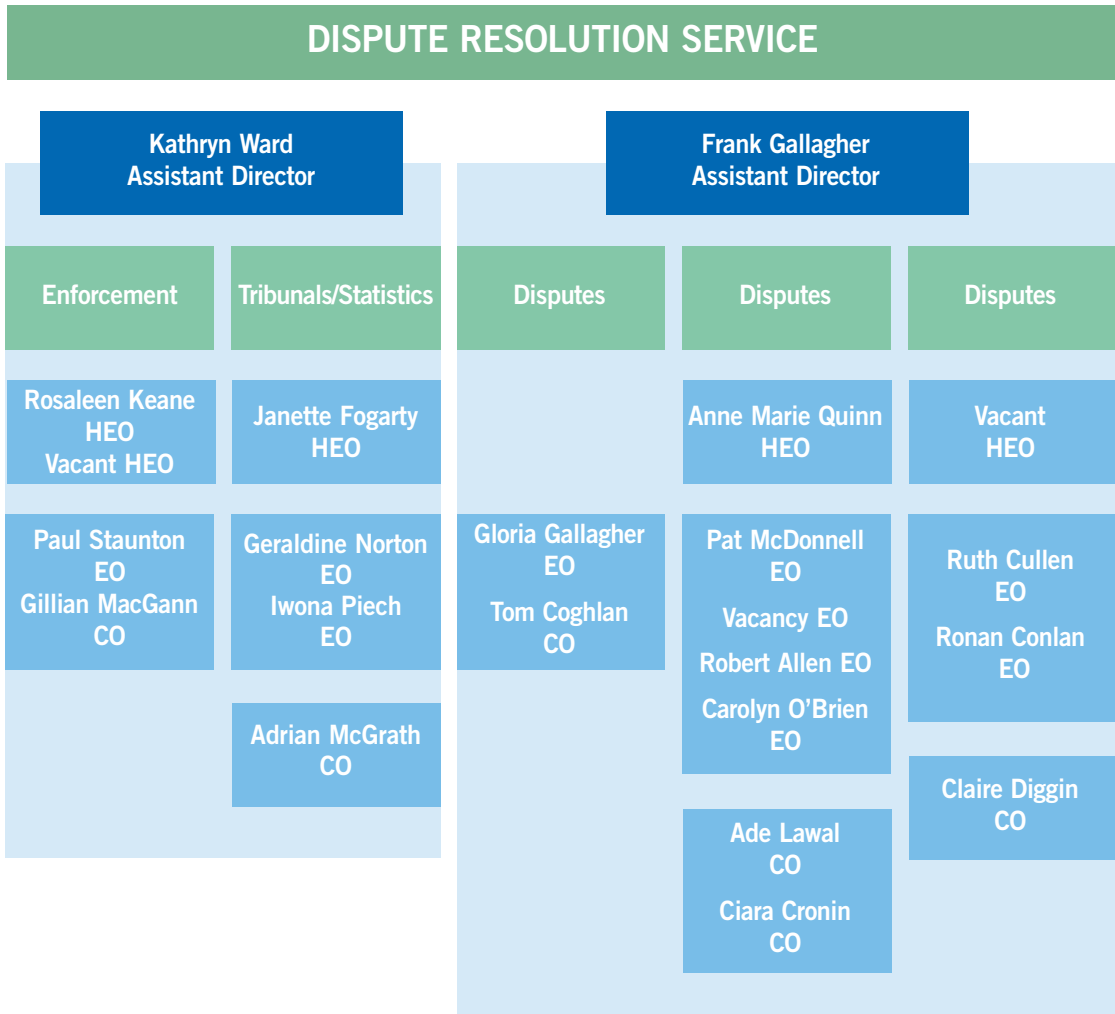
<b>Adjudicators</b>	<b>Adjudicators</b>	<b>Mediators</b>
Seamus Bane	James Howley	Anne Carroll
Kevin Baneham	John Hyland	Peter Cunningham
Joe Behan	Padraic Ingoldsby	Martin Durack
Bridget Birmingham	Phil Kealy	Barney Kiernan
Ronan Browne	Nesta Kelly	John McArdle
James Burke	Richard Kennedy	Brenda Moran
Patrick Burke	Darren Lehane	Derek Nolan
John Callaghan	Thomas Mannix	Brigitte O'Brien
Emmett Carty	Joseph May	Audrey O'Carroll
Charles Corcoran	Michael McNamara	Helena O'Gorman
Michael Coughlan	Francis Meenan	Yvette O'Malley
James Coyne	Claire Millrine	Hilary Sweetman
Gus Cummins	Mary H. Morris	
Jim Dennison	Michael Munnelly	
Ian Dermody	Joseph Murray	
William B. Devine	Liam Nolan	
Arran Dowling Hussey	Patricia O'Connor	
David Duncan	Maurice O'Donoghue	
Shaun Elder	Niamh O'Leary	
John C. Elliott	Martin O'Malley	
Michael Farry	Paul O'Reilly	
Geraldine Feeney	Tom Rigney	
Pat Finn	Patrick Rowan	
Anthony Flynn	John Shaw	
Corona Grennan	Nuala Skeffington	
Frank Guinane	Patricia Stafford	
Con Guiney	Breda Tuite	
Tom Hardy	Robert Walsh	
Maureen Harewood	Joseph Whelan	
Eoin Dillon		
Keara Donnelly		
Thomas Woodbyrne		
Mary Henry Feehily		
Bill Holohan		



APPENDIX 4

# PRTB Organisation Chart





The PRTB currently employs an average of 20 temporary staff from Adecco and La Crème employment agencies.







PRIVATE RESIDENTIAL TENANCIES BOARD  
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# Tuarascáil Bhliantúil agus Cuntais 2010





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**Tuarascáil Bhliantúil  
agus Cuntais  
2010**

## Focal ón gCathaoirleach



Táim an-sásta séú Tuarascáil Bhliantúil an Bhoird um Thionóntachtaí Cónaithe Príobháideacha a chur i láthair anois agus mé i mo Chathaoirleach an Bhoird le dhá bhliain anuas. Tá an staid gheilleagrach in Éirinn tar éis athrú go suntasach ó Mheán Fómhair 2004, uair ar cuireadh an Bord um

Thionóntachtaí Cónaithe Príobháideacha ar bun ar dtús agus d'athraigh na hathruithe sin an margadh príobháideach tithíochta ar cíós go suntasach. Tá sé tábhachtach, mar sin, na treochtaí nua a tháinig chun solais agus na taithí a bhaineann amach a thabhairt chun grinnis d'fhonn a chinntiú go leanfaidh an Bord um Thionóntachtaí Cónaithe Príobháideacha ar aghaidh i dtreo seirbhís níos fearr a sholáthar do chustaiméirí agus rialáil na hearnála seo a fhorbairt i leith freastal ar riachtanais athraithe na gcliant agus an mhargaidh. Tá an Bord freagrach as treo straitéiseach an Bhoird um Thionóntachtaí Cónaithe Príobháideacha a leagan amach agus anois agus an tríú bliain dár bPlean Corparáideach buailte linn, tá sé in am dúinn tús a chur le próiseas i dtreo plean nua a dhréachtú.

### Athchóiriú Reachtaíochta

Bhuail an tAire Stáit do Thithíocht agus Phleanáil le Cathaoirleach agus Stiúrthóir an Bhoird um Thionóntachtaí Cónaithe Príobháideacha go gairid tar éis a cheapadh. Bhí mé an-sásta gur chuir sé i ngeall go dtabharfadh sé tús áite do leasú an Achta um Thionóntachtaí Cónaithe agus bhí sé seo curtha in iúl nuair a d'fhaomh an Rialtas dréachtú an Bhille ar 26 Iúil 2011. Tá an Bord tiomanta dár dtéarmaí tagartha a chomhlíonadh i ríocht comhairle a thabhairt don Aire maidir le hábhair polasaí a bhaineann leis an earnáil phríobháideach tithíochta ar cíós i gcomhthéacs an Bhille seo. Táimid tar éis aighneachtaí cuimsitheacha a

dhéanamh chuig an Roinn d'fhonn is go gcuimseoidh sí na míreanna seo a leanas sa reachtaíocht:

- ▶ bearta chun tréimhsí próiseála a fheabhsú trí chaoi sheolta éifeachtach a chur ar nósanna imeachta inmheánacha atá maorlathach faoi láthair agus trí chinnteoireacht a tharmligean ón mBord go dtí an Coiste Gnó i leith ábhair oibríochtúla;
- ▶ riachtanais nach bhfuil áisiúil dár gcuid cliant a shimpliú, mar shampla: Fógraí ar Fhoirceannadh agus riachtanais chlárúcháin atá an-mhionsonraithe
- ▶ bearta a dhéanamh chun dul i ngleic leis an mionlach de thionóntaí a bhaineann mí-úsáid as cosaintí faoi Alt 86 atá ann ar mhaithe le daoine atá i riaráiste cíosa. In 2010, bhí méadú suntasach ar líon na gcásanna a thionscain tiarnaí talún chuig an mBord um Thionóntachtaí Cónaithe Príobháideacha maidir le riaráiste cíosa. Tá sé doghlactha go mbaineann mionlach de thionóntaí mí-úsáid as a gcearta faoin reachtaíocht reatha, rud a chuireann acmhainní an Bhoird um Thionóntachtaí Cónaithe Príobháideacha agus am na cúirte amú, arís agus arís eile i gcásanna áirithe, chun riaráiste suntasach cíosa a thiomargadh agus, mar sin, brú airgeadais a chur ar thiarnaí talún. Bhain 31% de chásanna achrann lenar dhéileáil an Bord um Thionóntachtaí Cónaithe Príobháideacha in 2010 le chásanna maidir le riaráistí cíosa, i gcomparáid le 23% in 2009. Tá an fhadhb seo ag dul i méid agus tá reachtaíocht ag teastáil chun dul i ngleic léi mar bheart práinne.
- ▶ pionóis, suas go dtí 3 oiread na héarlaise a coimeádadh gan chúis, d'fhonn dul i ngleic le mionlach de tiarnaí talún a choimeádann éarlaisí tionóntaí go neamhdhleathach. Rinne an Bord um Thionóntachtaí Cónaithe Príobháideacha plé le ní ba mhó chásanna a bhain le coimeád neamhdhleathach éarlaise ná aon chineál cáis eile in 2011, ar 43% de na hachrainn lenar dhéileáil an Bord um Thionóntachtaí Cónaithe Príobháideacha ar an iomlán. Sna chásanna seo, d'ordaigh an Bord um Thionóntachtaí Cónaithe Príobháideacha tiarnaí talún an éarlais ina hiomláine a aisíoc i 43% de na

cásanna, d'ordaigh sé tiarnaí talún cuid den éarlais a aisíoc i 37% de na cásanna, agus bhí an ceart ag na tiarnaí talún an éarlais a choimeád i 20% de na cásanna. Chuir an Bord Scéim um Chosaint Éarlaisí faoi chaibidil in 2009 d'fhonn dul i ngleic leis an bhfadhb seo. De bharr nach raibh an Bord um Thionóntachtaí Cónaithe Príobháideacha ag déileáil ach le ní ba lú ná 1,000 cás in aghaidh na bliana ag an am, bheartaigh siad nach raibh gá léi. Mar gheall ar an gClár Nua don Rialtas, áfach, tá an Bord ag déanamh athbhreithniú ar an gceist faoi láthair.

### Forfheidhmiú

Bhí méadú suntasach ar an éileamh ar Orduithe Cinnidh in 2010, rud a léiríonn na cúinsí deacra gilleagracha atá ann i láthair na huair. Tá sé de cheart ag páirtithe dul tríd na cúirteanna gan spleáchas don Bhord um Thionóntachtaí Cónaithe Príobháideacha agus roghnaíonn go leor daoine an bealach seo. Sa chás nach mór don Bhord um Thionóntachtaí Cónaithe Príobháideacha imeachtaí dlí a thionscnamh sna Cúirteanna, tógann sé roinnt míonna chun iad a chun chun críche mar gheall ar gur próiseas costasach agus am-íditheach é.

Tá an Bord um Thionóntachtaí Cónaithe Príobháideacha tar éis tús a chur le dianfheachtas forfheidhmithe i gcoinne tiarnaí talún neamhchláraithe agus ciontaíodh roinnt acu i gcion ag deireadh 2010. Tugadh cúnamh mór don fheachtas seo in 2011 nuair a tugadh bogearraí nua isteach a dhéanann comparáid idir sonraí de chuid an Bhoird um Thionóntachtaí Cónaithe Príobháideacha agus taifid maidir leis an bhForlíonadh Cíos de chuid na Roinne Coimirce Sóisialaí ar bhonn córasach d'fhonn tiarnaí talún neamhchláraithe a shainnithint. Bhí sé doghlactha go raibh tiarnaí talún, a bhí ag baint leasa as airgead an Stáit (trí Fhorlíonadh Cíos a dtionóntaí), ag déanamh faillí ina gcuid dualgas dlíthiúil chun clárú.

### Todhchaí Dhúshlánach

Cosúil le roinnt eagraíochtaí eile, idir phríobháideach agus phoiblí, tá na dúshláin airgeadais atá amach roimh an Bord um Thionóntachtaí Cónaithe Príobháideacha ag éirí níos tromchúisí gach lá. Táimid

ag feidhmiú ar bhonn féinmhaoinithe faoi láthair. Beidh orainn líon na ndaoine ar an bhfoireann a laghdú go suntasach thar an chéad dhá bhliain eile, ó 70 go dtí 33 ar aon dul le Creat Rialaithe Fostaíochta an Rialtais. Tá éileamh ar ár seirbhís ag dul i méid go heaspóntantúil. Tá sé beartaithe go gcuirfear codanna den earnáil dheonach agus chomharthithíochta san áireamh inár dtéarmaí tagartha. Táimid ag obair i dtreo na n-athruithe seo: ag glacadh le hiarratais ar thairiscintí i gcomhair ár bpríomhchonarthaí uile arís, ag infheistiú i dteicneolaíocht faisnéise agus cumarsáide chun bainistiú féinseirbhíse agus uathoibríoch cásanna a éascú, ag cur tionscnamh seirbhísí comhroinnte ar bun i gcomhpháirt le roinnt comhlachtaí poiblí eile agus ag cur roghanna eile faoi chaibidil, ar nós seachfhoinsiú, scanadh agus dreasachtaí do dhaoine a dhéanann a gcuid gnó ar líne. Tá sé mar aidhm againn nach gcuirfeadh na hathruithe seo isteach ar ár gcuid cliant oiread agus is féidir, ach níl aon amhras ann go gcuirfidh siad isteach ar roinnt acu ar bhealach éigin, go háirithe na cliant nach bhfuil na scileanna cuí ríomhaireachta acu chun rochtain ar ár gcuid seirbhísí atá mar chuid de r-sheirbhísí an rialtais.

### Buíochas

Is mian liom mo bhuíochas a ghabháil le baill eile an Bhoird, Joan O'Dowd, Cian O Lionain, Ciarán McNamara agus Aideen Hayden go háirithe a bheidh ag dul as oifig go luath. Ceapadh Aideen Hayden chun Sheanad Éireann le déanaí agus ba mhaith liom comhghairdeas a dhéanamh léi i dtaca leis an ceapachán sin agus mo bhuíochas a ghabháil léi as ucht a cuid sáoire don Bhord um Thionóntachtaí Cónaithe Príobháideacha agus as an tionchar a d'imir sí air le linn a bhlianta múnlaítheacha.

Mar fhocal scoir, ba mhaith liom a chur in iúl go bhfuilim an-bhuíoch de Stiúrthóir agus d'Fhoireann an Bhoird um Thionóntachtaí Cónaithe Príobháideacha as ucht a gcuid oibre, díograise agus tiomantais le linn na bliana.

**Orla Coyne**  
*Cathaoirleach*

## Achoimre Fheidhmeach an Stiúrthóra 2010



Bunaíodh an Bord um Thionóntachtaí Cónaithe Príobháideacha i Meán Fómhair 2004. Níos mó ná sé bliana ina dhiaidh sin, tá sé tábhachtach machnamh ar ár dtéarmaí tagartha atá leagtha amach dúinn san Acht um Thionóntachtaí Cónaithe, 2004, agus ar cé

acu ar chomhlíonamar na téarmaí sin.

- ▶ Clár na Cóiríochta Cónaithe Príobháidí ar Cíos uile a chur ar bun agus a choinneáil
- ▶ Déileáil le tromlach de na hachrainn idir tiarnaí talún agus tionóntaí in ionad na gcúirteanna agus seirbhís “ghasta agus shaor” réitigh achrann a sholáthar.
- ▶ Tabhairt faoi thaighde d’fhonn comhairle a thabhairt don Aire maidir leis an earnáil tionóntachtaí príobháideacha ar cíos agus d’fhonn páirtithe leasmhara a chur ar an eolas maidir lena gcuid cearta / dualgas.

Bhí an Bord um Thionóntachtaí Cónaithe Príobháideacha an-ghnóthach le linn 2010. Ba iad seo a leanas na príomhrudaí a baineadh amach i rith na bliana:

### Na Seirbhísí Réitigh Achrann

Cuireann an Bord um Thionóntachtaí Cónaithe Príobháideacha seirbhísí breithnithe agus idirghabhála ar fáil do gach tionónta agus gach tiarna talún atá cláraithe tar éis táille iarratais de 25 a íoc dóibh. Ní raibh aon athrú ar an táille seo ó 2004.

Fuaireamar 2,230 iarratas ar réiteach achrainn le linn 2010, méadú de 20% ar líon na n-iarratas a fuairthas in 2009, i gcomparáid le méadú de 13% i dtréimhse 2008/2009. Rinneadh am próiseála cásanna a fheabhsú tuilleadh chomh maith ó 12 mhí in 2009 go dtí 8 mí faoi dheireadh 2010 nó leath den tréimhse 18 mí a thóg sé in 2008. Further improvement in the first half of 2011 have reduced this time to 7 months at end July. Thóg cásanna tosaíochta idir 4 agus 5 mí le próiseáil, i.e. cásanna a bhain le líomhaintí maidir le riaráistí cíosa agus an tionónta ag róshealbhu na teaghaise nó díshealbhuithe neamhdhleathacha.

Tionscain tionóntaí 59% de na cásanna achrann, tiarnaí talún 37%, agus tríú páirtithe 4%. Bhí méadú suntasach ar chomhréir na n-iarratas a fuarthas ó thiarnaí talún le linn 2010, mar gheall ar ní ba mhó gearán maidir le riaráistí cíosa den chuid ba mhó. Bhí cásanna achrann a bhain le riaráistí cíosa ina n-údar le 31% de na cásanna ar an iomlán lenar dhéileáil an Bord um Thionóntachtaí Cónaithe Príobháideacha le linn 2010, i gcomparáid le 23% in 2009. Bhain ní ba mhó cásanna le coimeád neamhdhleathach éarlaise ná aon chineál cáis eile ar 43%.

Féadtar achomharc in aghaidh chinneadh an bhreithnithe nó na hidirghabhála chuig Binse tríúir, ag a dtugtar fianaise faoi mhionn a bhíonn taifeadta. Méadaíodh líon na n-achomharc a cuireadh faoi bhráid na mBinsí beagnach 100% go dtí 340 cás in 2010. D’fhan meánam próiseála ar 2/3 mhí.

Rinne na foirne um achrainn agus na Binsí obair ar chéimeanna luatha an ríomhchórais nua um bainistiú cásanna chomh maith, a chuirfead os comhair an

phobail ag tús 2012. Earcaíodh painéal nua breithneoirí agus Idirghabhálaithe tríd an tSeirbhís um Cheapacháin Phoiblí agus rinneadh baill an phainéil a cheapadh agus a oiliúint ag tús 2011. Is mian liom aitheantas a thabhairt don pháirt a ghlac an iarphainéal i bhforbairt an Bhoird um Thionóntachtaí Cónaithe Príobháideacha agus comhghairdeas a dhéanamh lenár bpainéal nuacheaptha.

### Clárúcháin

Chuireamar ní ba mhó ná 100,000 tionóntachtaí leis an gclár le linn 2010 rud a chiallaigh gur sheas líon iomlán na dtionóntachtaí cláraithe ar thart ar 230,000 ag deireadh na bliana. Tugadh seirbhísí ar líne isteach i Samhain 2010 ionas go mbeadh cliant dár gcuid in ann tionóntachtaí dá gcuid a chlárú ar líne agus íoc as ar an toirt. Baineann trian de na tiarnaí talún úsáid as na háiseanna seo anois. Bhí an tionscnamh seo ina fhiontar an-mhór d’eagraíocht bheag.

Thugamar faoi obair ullmhúcháin i dtreo cláir chomhlíonta a leagan amach le haghaidh tiarnaí talún neamhchláraithe a ionchúiseamh. D’éirigh linn roinnt tiarnaí talún a ionchúiseamh i gcion ag deireadh 2010.

Rolladh bogearraí nua amach i mBealtaine 2011. Is uirlis an-éifeachtach iad seo a dhéanann cíoradh ar bhunachair sonraí a chuireann eagraíochtaí eile san earnáil phoiblí ar fáil (an Roinn Coimirce Sóisialaí go príomha) d’fhonn tiarnaí talún neamhchláraithe a shainaithint agus a gcásanna a bhainistiú go leictreonach i dtreo a gcomhlíonadh a bhaint amach nó iad a ionchúiseamh i gcion nuair is gá. Eisíodh céad fhógra chuig 7,755 tiarna talún agus dara fógra chuig 311 tiarna talún nach raibh in oiriúint leis an dlí suas go dtí deireadh Lúnasa 2011. Táthar ag súil go n-eiseofar dara fógra chuig 2,000 tiarna talún eile faoi dheireadh Dheireadh Fómhair 2011.

### Straitéis Teicneolaíochta Faisnéise agus Cumarsáide (TFC)

Ba bhliain thábhachtach é 2010 i dtéarmaí ár straitéis trí bliana teicneolaíochta faisnéise agus cumarsáide a sheachadadh. Mar a cuireadh in iúl cheana, seachadadh na chéad ghnéithe pobaldhírith den straitéis seo ag deireadh 2010, i.e. clárú ar líne agus áiseanna chun íocaíocht a dhéanamh le cártaí creidmheasa, chomh maith le bogearraí nua forfheidhmithe chlárúcháin a cuireadh i láthair go poiblí ag tús 2011. Sular seachadadh na gnéithe seo den straitéis, thóg sé roinnt míonna chun iad a fhorbairt agus a thástáil go himhneánach agus crua-earraí agus áiseanna athshlánaithe ó thubaiste a shuiteáil. Ba mhaith liom mo bhuíochas a ghabháil leis an bhfoireann chlárúcháin agus leis an bhfoireann TFC a bhí páirteach as ucht a gcuid oibre ar an tionscadal. Cuireadh tús le hobair ar ghné eile den straitéis TFC chomh maith, lena áiríodh feidhmchláir ar líne i riocht is go mbeidh daoine in ann a chásanna a bhainistiú agus iarratais a dhéanamh ar Réiteach Achrann agus Bhinsí ar líne; scanadh; áiseanna rianaithe fógraí dlíthiúla; agus an chéad innéacs náisiúnta cíosa. Cuirfear torthaí na ngníomhaíochtaí seo uile, atá á dtreorú ag saineolaithe de chuid ár gcoiste stiúrtha TFC, i láthair go poiblí in 2011.

### Feasacht agus Oideachas

Tá an t-ádh leis an mBord um Thionóntachtaí Cónaithe Príobháideacha go bhfuil grúpa gníomhach páirtithe leasmhara aige ar a bhfuil ionadaithe do ‘Threshold’, Cumann Úinéirí Réadmhaoine na hÉireann, Foras Ceantálaithe agus Luachálaithe Gairmiúla na hÉireann, Cumann Suirbhéirí Cairte na hÉireann, SUI, IrishLandlords.com, ‘Home Locators’ agus ‘Make Room’. Dhéileáil baill foirne ní ba mhó ná 78,000 glao gutháin ónár gcuid cliant le linn 2010. Chomh maith le fógraíocht shonraithe i bhfoilseacháin a dháileann ár bpáirtithe leasmhara, ghlacamar feachtais meáin ar RTÉ agus forlíonadh 4 leathanach in ‘Metro Herald’. D’eisíomar 144,000



bileog eolais chuig tiarnaí talún tríd an bpost. Cé gur chuir easpa acmhainní teorainn lenár ngníomhaíochtaí, ghlacamar páirt i sé sheimineáir náisiúnta, chuireamar urlabhraithe/bileoga eolais ar fáil d'imeachtaí beaga agus ghlacamar páirt i roinnt agallamh do na meáin. I measc an taighde faoinar tugadh thar ár gceann, rinneadh plé ar na féidearthachtaí i leith codanna den earnáil dheonach agus chomharthithíochta a chur san áireamh inár dtéarmaí tagartha, agus tugadh faoi dhá scoláireacht PhD trí Choláiste na Tríonóide agus Coláiste Ollscoile Bhaile Átha Cliath i ndáil le neamhnáisiúnaigh agus an margadh cíosa in Éirinn.

## Gníomhaireacht Féinmhaoinithe

Le tacaíocht ónár máthair-roinn, an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil, d'athraigh an Bord um Thionóntachtaí Cónaithe Príobháideacha go dtí socrú féinmhaoinithe agus ní fhaighimid aon mhaoiniú ón státchiste a thuilleadh. Méadaíodh na táillí clárúcháin don chéad uair riamh, suas 20, agus mar sin cosnaíonn sé 90 chun tionóntacht nua a chlárú (laitigh de mhí) anois. Coinneoidh an Bord um Thionóntachtaí Cónaithe Príobháideacha 80% den táille clárúcháin chun gníomhaíochtaí dár gcuid a mhaoiniú, agus úsáidfean an 20% eile chun na hiniúchtaí a dhéanann údarais áitiúla ar thionóntachtaí cónaithe príobháideacha ar cíos d'fhonn a áirithiú go gcomhlíontar na rialacháin maidir le híoschaighdeáin.

## Buíochas

Is mian liom buíochas ó chroí a ghabháil le foireann an Bhoird um Thionóntachtaí Cónaithe Príobháideacha as ucht a gcuid díograise, tiomantais agus solúbthachta leanúnaí. Táim an-bhuíoch de m'fhoireann shinsearach bhainistíochta go ró-áirithe, Kathryn Ward, Carmel Diskin, Frank Gallagher agus Máire O'Mahony. Mar fhocal scoir, is mian liom aitheantas a thabhairt don Chathaoirleach, do bhaill

an Bhoird, do Choistí, agus don Roinn Comhshaoil, Pobail agus Rialtais Áitiúil as ucht a gcuid oibre uile thar ceann an Bhoird um Thionóntachtaí Cónaithe Príobháideacha i rith na bliana.

**Anne Marie Caulfield**

*Stiúrthóir*

## Baill Bhord an Bhoird um Thionóntachtaí Cónaithe Príobháideacha



Orla Coyne  
*Dlíodóir (Cathaoirleach)*



Aidan Brennan  
*Státseirbhíseach, an Roinn  
Comhshaoil, Pobail agus  
Rialtais Áitiúil*



Gene Feighery  
*Comhshaolaí*



Vincent P. Martin  
*Abhcóide*



Finian Matthews  
*Státseirbhíseach ar scor*



An tOllamh Cúnta  
Eoin O'Sullivan  
*Ollamh cúnta sa Pholasáí  
Sóisialta, Coláiste na Tríonóide,  
Baile Átha Cliath*



Thomas J Reilly  
*Gairmí san Earnáil  
Réadmhaoine*



John Tiernan  
*Iarbhairisteoir Contae*



Conn Murray  
*Bainisteoir Contae*



Joseph Meehan  
*Státseirbhíseach, an  
Roinn Coimirce Sóisialaí*

- ▶ Cian McNamara  
*Bainisteoir Cathrach Cúnta, Comhairle Cathrach Bhaile Átha Cliath (a chuaigh ar scor i Meitheamh 2010)*
- ▶ Joan O'Dowd  
*Státseirbhíseach, an Roinn Coimirce Sóisialaí (a chuaigh ar scor in Eanáir 2010)*
- ▶ Cian Ó Lionáin  
*Státseirbhíseach, an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil (suas go dtí Nollaig 2010)*
- ▶ An Seanadóir Aideen Hayden  
*Dlíodóir (a bhí ceaptha chun Sheanad Éireann i mBelataine 2011)*



# **An Bord agus a Fhostruchtúir**

## Feidhmeanna an Bhoird um Thionóntachtaí Cónaithe Príobháideacha

Is comhlacht reachtúil é an Bord um Thionóntachtaí Cónaithe Príobháideacha a bunaíodh faoin Acht um Thionóntachtaí Cónaithe, 2004 (arna leasú). Is iad seo a leanas roinnt de phríomhfheidhmeanna an Bhoird um Thionóntachtaí Cónaithe Príobháideacha:

- ▶ achrainn a réiteach idir tionóntaí agus tiarnaí talún de réir fhorálacha Chuid 6 den Acht um Thionóntachtaí Cónaithe, 2004.
- ▶ sonraí maidir le tionóntachtaí a chlárú de réir fhorálacha Chuid 7 den Acht um Thionóntachtaí Cónaithe, 2004.
- ▶ comhairle a thabhairt don Aire i dtaca le polasaí a bhaineann leis an earnáil tionóntachtaí príobháideacha ar cíós
- ▶ treoir a fhorbairt agus a fhoilsiú i ndáil le deachleachtas do na daoine atá bainteach leis an earnáil tionóntachtaí príobháideacha ar cíós
- ▶ eolas a bhailiú agus a sholáthar maidir leis an earnáil tionóntachtaí príobháideacha ar cíós, lena n-áirítear eolas a bhaineann le gnáthleibhéil cíosa
- ▶ taighde a dhéanamh ar an earnáil tionóntachtaí príobháideacha ar cíós agus monatóireacht a dhéanamh ar fheidhmiú gnéithe éagsúla na hearnála tionóntachtaí príobháideacha ar cíós nó taighde agus monatóireacht den chineál sin a eagrú nuair a mheasann an Bord go bhfuil sé cuí;
- ▶ athbhreithniú a dhéanamh ar fheidhmiú an Achta um Thionóntachtaí Cónaithe 2004 agus ar aon achtachán bainteach eile agus moltaí a chur faoi bhráid an Aire ó thaobh an tAcht nó na hachtacháin sin a leasú; agus
- ▶ tabhairt faoi aon fheidhm eile a thugann an tAire dó.

## Baill an Bhoird

Tá an Bord um Thionóntachtaí Cónaithe Príobháideacha tiomanta d'ardchaighdeán rialachais chorparáidigh a choinneáil i leith an Cód Cleachtas maidir le Rialachas Comhlachtaí Stáit a chomhlíonadh. D'ullmhaigh an Bord Cód Iompraíochta Gnó do Bhaill an Bhoird, don Stiúrthóir, don fhoireann, agus do bhreithneoirí agus idirghabhálaithe agus ghlac siad leis.

Bhuail an Bord 43 uair le linn 2010, chun déileáil le hábhair a bhain le polasaí agus achrainn. Chomh maith leo sin, bhí 21 cruinniú do 6 Choiste an Bhoird. In 2010, íocadh táillí de 313,901 ar an iomlán do bhaill an Bhoird tríd an gcóras cánach ÍMAT. As an tsuim sin, bhain 95,796 le freastal ar chruinnithe an Bhoird (Polasaí, Achrainn agus Coistí) agus 218,115 le hobair a bhain leis na Binsí. Le haghaidh miondealú ar tháillí binse do bhaill an Bhoird agus do dhaoine nach bhfuil ina mbaill den Bhoird, féach an chaibidil maidir leis na Binsí.

Íocadh 11,242.12 do bhaill an Bhoird as speansais taistil agus chothaithe a tabhíodh de bharr freastal ar chruinnithe agus ar Bhinsí ar aon dul le treoir na Roinne Airgeadais.

**Is iad seo a leanas na táillí a bhí iníoctha in 2010 as dualgais a bhain le gnó an Bhoird:**

GNÍOMHAÍOCHT	TÁILLÍ le héifeacht ó 1 Bealtaine 2009 ar aghaidh
Cruinnithe an Bhoird/Cruinnithe na gCoistí/Oiliúint	€196
Cruinnithe an Bhoird/Cruinnithe na gCoistí/Oiliúint - Cathaoirleach	€217
Cruinnithe maidir le hAchrainn / Éisteachtaí na mBinsí	€348
Cruinnithe maidir le hAchrainn / Éisteachtaí na mBinsí - Cathaoirleach	€543
Tribunals	€387
Tribunals - Chairperson	€603

**Tinreamh agus Luach Saothair Bhaill an Bhoird 2010**

Leagtar tinreamh bhaill an Bhoird ag cruinnithe agus a bpáirtíocht i ngníomhaíochtaí eile a bhain le gnó an Bhoird le linn 2010 amach thíos, chomh maith leis na táillí a fuair siad le linn na tréimhse 1 Eanáir go dtí 31 Nollaig 2010.

BAILL AN BHOIRD	LÍON NA GCRUINNITHE AR AR FHREASTAIL AN TÉ IN 2010			Táillí a Fuarthas
	Polasaí an Bhoird	Achrainn an Bhoird	Coistí agus Oiliúint	
Orla Coyne	12	27	17	€20,810.00
Aidan Brennan ***	11	7	6	0
Gene Feighery	11	29	6	€13,468.00
Aideen Hayden	9	26	9	€13,096.00
Ciaran McNamara ***	4	1	5	0
Vincent P. Martin	9	25	4	€10,944.00
Finian Matthews	12	26	6	€13,358.00
Joseph Meehan*** Ceaptha ar 1 Nollaig	0	0	0	0
Conn Murray*** Appt on 1 December	1	1	0	0
Cian Ó Lionáin ***	10	0	4	0
Associate Prof. Eoin O'Sullivan	9	8	7	€196.00
Thomas J Reilly	11	27	15	€14,926.00
John Tiernan	11	14	6	€8,988.00
<b>Total Number of meetings</b>	<b>12</b>	<b>31</b>		<b>€95,786.00</b>

Is ollfhiúirí iad na figiúirí thuasluaite agus tá siad inchánach ina n-iomláine

\*\*\* Níor íocadh táillí do bhaill seo an Bhoird mar gheall ar gur státseirbhísigh lánaimseartha iad.

Íocadh táille de €196 d'Eoin O'Sullivan as páirt a ghlacadh i seimineár oiliúna.

## Gníomhaíochtaí agus Ballraíocht Choistí an Bhoird um Thionóntachtaí Cónaithe Príobháideacha

Chuir an Bord roinnt coistí ar bun de réir Alt 157 den Acht um Thionóntachtaí Cónaithe, 2004, chun tacú lena chuid dualgas a chomhlíonadh:

1. **An Coiste Réitigh Achrann**
2. **An Coiste um Thaighde, Fheasacht agus Oideachas**
3. **An Coiste Iniúcháireachta**
4. **An Coiste Airgeadais**
5. **An Coiste Reachtaíochta**
6. **Coiste Alt 189**

### 1. Dispute Resolution Committee

Cian Ó Lionáin (Cathaoirleach)	John Lynch
Aidan Brennan	Vincent P. Martin
Jim Bridgeman	Finian Matthews
Anne Colley	Fintan McNamara
Charles Corcoran	Ciaran McNamara
Orla Coyne	(go dtí Meitheamh 2010)
Gus Cummins	Mary Morris
Keara Donnelly	Henry Murdoch
Tom Dunne	Liam Nolan
John C. Elliott	Liam O'Donnell
Michael Farry	Assoc. Prof Eoin O'Sullivan
Gene Feighery	Dervla Quinn
Geraldine Feeney	An tOllamh Bairbre Redmond
Paul Good	Thomas J Reilly
Aideen Hayden	Pat Riney
Mary Heaslip	Tony Taaffe
Bill Holohan	John Tiernan
Nesta Kelly	

Tugann Alt 159 den Acht um Thionóntachtaí Cónaithe, 2004 de chumhacht do Bhord an Bhoird um Thionóntachtaí Cónaithe Príobháideacha coiste réitigh achrann a bhunú, agus feidhmeanna a tharmligean agus baill a cheapadh don choiste sin. Is é Coiste Réitigh Achrann an Bhoird um

Thionóntachtaí Cónaithe Príobháideacha an painéal as a roghnaítear baill do na Binsí Tionóntachta. De bharr nach féidir cinntí Binsí a achomharc chun na hardchúirte ach maidir le pointe dlí, déanann baill an Choiste Réitigh Achrann feidhm thábhachtach garbhreithiúnacha. Déanann an Binse cinneadh tar éis na héisteachta a chur chun críche agus cuireann siad an Bord ar an eolas faoin gcinneadh sin de bhun Alt 108(1) den Acht.

Ina dhiaidh sin, déanann an Bord ordú cinnidh atá ina cheangal dlí de réir Alt 121 den Acht agus eisítear an t-ordú sin i dteannta Thuarascáil an Bhinse chuig gach páirtí bainteach. Tionóladh 240 Binse den chineál seo le linn 2010. Thionóil an Coiste Réitigh Achrann a chruinniú bliantúil i mí na Samhna, 2010.

### 2. An Coiste um Thaighde, Fheasacht agus Oideachas

An tOllamh Eoin O'Sullivan (Cathaoirleach)	
Gene Feighery	Orla Coyne
Aideen Hayden	Tom Dunne
Thomas J Reilly	Aine Ryall

Chuir an Bord Coiste Taighde ar bun i Meitheamh 2005. Déanann an Coiste Taighde cinntí maidir leis an taighde ar chóir don Bhord tabhairt faoi agus, ar fhaomhadh an Bhoird, déanann sé socruithe chun an taighde sin a dhéanamh. In 2006, rinne an tIonad um Thaighde ar Thithíocht, atá mar chuid den Ghníomhaireacht um Thithíocht agus Pobail Inbhuanaithe anois, comhaontú leis an mBord um Thionóntachtaí Cónaithe Príobháideacha agus déanann sé roinnt tionscadal leantach taighde a bhainistiú thar ceann an BTCP anois.

D'fhonn feasacht níos fearr a chothú i measc an phobail, chuir an Bord an Coiste um Fheasacht agus Oideachas ar bun i Márta 2009. Bheartaigh an Bord in Aibreán 2009 an Coiste um Fheasacht agus Oideachas a chumasc leis an gCoiste Taighde. Bhuail an Coiste um Thaighde, Fheasacht agus Oideachas le chéile 5 uaire ar an iomlán le linn 2010.

Chomh maith leis sin, rinne an Coiste um Thaighde, Fheasacht agus Oideachas roinnt cruinnithe a eagrú le príomhpháirtithe leasmhara ar nós Chumann Úinéirí Réadmhaoine na hÉireann, Chumann Suirbhéirí Cairte na hÉireann, Foras Ceantálaithe agus Luachálaithe Gairmiúla na hÉireann, IrishLandlord.com, Homelocators, Threshold, Aontas na Mac Léinn in Éirinn agus na Seirbhíse Buiséadta agus Comhairle Airgid (SBCA) le linn na bliana sin. Rinneadh plé ar cheisteanna tábhachtacha ag na cruinnithe sin, lena n-áiríodh an Córas um Bainistiú Tionóntachtaí (CBT), fógraí foirceanta ar líne, an gnáth-seicliosta léasa chónaithe agus leasuithe molta don Acht um Thionóntachtaí Cónaithe, 2011.

Bhí na cruinnithe seo an-fhiúntach ar fad, agus tugann siad deis don Bhord um Thionóntachtaí Cónaithe Príobháideacha teagmháil éifeachtach a dhéanamh le páirtithe leasmhara agus feabhas a chur ar an gcaidreamh idir na páirtithe leasmhara sin agus an BTCP.

### 3. An Coiste Iniúchóireachta

Noel O'Connell (Cathaoirleach) Cian Ó Lionáin  
Dermot Byrne An tOllamh Eoin O'Sullivan  
Finian Matthews

Tá cúigear ball ar an gCoiste Iniúchóireachta, triúir acu atá ina mbaill den Bhord agus beirt acu atá eachtrach ón mBord um Thionóntachtaí Cónaithe Príobháideacha. Déanann an tUasal Noel O'Connell, cuntasóir cáilithe, cathaoirleacht ar an gCoiste. Bhuail an Choiste Iniúchóireachta le chéile 4 uaire le linn 2010.

Is é ról an Choiste Iniúchóireachta ná moltaí a chur faoi bhráid an Bhoird agus lucht ardbhainistíochta maidir le haon ábhar a bhaineann leis an bhfeidhm iniúchta inmheánaigh laistigh den Bhord um Thionóntachtaí Cónaithe Príobháideacha de réir mar a mheasann an Coiste is gá nó is iomchuí.

Tugann an Coiste cúnamh don Bhord i leith a gcuid dualgas dlíthiúil aonair agus a gcuid comhdhualgas dlíthiúil a chomhlíonadh, i réimsí tuairiscithe agus rialaithe airgeadais go háirithe. Chomh maith leis sin, measann sé cé acu an bhfuil próisis i bhfeidhm d'fhonn rioscaí a bhainistí ar aon dul le treoirlínte eagraíochtúla agus pleananna gnó. Glacadh le Plean Iniúchóireachta Inmheánaí 2010-2012, agus thug Crowley's DFK, cuntasóirí cairte, faoi na hathbhreithnithe seo a leanas faoin bplean sin le linn 2010:

- ▶ Iniúchadh ar Cheannach, Sholáthar agus Íocaíochtaí
- ▶ Íocaíochtaí Taistil agus Cothaithe
- ▶ Binsí agus Torthaí Réitigh Achrann a Fhorfheidhmiú

### 4. An Coiste Airgeadais

Orla Coyne (Cathaoirleach) Thomas J. Reilly  
Aidan Brennan John Tiernan  
Ciaran McNamara (go dtí Meitheamh 2010)

Is é ról an Choiste Airgeadais ná cúnamh a thabhairt don Bhord i leith a gcuid dualgas dlíthiúil aonair agus a gcuid comhdhualgas dlíthiúil a chomhlíonadh, i réimsí tuairiscithe agus rialaithe airgeadais go háirithe. Déanann an Coiste mionchóradh ar chúrsaí airgeadais an Bhoird; déanann sé athbhreithniú ar bhuiséid agus thuarascálacha airgeadais; tugann sé comhairle don Bhord, don stiúrthóir agus do lucht ardbhainistíochta de réir mar is iomchuí agus cuireann sé moltaí faoina mbráid; chomh maith le cuntais bhliantúla an Bhoird a chur faoi chaibidil. Déanann an Coiste aon fheidhm, dualgas nó údarás eile a shanntar dó nó a tharmilgtear dó agus tugann sé tuairisc don Bhord maidir leis na hábhair uile thuasluaite.



## 5. An Coiste Reachtaíochta

Orla Coyne	Finian Matthews
Anne Colley	Cian Ó Lionáin
Aideen Hayden	Tom Reilly
Vincent P. Martin	John Tiernan

Is fochoiste an Bhoird é an Coiste Reachtaíochta a bunaíodh faoi bhun fhorálacha Alt 157 den Acht um Thionóntachtaí Cónaithe, agus tugann sé comhairle agus cúnamh don Bhord i ndáil le feidhmeanna an Achta um Thionóntachtaí Cónaithe. Bhuail an Coiste Reachtaíochta le chéile 5 uaire le linn 2010.

## 6. Coiste Alt 189

Orla Coyne	Cian Ó Lionáin
Aideen Hayden	Thomas J Reilly
Finian Matthews	

Is féidir leis an mBord iarratas a dhéanamh chun na cúirte cuarda ar fhaoiseamh eatramhach nó idirbhreitheach de réir Alt 189 den Acht um Thionóntachtaí Cónaithe, 2004 nuair a mheasann an Bord is iomchuí é (mar shampla, i gcásanna tromchúiseacha iompraíochta frithshóisialta nó díshealbhuithe neamhdhleathacha).

Chuir an Bord Coiste Alt 189 ar bun don chéad uair i mBealtaine 2005 agus déantar baill a athcheapadh chun an Choiste ar bhonn bliantúil de réir na dTearmaí Tagartha. Buaileann an Coiste le chéile nuair a iarrann an Stiúrthóir air de dhroim go ndearnadh iarratas ar an mBord faoi Alt 189 den Acht. Is é feidhm an Choiste ná cinneadh a dhéanamh ar cé acu ar chóir don Bhord iarratas a dhéanamh chun na cúirte cuarda faoi Alt 189 den Acht nó nár chóir. Ní bhíonn cinntí de chuid an Choiste faoi réir dheimhniú an Bhoird.

Déanann Alt 157 den Acht um Thionóntachtaí Cónaithe, 2004 foráil go bhféadtar daoine nach bhfuil ina mbaill den Bhord a cheapadh chun roinnt de na coistí seo.

# **Clárúchán Tionóntachtaí an Bhoird um Thionóntachtaí Cónaithe Príobháideacha**

*Bhí 231,818 tionóntacht cláraithe*

*ar Chlár an Bhoird um Thionóntachtaí*

*Cónaithe Príobháideacha ag deireadh 2010*

## Gníomhaíochtaí Clárúcháin in 2010

De réir an Achta um Thionóntachtaí Cónaithe, 2004, éilítear ar thiarnaí talún iarratas a dhéanamh chuig an mBord chun a gcuid tionóntachtaí a chlárú leis an Bord um Thionóntachtaí Cónaithe Príobháideacha laistigh d'aon mhí amháin tar éis dháta tosaithe na dtionóntachtaí. Ní féidir le tiarnaí talún tionóntachtaí neamhchláraithe aon achrann a chur faoi bhráid an Bhoird um Thionóntachtaí Cónaithe Príobháideacha. Ní théitear i bhfeidhm ar chearta an tionónta sa chás nach bhfuil an tionóntacht cláraithe agus is féidir le tionóntaí rochtain ar an tseirbhís réitigh achrann beag beann ar stádas clárúcháin na tionóntachta.

### Táillí Clárúcháin Tionóntachtaí

In 2010, ghearrtaí táille chlárúcháin de 70 in aghaidh na tionóntachta, 300 i gcás ilthionóntachtaí agus táille dhéanach de 140. Tugadh táillí clárúcháin nua isteach in Eanáir 2011 agus tugtar breac-chuntas orthu thíos.

#### Sá chás gur thosaigh an tionóntacht ar 1 Eanáir 2011 nó ina dhiaidh sin, is í an táille atá i gceist:

- ▶ **€90** in aghaidh na tionóntachta ar chuntar go bhfaigheann an Bord um Thionóntachtaí Cónaithe Príobháideacha an t-iarratas ar chlárúchán laistigh d'aon mhí amháin tar éis dháta tosaithe na tionóntachta nó
- ▶ **€375** i gcás ilthionóntachtaí (comhtháille) in aon fhoirgneamh amháin atá á gclárú ag an am céanna ag aon tiarna talún amháin laistigh d'aon mhí amháin tar éis dháta tosaithe na chéad tionóntachta. Má chuirtear deireadh le tionóntacht amháin a bhí mar chuid de chlárúchán ilthionóntachtaí agus má chuirtear tús le tionóntacht eile laistigh de 12 mhí tar éis an chomhtháille a íoc, ní gá táille a íoc as clárú na tionóntachta nua sin ar chuntar go ndéantar í a chlárú laistigh d'aon mhí amháin tar éis dháta tosaithe na tionóntachta nua sin.

Níl aon táille iníoctha nuair a rinneadh dhá fócaíocht don Bhord um Thionóntachtaí Cónaithe Príobháideacha i leith na tionóntachta sin le linn na 12 mhí roimhe sin. Níl aon táille iníoctha chun na sonraí a bhaineann le tionóntacht chlárúcháin a leasú chun dáta.

Ó Eanáir 2011 ar aghaidh, beidh feidhm ag táille dhéanach de **€180** nuair a gheofar iarratas ar chlárú tionóntachta níos mó ná aon mhí amháin tar éis dháta tosaithe na tionóntachta sin. Éilíonn an tAcht um Thionóntachtaí Cónaithe, 2004 ar thiarna talún iarratas a dhéanamh ar tionóntachta a chlárú chuig an mBord um Thionóntachtaí Cónaithe Príobháideacha laistigh d'aon mhí amháin tar éis dháta tosaithe na tionóntachta. Beidh feidhm ag an táille dhéanach seo i ngach cás ina dhéanfar an t-iarratas ar chlárúchán i ndiaidh na tréimhse clárúcháin seo.

#### Sá chás gur thosaigh an tionóntacht ar 31 Nollaig 2010 nó roimhe sin

Beidh feidhm ag táille dhéanach de **€140** nuair a gheofar iarratas ar chlárú tionóntachta níos mó ná aon mhí amháin tar éis dháta tosaithe na tionóntachta sin.

### Tionóntacht sa Bhreis faoi Chuid 4

Maireann an clárúchán ar feadh na tionóntachta ach suas go dtí ceithre bliana ar a mhéad. Déanann Cuid 4 den Acht um Thionóntachtaí Cónaithe, 2004 foráil go dtosóidh "Tionóntacht sa Bhreis" faoin gcuid seo ceithre bliana tar éis dháta tosaithe na tionóntachta. Ciallaíonn sé seo nach mór tionóntachtaí a athchlárú tar éis iad a bheith ar an bhfód ar feadh ceithre bliana.

In 2010, seoladh ní ba mhó ná 35,000 litir mheabhrúcháin amach chuig tiarnaí talún a chláraigh

### Seoladh Seirbhísí Clárúcháin ar Líne

Sheol an Bord um Thionóntachtaí Cónaithe Príobháideacha a sheirbhís chlárúcháin ar líne i Samhain 2010. Bhí an tseirbhís, a tugadh isteach mar chuid den Chóras nua um Bainistiú Tionóntachtaí (CBT), forbartha ag Vulcan Solutions, cuideachta bhogearraí atá lonnaithe i nGaillimh, agus bhí sí deartha i ndáil comhairle lenár bpáirtithe leasmhara. Tá clárú ar líne gasta agus éasca le húsáid, anois ní thógann sé ach cúpla nóiméad chun tionóntacht a chlárú ag [www.prtb.ie](http://www.prtb.ie). Tá sraith ceisteanna coitianta agus leideanna úsáideacha ann ar an suíomh d'fhonn cúnamh a thabhairt do thiarnaí talún agus iad ag clárú tionóntachtaí ar líne leis an BTCP. Ghlac foireann an Bhoird um Thionóntachtaí Cónaithe Príobháideacha páirt lárnach i bhforbairt an chórais agus i bpróisis ghnó maidir le clárúcháin nua a athbheithniú agus a chur i ngníomh le linn na bliana.

Tugadh faoi fheachtas fógraíochta chun an tseirbhís um chlárú ar líne a chur os comhair an phobail, lenar áiríodh fógraíocht ar an raidió agus sna nuachtáin, ceithre sheimineár eolais i gCorcaigh agus i mBaile Átha Cliath do thiarnaí talún agus eisíodh bileoga eolais chuig ní ba mhó ná 144,000 tiarna talún tríd an bpost. Ní raibh ach 26% tar éis úsáid a bhaint as clárú ar líne faoi dheireadh na bliana, figiúr a bhí ní ba lú ná an figiúr a rabhthas ag súil leis. Mhéadaigh sé seo go dtí 35% faoi Lúil 2011, áfach, agus leanfaidh an BTCP ar aghaidh ag cur na seirbhíse seo chun cinn agus ag spreagadh tiarnaí talún chun úsáid a bhaint aisti.

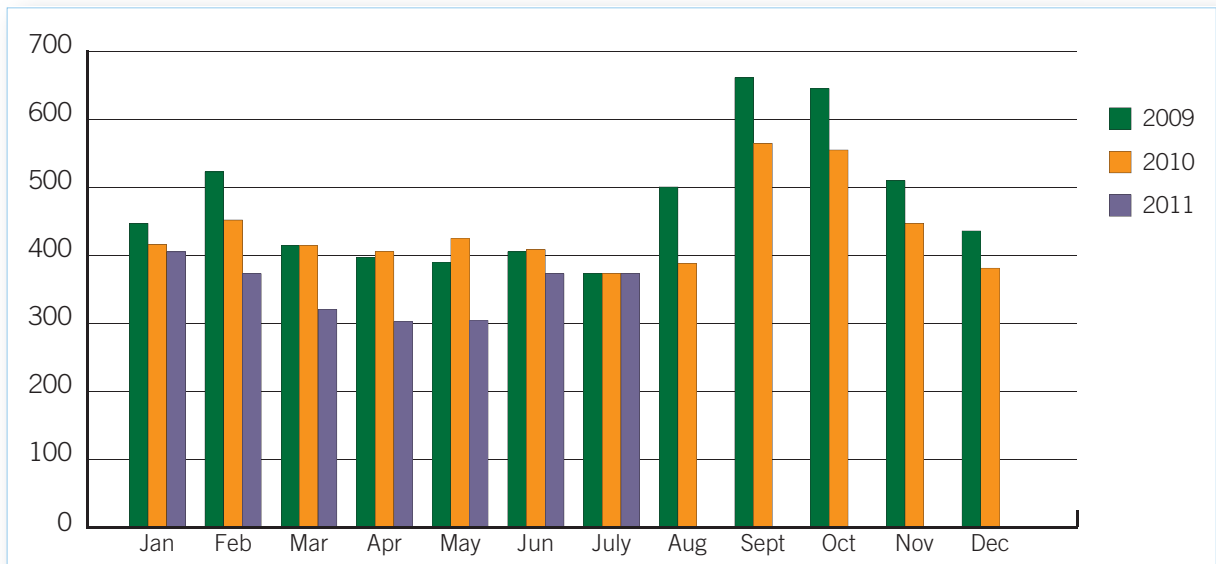
tionóntachtaí lenar cuireadh tús in 2006 d'fhonn cur in iúl dóibh go mbeadh orthu tionóntacht sa bhreis a chlárú faoi Chuid 4 de réir mar b'iomchuí. Ní sheoltar litreacha meabhrúcháin amach a thuilleadh d'fhonn airgead a shábháil, agus cuirtear i gcuimhne do thiarnaí talún go bhfuil sé de dhualgas orthu a gcuid dtionóntachtaí a athnuachan de réir mar is iomchuí.

### Staitisticí maidir le Clárúcháin Tionóntachtaí in 2010

In 2010, chláraigh an Bord um Thionóntachtaí Cónaithe Príobháideacha 101,888 comhaontú tionóntachta nua, nó méadú de 6,000 i gcomparáid leis an mbliain roimhe.

DÁTA	TIONÓNTACHTAÍ
Meán Fómhair 2004 go dtí Nollaig 2005	85,000
2006	54,000
2007	80,849
2008	85,904
2009	95,969
2010	101,888

### MEÁNLIÓN LAETHÚIL NA N-IARRATAS A FUARTHAS IN AGHAIDH NA MÍOSA 2009-2011



### Líon na dtionóntachtaí cláraithe gach bliain

Fuair an BTCP thart ar 400 foirm ar an meán in aghaidh an lae, agus an buaicphointe bliantúil i Meán Fómhair/Deireadh Fómhair.

Bhí 231,818 tionóntacht cláraithe leis an mBord ag

deireadh 2010, rud a sheas do 145,021 tiarna talún agus 494,659 tionónta. Is ceart a thabhairt faoi deara, áfach, go bhfuil seans ann nach bhfuil na figiúirí seo go hiomlán cruinn de dheasca nach n-éilítear ar thiarnaí talún an BTCP a chur ar an eolas nuair a chuirtear deireadh le tionóntacht.

### STAITISTICÍ MAIDIR LE CLÁRÚCHÁN AMHAIL AR 31 NOLLAIG 2010

Líon na dTionóntachtaí atá Cláraithe	231,818
Líon na Tiarnaí Talún	145,021
Líon na dTionóntaí	494,659
Meánlíon na n-iarratas a fuarthas in aghaidh an lae	400
Líon na nglaoanna a d'fhreagair an fhoireann chlárúcháin le linn 2010	35,048

### Iarratais Neamhchríochnaithe ar Chlárúchán Tionóntachta

Mar gheall ar líon na n-iarratas a cuireadh isteach ach nach raibh curtha chun críche, méadaíodh am próiseála iarratas a fuarthas tríd an bpost go suntasach faoi dheireadh na bliana.

Moltar do thiarnaí talún clárú ar líne de bharr nach dtógfar ach cúpla nóiméad chun é a chur chun críche agus seolfar deimhniú an chlárúcháin leictreonaigh chucu ar an toirt. Cuirtear i gcuimhne do thiarnaí talún agus ghníomhairí a chuireann iarratais isteach tríd an bpost aire a thógáil agus iad ag comhlánú foirmeacha clárúcháin agus a chinntiú go bhfuil an fhoirm comhlánaithe ina hiomláine agus an táille chúil ina teannta.

Tugtar 'iarratas neamhchríochnaithe' ar iarratais sa chás go bhfuil an t-eolas atá riachtanach de réir an Achta in easnamh nó mícheart, mar shampla, Uimhir Phearsanta Seirbhíse Poiblí (UPSP), dáta tosaithe na tionóntachta, suim an chíosa, srl. Cuirtear táillí míchearta isteach i dteannta líon suntasach iarratas chomh maith.

Rinne Cuid 7 d'Acht na dTithe (Forálacha Ilghnéitheacha), 2009 leasú ar Alt 135(5) den Acht um Thionóntachtaí Cónaithe, 2004. Déanann sé foráil nach mór do thiarnaí talún tionóntacht a chlárú leis an BTCP laistigh d'aon mhí amháin tar éis dháta tosaithe na tionóntachta sin. Sá chás go gcuirtear foirm neamh-chomhlánaithe isteach, seolfaidh an BTCP an fhoirm sin ar ais agus beidh feidhm ag an táille dhéanach ach amháin sa chás go gcuirfeadh an fhoirm chomhlánaithe isteach arís laistigh den mhí. Ghlac an Bord le cur chuige praiticiúil i leith an athraithe seo ar an reachtaíocht go dtí go raibh an córas ar líne faoi lánseol.

Dhéileáil foireann an Bhoird um Thionóntachtaí Cónaithe Príobháideacha le ní ba mhó ná 35,000 glao in 2010, chun cúnaimh a thabhairt do thiarnaí talún i dtaca le hoibleagáidí dlíthiúla chun clárú agus tacaíocht a thabhairt dóibh leis na háiseanna cláraithe ar líne.

### Riachtanas Clárúcháin a Fhorfheidmiú agus Plean Gníomhaíochta in aghaidh Neamhchomhlíonadh

Lorgaíonn an Bord um Thionóntachtaí Cónaithe Príobháideacha tiarnaí talún nach gcláraíonn a gcuid

tionóntachtaí go gníomhach. Nuair nach ndéanann an tiarna talún tionóntacht a chlárú, d'fhéadfaí é a ionchúiseamh i gcion agus fineálacha suas go dtí 3,000 nó sé mhí príosúnachta nó an dá rud a bheith de thoradh air. Cuireann baill foirne eolas a fhaightear ó roinnt foinsí faoi chaibidil, lena n-áirítear an Roinn Coimirce Sóisialaí, údaráis áitiúla agus an pobal i gcoitinne. Tá na bearta atá an BTCP a dhéanamh ar aon dul le forálacha an Achta um Thionóntachtaí Cónaithe, 2004, alt 144 agus 145 go háirithe. Faoi dheireadh 2010, rinne an Bord beagnach 15,000 fógra forfheidhmithe a sheirbheáil ar thiarnaí talún. Eisíodh ní ba mhó ná 1,900 litir dlíodóra chomh maith.

### Tiarnaí Talún a ciontaíodh i gcion mar gheall ar Shárú an Riachtanais chun Tionóntacht a Chlárú

Bhain an Bord um Thionóntachtaí Cónaithe Príobháideacha roinnt ciontuithe amach i gcoinne tiarnaí talún sa Chúirt Dúiche nach ndearna tionóntachtaí dá gcuid a chlárú leis an BTCP in ainneoin go bhfuair siad roinnt fógraí reachtúla agus rabhadh roimh ré a d'iarr orthu é sin a dhéanamh. I ngach cás, ghearr an Chúirt fineálacha agus na costais dhlíthiúla ar na tiarnaí talún.

Tá an BTCP tar éis a chuid gníomhaíochtaí i gcoinne tiarnaí talún neamhchláraithe a threisiú in 2011. Tugadh córais nua teicneolaíochta faisnéise agus cumarsáide isteach ag tús 2011 d'fhonn comparáidí idir bunachair shonraí a éascú le comhlachtaí agus ranna eile an Stáit i dtreo tiarnaí talún neamhchláraithe a shainiú chun críche comhlíonadh. Tugann na bogearraí um bainistiú cásanna cúnamh i leith cásanna atá le hionchúiseamh a bhainistiú chomh maith.

### Clár na dTionóntachtaí

Éilítear ar an Bord um Thionóntachtaí Cónaithe Príobháideacha clár tionóntachtaí a choinneáil de réir an Achta um Thionóntachtaí Cónaithe, 2004 agus bunachar sonraí atá cothrom le dáta a sholáthar agus a bhainistiú chun críche eolais, ceapadh beartais agus staitisticí. Is eastósc ó chlár na dtionóntachtaí é an clár foilsithe a chuimsíonn sonraí ón bhfoirm chlárúcháin a

chuir an tiarna talún nó gníomhaire isteach. Cuimsíonn an clár seoladh na teaghaise ar síos; cur síos ar an teaghais; líon na seomraí agus áiteanna leapa; agus an t-achar urláir.

Ní chuimsíonn an clár foilsithe aon eolas a d'fhéadfadh a bheith ina chúis le haitheantas an tiarna talún ná an tionónta, ná suim an chíosa a bhíonn iníoctha a nochtadh.

### Cén chaoi a bhféadtar seiceáil cé acu an bhfuil teaghais ar cíos cláraithe nó nach bhfuil?

Chun an clár foilsithe a sheiceáil, téigh go dtí suíomh Idirlín an BTCP ag [www.prtb.ie](http://www.prtb.ie). Téigh go dtí an Clár Foilsithe agus cíceáil ar an gcontae bainteach agus cuardaigh le haghaidh seoladh na teaghaise ar cíos. Tá an clár le fáil i bhformáid PDF agus excel. Leasaítear an clár foilsithe chun dáta ar an suíomh Idirlín ar bhonn míosúil. Má tá tú ar an eolas mar gheall ar theaghais ar cíos nach bhfuil cláraithe, is féidir leat é seo a chur in iúl don Bhord um Thionóntachtaí Cónaithe Príobháideacha, faoi rún docht, ach ríomhphost a sheoladh chuig [Enforcement@prtb.ie](mailto:Enforcement@prtb.ie)

### Rialtas Comhleanúnach sa Bhord um Thionóntachtaí Cónaithe Príobháideacha

Tá an BTCP tiomanta do rialtas comhleanúnach feabhsaithe agus déantar sonraí a mhalarú idir an BTCP agus comhlachtaí eachtracha ar aon dul leis an Acht um Thionóntachtaí Cónaithe, 2004 (arna leasú) agus le reachtaíocht bhainteach eile.

**An Roinn Coimirce Sóisialaí:** Faighteann an BTCP sonraí ón Roinn Coimirce Sóisialaí ar bhonn ráithiúil maidir le teaghaisí ina bhfaigheann na tionóntaí an fordheontas cíosa. Cuireann an Bord na sonraí seo i gcomparáid le bunachar sonraí na gclárúcháin tionóntachtaí agus tionscnaíonn sé imeachtaí forfheidhmithe sa chás nach bhfuil na tiarnaí talún cláraithe. I mBealtaine 2011, tugadh céim eile den Chóras nua um Bainistiú Tionóntachtaí isteach d'fhonn tacú le hobair an BTCP ar riachtanais chlárúcháin a

fhorfheidhmiú agus í a dhéanamh uathoibríoch. Cuirfidh an feidhmchlár an BTCP ar a chumas comparáid uathoibríoch a dhéanamh idir bunachar sonraí na Roinne agus clár tionóntachtaí an Bhoird um Thionóntachtaí Cónaithe Príobháideacha agus sainaitheant a dhéanamh go huathoibríoch ar thiarnaí talún neamhchláraithe a bhfuil a gcuid tionóntaí ag fáil an fhorfheontais chiosa.

Faigheann an Roinn Coimirce Sóisialaí eastósc ó chlár tionóntachtaí an BTCP agus eolas eile, nuair a iarrann sí air, chomh maith chun cúnamh a thabhairt di i leith athbhreithnithe ar chiosa agus d'fhonn calaois in íocaíochtaí leasa shóisialta a chosc agus a aimsiú.

**Na Coimisinéirí Ioncaim:** Tugann an BTCP sonraí ó Chlár na dTionóntachtaí do na Coimisinéirí Ioncaim nuair a iarrann siad orthu. Thug an BTCP sonraí do na Coimisinéirí Ioncaim, chomh maith, maidir le 160 iarratas ar leith ar eolas a fuair sé le linn na tréimhse.

### Údarás Áitiúla - caighdeán tithíochta a

**fhorfheidhmiú:** Tugadh eastósc ó Chlár na dTionóntachtaí do gach Údarás Áitiúil i nDeireadh Fómhair 2010 d'fhonn cúnamh a thabhairt dóibh i leith iniúchtaí a dhéanamh ar chomhlíonadh íoschaighdeán i dtionóntachtaí ar cíos agus iad a fhorfheidhmiú.

### Údarás Áitiúla - tobhach as áit chónaithe

**phríobháideach neamhphríomha:** D'éascaigh an BTCP íoc an tobhaigh as áit chónaithe príobháideach neamhphríomha arís in 2010.

Bhí an BTCP ionadaithe ar leibhéal ardbhainistíochta ar an gcoiste a dhéanann maoirseacht ar an scéim. Tugadh eastósc ó Chlár na dTionóntachtaí do na húdaráis áitiúla in Aibhreán. Déantar gach malartú sonraí ar aon dul le forálacha an Achta Rialtais Áitiúil (Muirir), 2009.

**An Phríomh-Oifig Staidrimh:** Tugtar sonraí ó Chlár na dTionóntachtaí don Phríomh-Oifig Staidrimh de réir Alt 30 den tAcht Staidrimh, 1993 chun críche staidrimh de réir mar is gá.

## Cistiú Údarás Áitiúil trí Ioncam ón Táille Chlárúcháin

Ar aon dul le forálacha an Achta um Thionóntachtaí Cónaithe, 2004, cuirtear cistiú ar fáil do na húdaráis Áitiúla chun costais iniúchtaí ar thionóntachtaí cónaithe príobháideacha ar cíos a chlúdach. De dhroim orduithe ar leith a thug an tAire Stáit do Thithíocht agus Seirbhísí Áitiúla, leithdháileadh trí sheachtach den ioncam a fuarthas ón táille chlárúcháin ar Údarás Áitiúla in 2010. Choinnigh an BTCP an chuid eile den ioncam chun a chuid costas oibríochtúil féin a chlúdach. Coinníonn an Bord um Thionóntachtaí Cónaithe Príobháideacha an chuid airgid seo i gcáil mhuiníneach, agus íocadh 5,600,000 amach d'Údarás Áitiúla de dhroim orduithe a thug an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil, rud a chiallaíonn gur íoc an BTCP 20,682,515 amach ar an iomlán d'Údarás Áitiúla idir 2004 agus 2010.

*\*méadaíodh an íocaíocht d'Údarás Áitiúla go dtí 20% den táille chlárúcháin in Iúil 2010*

Tá tuilleadh eolais maidir le rátaí iniúchta na nÚdarás Áitiúil agus na íoschaighdeán nua i leith tionóntachtaí cónaithe príobháideacha ar cíos le fáil ar shuíomh Idirlín na Roinne Comhshaoil, Pobail agus Rialtais Áitiúil: [www.environ.ie](http://www.environ.ie).

Tá sonraí maidir leis na cistí a bhí forchúitithe chuig gach ceann de na húdaráis Áitiúla le fáil ag an nasc seo a leanas:

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,23156,en.xls>

# **Seirbhísí Réitigh Achrann an Bhoird um Thionóntachtaí Cónaithe Príobháideacha**

*(Bhí méadú de 20% ar líon na n-iarratas  
ar Sheirbhísí Réitigh Achrann a fuarthas in 2010)*



## Gníomhaíochtaí Réitigh Achrann in 2010

Cuireadh dúshlán faoin tSeirbhís Réitigh Achrann in 2010 de bharr go bhfuarthas 2,230 iarratas ar réiteach achrainn, rud a bhí ina líon gan fasach agus a léirigh méadú de 20% i gcomparáid leis an líon a fuarthas in 2009. Bhí gearáin ó thiarnaí talún i gcoinne tionóntaí

maidir le riaráistí cíosa ina chúis leis an gcuid ba mhó den mhéadú seo. De thoradh air seo, mhéadaigh líon na ngearán a bhain le riaráistí cíosa ó 23% de na cásanna uile go dtí 31% in 2010.

	Cásanna in 2008	Athrú 2008/09	Cásanna in 2009	Athrú 2009/10	Cásanna in 2010
Iarratais a Fuarthas	1,650 cás	+13%	1,859 cás	+20%	2,230 cás
Orduithe Cinnidh a Rinneadh	516 ordú cinnidh	+78%	922 ordú cinnidh	+61%	1,481 ordú cinnidh*
Meánam próiseála na gcásanna ó dháta an iarratais go dtí dáta an Ordaithe Chinnidh	18 mí	Laghdú de 6 mhí	12 mhí	Laghdú de 4 mhí	8 mí ag deireadh 2010
Cásanna ag feitheamh le héisteacht	1,388	Laghdú de 47%	730	–	732

\* Bhí thart ar thrian de na hiarratais réitithe, tarraingthe siar ag iarratasóirí nó measadh go raibh siad tarraingthe siar de bharr nár fhreagair iarratasóirí comhfhreagras i rith an phróisis réitigh achrainn agus ní dhéantar orduithe cinnidh i gcásanna den chineál sin.

In ainneoin go raibh lagdú ar líon na mball foirne laistigh den rannóg réitigh achrainn, rinneadh an meánam próiseála le haghaidh achrainn a laghdú go dtí 8 mí, laghdú de 4 mhí i gcomparáid le 12 mhí in 2009. Bhí laghdú de 61% ar líon na n-orduithe cinnidh a rinne an Bord i gcomparáid le 2009 agus níor méadaíodh líon na gcásanna ag feitheamh le héisteacht in ainneoin go raibh méadú de ní ba mhó ná 20% ar líon na n-iarratas achrainn. Baineadh an laghdú ar am próiseála cásanna amach de bhrí go raibh baill foirne ag cur caoi sheolta éifeachtach ar phróisis ar bhonn leanúnach, agus de thoradh ar dhíograis na mball foirne sin laistigh den rannóg achrainn i dtreo éifeachtúlacht a uasmhéadú.

### Rochtain ar an tSeirbhís Réitigh Achrann

Déileálann an Bord um Thionóntachtaí Cónaithe Príobháideacha leis an tromlach d'achrainn idir tiarnaí talún agus tionóntaí san earnáil tionóntachtaí príobháideacha ar cíos in ionad na gCúirteanna. Tá an fhoirm iarratais le fáil ar líne ag [www.prtb.ie](http://www.prtb.ie) féadtar í a sheoladh chuig an iarratasóir tríd an bpost. Is é an táille a ghearrtar as úsáid na Seirbhíse Réitigh Achrann 25. Déanann suíomh Idirlín an BTCP páirtithe a atreorú chuig comhlachtaí eile a fhéadann comhairle agus treoir a thabhairt do thiarnaí talún agus do thionóntaí.

Ní féidir le tiarnaí talún iarratas a dhéanamh ar sheirbhísí réitigh achrann ach amháin sa chás go bhfuil a dtionóntachtaí cláraithe. Mar a cuireadh in iúl sa chuid den tuarascáil seo dar teideal ‘Clárúchán’, bhí clárúchán ar líne le fáil do thiarnaí talún ó mhí na Samhna 2010, agus is féidir le tiarna talún clárú ar líne i gcúpla nóiméad. Má chríochnaigh an tionóntacht cheana, tá an tiarna talún sin fós in ann an tionóntacht chríochnaithe sin a chlárú chun leas a bhaint as an tseirbhís réitigh achrann. Is féidir le tionóntaí agus tríú páirtithe leas a bhaint as an tseirbhís fiú mura bhfuil an tionóntacht cláraithe.

Tarlaíonn breithniú agus idirghabháil i seomraí éisteachta in oifig an Bhoird um Thionóntachtaí Cónaithe Príobháideacha i mBaile Átha Cliath, agus in oifigí éagsúla údarás áitiúil ar fud na tíre.

### Modhanna Réitigh Achrann

Is féidir le páirtithe atá bainteach le hachrann iarratas a dhéanamh ar bhreithniú nó idirghabháil mar mhodh réitigh achrainn.

Is modh réitigh achrainn é breithniú ina gceaptar breithneoir chun an fhianaise atá ag na páirtithe a spíonadh. Tá an éisteacht féin neamhfoirmiúil, ag a bhfiosraíonn an breithneoir gach a bhfuil i gceist. Déanann an breithneoir cinneadh a eiseofar chuig na páirtithe i ndiaidh na héisteachta. Mura mbíonn ceachtar páirtí sásta leis an gcinneadh, beidh 21 lá aige ón lá a eisíodh an cinneadh chun achomharc in aghaidh an chinnidh sin chun binse tionóntachta. D’fhéadfadh an breithneoir cúnadh a thabhairt do na páirtithe teacht ar réiteach. Bíonn na comhaontuithe a dhéantar ag Breithnithe faoi réir tréimhse shuaimhnithe de 21 lá, agus ní féidir iad a achomharc chun binse tionóntachta ina diaidh sin; cuirtear comhaontuithe den chineál seo faoi bhráid an Bhoird chun Ordú Cinnidh a dhéanamh a chuimsíonn téarmaí an chomhaontaithe. Rinneadh roinnt cásanna a bhain le héarlaisí coimeáda a réiteach trí bhreithniú páipéarbhunaithe. Sa phróiseas seo, iarrtar ar na páirtithe aighneachtaí i scríbhinn a chur isteach chun tacú lena gcás agus aon

fhianaise bhainteach a chur ina dteannta, mar shampla, grianghraif nó sonraisc. Seoltar cóipeanna de gach aighneacht ar aghaidh chuig gach páirtí agus leagtar tréimhse ar leith amach ina nglacfar le freagairt ar na haighneachtaí éagsúla. Seoltar na hábhair chlóite ar aghaidh chuig Breithneoir ansin agus déanann sé cinneadh ar an gceist. Cuirtear an tuarascáil maidir leis an gcinneadh seo faoi bhráid na bpáirtithe uile agus bíonn sé faoi réir na tréimhse achomhairc céanna atá i gceist le breithniú (thuas).

Má ghlacann an bheirt pháirtithe le hidirghabháil, áfach, déanfar idirghabhálaí de chuid an Bhoird um Thionóntachtaí Cónaithe Príobháideacha a cheapadh chun cúnadh a thabhairt do na páirtithe i dtreo an t-achrann a réiteach idir an bheirt pháirtithe féin. Sa chás go bhféadann an t-achrann a réiteach in idirghabháil, cuirtear an comhaontú idir na páirtithe faoi bhráid an Bhoird chun Ordú Cinnidh a dhéanamh a chuimsíonn téarmaí an chomhaontaithe. Mura féidir teacht ar réiteach, is féidir leis an iarrthóir iarratas a dhéanamh chun an t-ábhar a chur faoi bhráid binse tionóntachta.

Mura ndéanfaí cinneadh a rinneadh ag breithniú nó idirghabháil a achomharc, ghlacfaí leis an gcinneadh sin mar Ordú Cinneadh an Bhoird um Thionóntachtaí Cónaithe Príobháideacha i leith an t-achrann a réiteach. Is féidir le páirtithe iarraidh ar na cúirteanna an t-ordú seo a fhorfheidhmiú i gcásanna neamhchomhlíonta. Is é polasaí an BTCP gach Ordú Cinnidh a fhoilsiú ach amháin i gcásanna idirghabhála, a mbíonn a dtorthaí faoi rún.

### Painéil Breithneoirí agus Idirghabhálaithe a Cheapadh agus a Oiliúint

Déanann an Bord um Thionóntachtaí Cónaithe Príobháideacha breithneoirí agus idirghabhálaithe neamhspleácha a cheapadh chun achrainn maidir le tionóntachtaí a réiteach. Chuaigh painéal 2007 - 2010 as feidhm i mí na Nollag, 2010. Ba mhaith leis an BTCP buíochas a ghabháil le hiarbhaill an phainéil as ucht a gcuid oibre agus a gcuid tiomantais le trí bliana anuas. Rinne an BTCP comórtas oscailte a reáchtáil i mí na

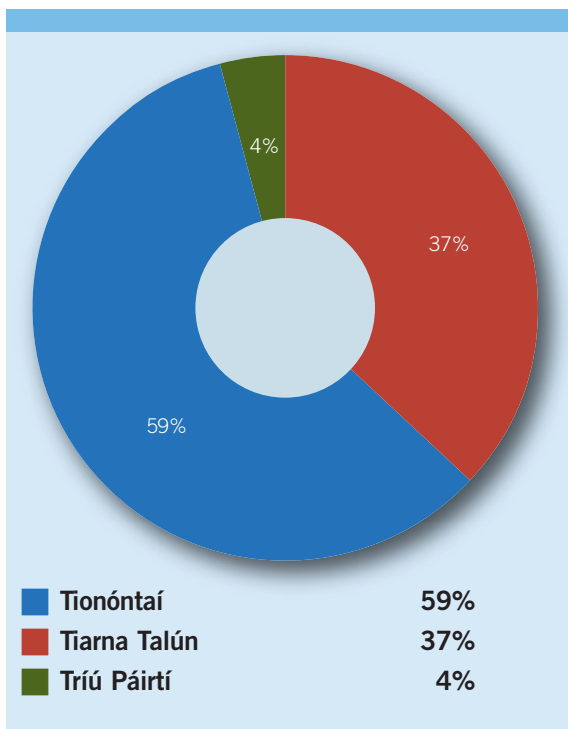
Samhna 2010, tríd an tSeirbhís um Cheapacháin Phoiblí, a chuir fáilte roimh dhaoine oiriúnacha iarratas a dhéanamh chun a bheith mar bhaill an phainéil nua ó Eanáir 2011. Chuimsigh an próiseas roghnúcháin scrúdú maidir leis an tAcht um Thionóntachtaí Cónaithe, 2004, rólghlacadh agus agallamh iomaíoch.

Íoctar táille chomhréidh de 660 in aghaidh an lae do bhreithneoirí agus idirghabhálaithe agus éistean siad le roinnt cásanna ar an lá sin. Tá breithneoirí agus idirghabhálaithe faoi réir comhaontaithe seirbhíse chomh maith. Liostaítear na baill de phainéal 2007 - 2010 in Aguisín 2 na tuarascála seo.

### Staitisticí maidir le Réiteach Achran in 2010

Le linn 2010, fuair an BTCP 2,230 iarratas ar réiteach achrainn. Léiríonn an figiúr seo méadú de 20% ar líon na n-iarratas a fuarthas in 2009. Faigheann an BTCP 42 iarratas ar réiteach achrainn ar an meán in aghaidh na seachtaine. Baineann 51% de na hiarratais seo le Baile Átha Cliath agus baineann 49% leis an gcuid eile den tír.

### Miondealú ar na cásanna go léir 2010 ag Páirtí an Iarratasóra

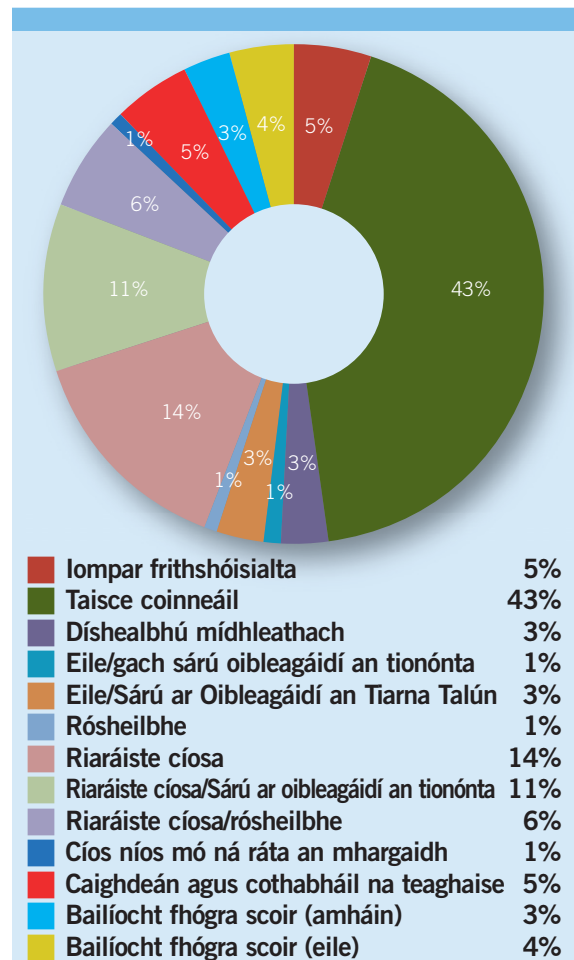


In 2010, rinne tionóntaí 59% de na hiarratais ar réiteach achrainn, tiarnaí talún 37%, agus tríú páirtithe 4%. Méadaíodh líon na gcásanna a thionscain tiarnaí talún ó 29% de na hiarratais ar fad in 2009 go dtí 37% in 2010 de bharr gur méadaíodh líon na gcásanna a bhain le tionóntachtaí i riaráistí cíosa den chuid ba mhó.

I gcomparáid le 2009, méadaíodh líon na gcásanna maidir le riaráistí cíosa a thionscain tiarnaí talún ó 23% de na hiarratais ar fad go dtí 31%. In ainneoin an mhéadaithe seo, bíonn éarlaisí coimeádta fós ina gcúis le níos mó iarratais ar réiteach achrainn ná aon rud eile, agus níor athraigh an scéal seo ó cuireadh an BTCP ar bun in 2004.

Tugann an chéad chairt eile breac-chuntas ar na catagóirí achran is coitianta a chuireann tiarnaí talún, tionóntaí agus tríú páirtithe faoi bhráid an Bhoird.

### Miondealú ar fad 2010 Cásanna de réir Chineál Díospóide

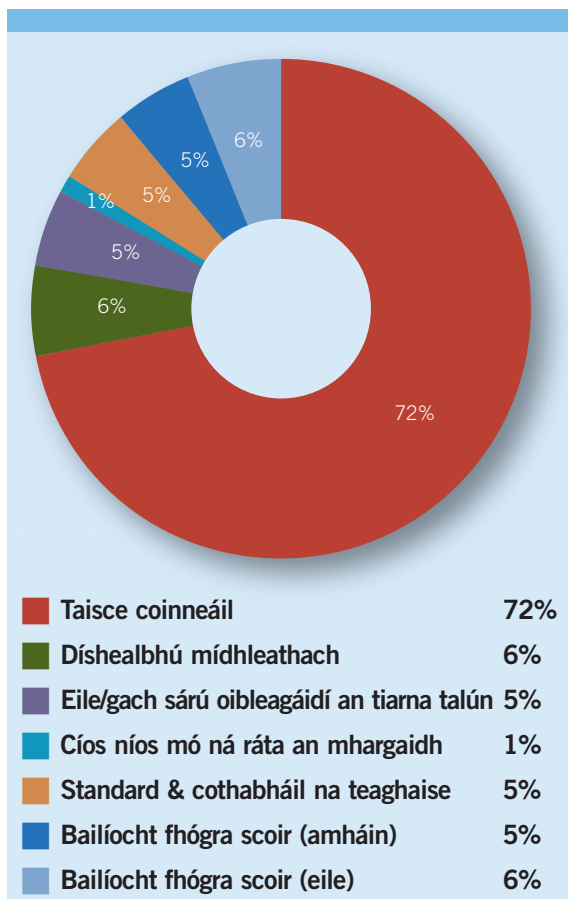


### Iarratais ar Réiteach Achrainn ó Thionóntaí

Mar a dúradh roimhe seo, bíonn éarlaisí coimeádta fós ina gcúis le níos mó iarratais ó thionóntaí chuig an BTCP ná aon rud eile. Seasann an chatagóir seo do 43% de na cásanna achrainn uile a cuireadh faoi bhráid an Bhoird le linn na bliana, agus 72% de na cásanna a bhí tionscanta ag tionóntaí.

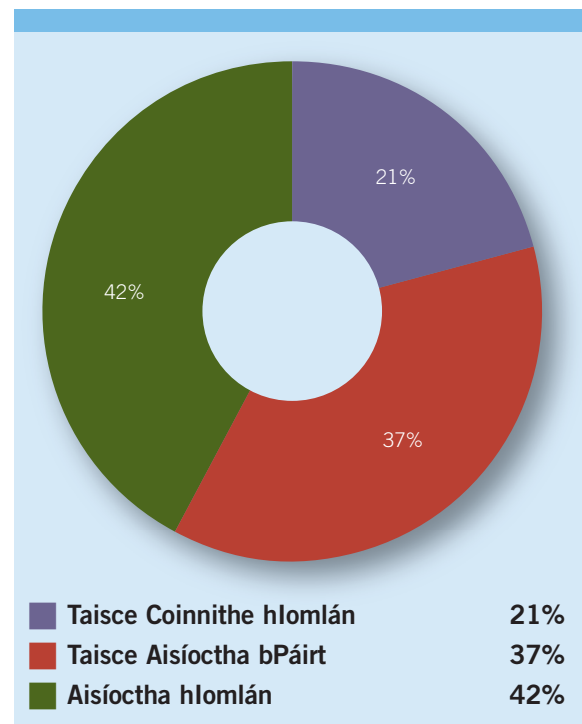
Is leis an tionónta an éarlais. Tá tionóntaí i dteideal dlíthiúil aisíoc a n-éarlaisí nuair a théann tréimhse chomhaontaithe na tionóntachta as feidhm ar chuntar nach bhfuil siad i riaráistí cíosa, nach bhfuil cánacha, billí ná táillí eile fós le híoc acu agus nach ndearnadh aon dochar don teaghais seachas gnáthchaitheamh agus gnáthchumilt. De réir Alt 115 den Acht um Thionóntachtaí Cónaithe, 2004, is féidir le breithneoirí damáistí a dhámhachtain i gcoinne tiarnaí talún a choimeádann éarlaisí gan chúis.

### Miondealú ar fad 2010 Cásanna curtha ar aghaidh ag Tionóntaí



I 42% de na horduithe cinnidh uile a bhain le héarlaisí in 2010, d'ordaigh an BTCP tiarnaí talún an éarlais ina hiomláine a íoc ar ais, agus d'ordaigh sé tiarnaí talún cuid den éarlais a íoc ar ais i 37% de na cásanna. Rinne an BTCP cinneadh go raibh sé de cheart ag an tiarna talún an éarlais a chóiméad i 21% de na cásanna.

### 2010 Cinntí maidir le díospóidí Coinneáil Taisce

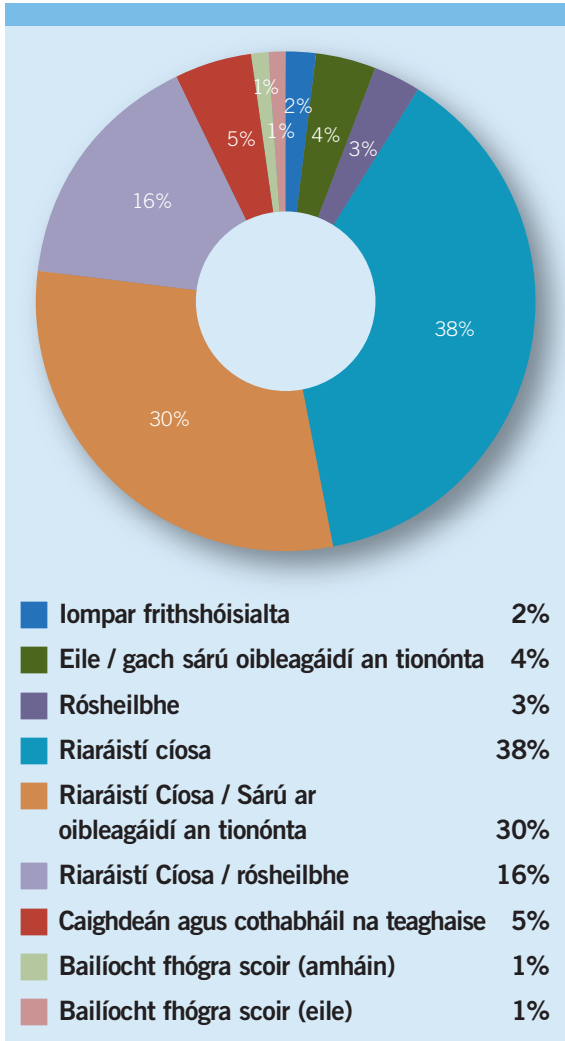


### Iarratais ar Réiteach Achrainn ó Thiarnaí Talún

Bhí riaráistí cíosa ina gcúis leis an chuid ba mhó de na gearáin a rinne tiarnaí talún arís in 2010. Bhain 31% de na hachrainn ar fad a cuireadh faoi bhráid an Bhoird le linn 2010 le riaráistí ina n-iomláine nó cuid díobh, i gcomparáid le 23% in 2009.

Tá riachtanas dlí ar thionóntaí a gcíos a íoc nuair a bhíonn sé dlite, beag beann ar cé acu an bhfuil siad páirteach in achran leantach leis an tiarna talún. Is féidir le tiarna talún fógra foirceanta a sheirbheáil ar thionónta atá i riaráistí cíosa. Chun tionóntacht atá i riaráistí cíosa a fhoirceannadh, ní mór don tiarna talún

### Miondealú ar fad 2010 Cásanna curtha ar aghaidh ag Tiarnaí Talún



litir a sheoladh chuig an tionónta 14 lá sula seoltar an fógra bailí foirceanta 28 lá chuige. Tá sé tábhachtach do thiarnaí talún tabhairt faoi deara dá measfadh breithneoir de chuid an BTCP go bhfuil an fógra foirceanta neamhbhailí, bheadh sé in ann déileáil leis na riaráistí cíosa ar an lá, ach ní fhéadfadh sé an tionóntacht a fhoirceannadh. Mionsonraíonn an tAcht um Thionóntachtaí Cónaithe, 2004 an fhormaid le haghaidh Fógraí 14 Lá ar Riaráistí, Fógraí Foirceanta, agus is féidir eolas ginearálta a fháil maidir leo ar shuíomh Idirlín an BTCP ag [www.prtb.ie/disputes](http://www.prtb.ie/disputes).

## **Binsí Tionóntachtaí an Bhoird um Thionóntachtaí Cónaithe Príobháideacha**

*Bhí méadú de 93% ar líon na mBinsí a tionóladh in  
2010 i gcomparáid le 2009 ach ina ainneoin sin,  
ní raibh aon athrú ar an am próiseála de 2 go 3 mhí.*

## Binsí Tionóntachtaí 2010

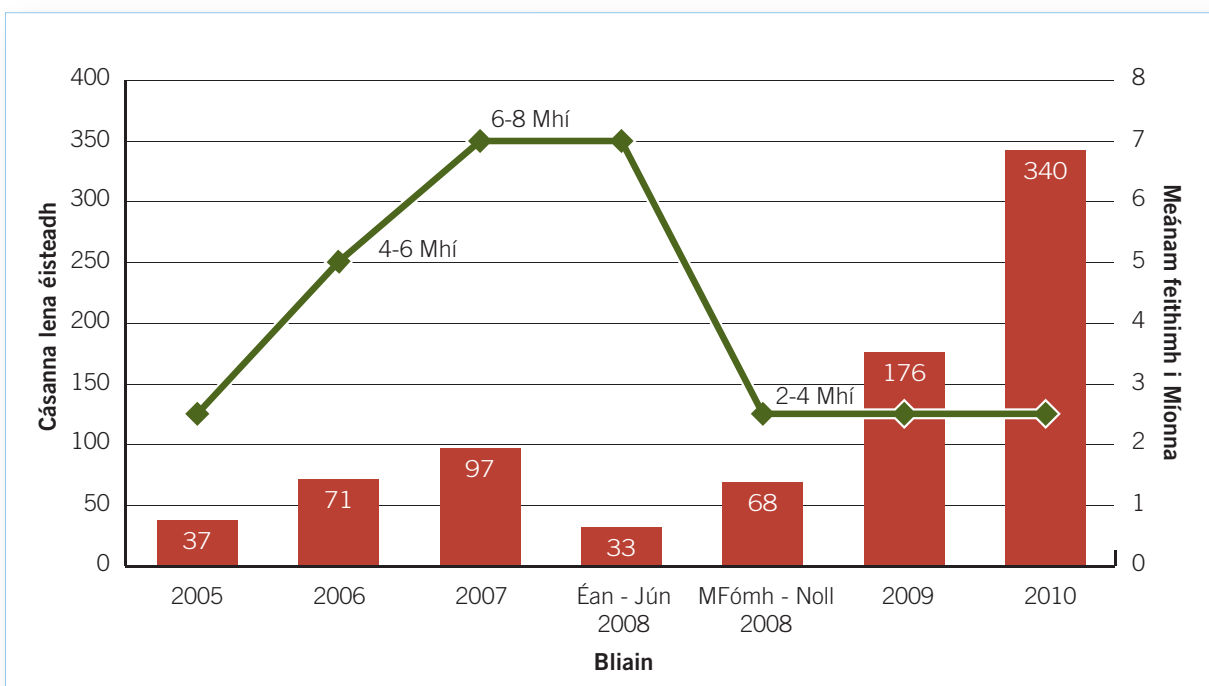
Cuirtear achrann faoi bhráid Binse Tionóntachta (i) sa chás go ndéanann aon pháirtí cinneadh an bhreithneora a achomharc laistigh de 21 lá, nó (ii) sa chás nach féidir an chás a réiteach trí idirghabháil agus déanann aon pháirtí iarratas ar an gcás a chur ar aghaidh chuig Binse Tionóntachta. I gcásanna eisceachtúla, is féidir leis an BTCP achrann a chur ar aghaidh chuig an mBinse nuair is léir go bhfuil baol ann go ndéanfadh dochar don teaghais nó go mbeadh aon pháirtí i mbaol.

Tá triúir ar gach Binse Tionóntachta. Tá gach duine den triúir ina mbaill de Choiste Réitigh Achrann an Bhoird. Éistear leis na fíricí ar fad maidir leis an gcás ag an mBinse, nó, le toiliú na beirte páirtí, d'fhéadfaí díriú ar aon shaincheist ar leith. Bíonn Binsí níos foirmiúla ná éisteachtaí agus éilítear ar gach páirtí mionna nó dearbhasc a thabhairt sula dtugann siad fianaise. Bíonn

luathscríbhneoir i láthair ag Binsí chomh maith. Tionólan an Binse Tionóntachta gach éisteacht os comhair an phobail, agus tá a chuid feidhmeanna garbhreithiúnach chomh maith. Foilsítear Tuarascálacha na mBinsí ar shuíomh Idirlín an BTCP ag [www.prtb.ie](http://www.prtb.ie).

In 2010, dhéileáil an BTCP le méadú gan fasach de 93% ar éisteachtaí binsí i gcomparáid le 2009. Thionóil sé thart ar 340 Binse Tionóntachta ach ina ainneoin sin, d'éirigh leis am próiseála na n-éisteachtaí seo a choinneáil ag dhá go trí mhí ar an meán. Is léir go bhfuil líon na n-achomharc a chuirtear ar aghaidh chuig Binse Tionóntachta ag dul i méid fós, le 37 éisteacht in 2005 agus 340 éisteacht in 2010. D'éirigh leis an BTCP meánam próiseála na n-éisteachtaí binse a laghdú ó 6 - 8 mí in 2007 agus an chuid ba mhó de 2008, go dtí 2 - 3 mhí ar an meán in 2009 agus 2010.

### Cásanna 2005-2010 Heard v Amanna Feithimh Meán



## Tinreamh agus Luach Saothair Bhaill na mBinsí in 2010

BAILL AN CHOISTE RÉITIGH ACHRANN	BALLRÁÍOCHT BINSÍ IN 2010		Iomlán na dTáillí a Fuarthas
	Mar Bhaill	Mar an gCathaoirleach	
Aidan Brennan	12	2	0
James Bridgeman	17	6	€18,720
Anne Colley	26	10	€30,942
Charles Corcoran	28	4	€18,153
Orla Coyne	8	27	€23,427
Gus Cummins	29	7	€22,626
Keara Donnelly	30	6	€24,264
Tom Dunne	19	6	€19,494
John Elliott	22	4	€20,691
Michael Farry	22	6	€15,318
Geraldine Feeney	27	9	€27,927
Paul Good	22	8	€19,575
Aideen Hayden	15	30	€40,518
Mary Heaslip	29	8	€27,837
Bill Holohan	23	3	€14,796
Nesta Kelly	27	7	€25,038
John Lynch	24	5	€19,188
Finian Matthews	13	25	€36,252
Ciaran McNamara	0	0	0
Fintan McNamara	21	13	€26,685
Mary H. Morris	20	5	€17,253
Henry Murdoch	25	11	€20,790
Liam Nolan	22	9	€22,761
Liam O'Donnell	24	0	€12,771
Cian O Lionáin	12	2	0
An tOllamh Eoin O'Sullivan	15	27	€33,759
Dervla Quinn	25	11	€29,439
An tOllamh Bairbre Redmond	18	10	€17,775
Thomas J. Reilly	8	25	€28,035
Patrick J. Riney	24	3	€16,344
Tony Taaffe	25	11	€26,424
Gene Feighery	19	17	€24,705
John Tiernan	12	11	€11,277
Vincent P Martin	17	12	€20,142
<b>Iomlán</b>	<b>680</b>	<b>340</b>	<b>€712,926</b>

Is iad na táillí iomlána sa tábla na fiortháillí a íocadh in 2010 faoi réir ÍMAT. Cuimsíonn na hiocaíochtaí seo íocaíochtaí le haghaidh gníomhaíochtaí na bliana seo caite agus ní chuimsíonn siad na táillí a bhí iníochta ag deireadh na bliana. Léiríonn na táillí atá luaite i Ráitis Airgeadais 2010 na táillí atá iníochta nó a bhí íochta as obair a rinneadh le linn na bliana.

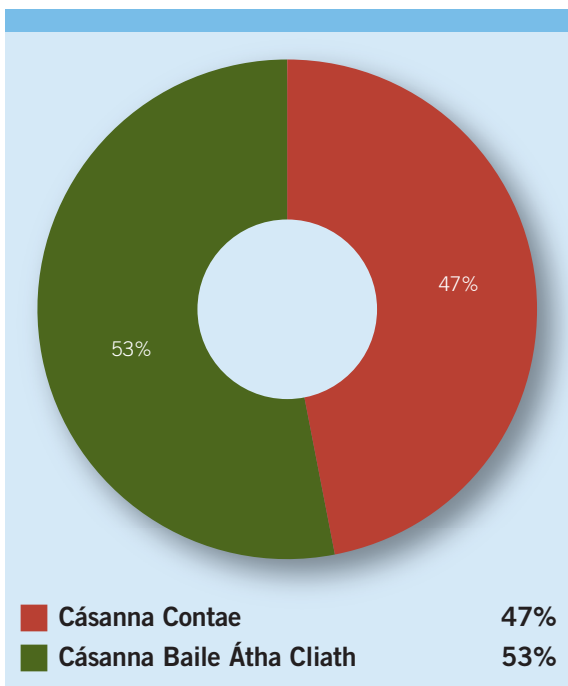


### Staitisticí maidir leis na Binsí in 2010

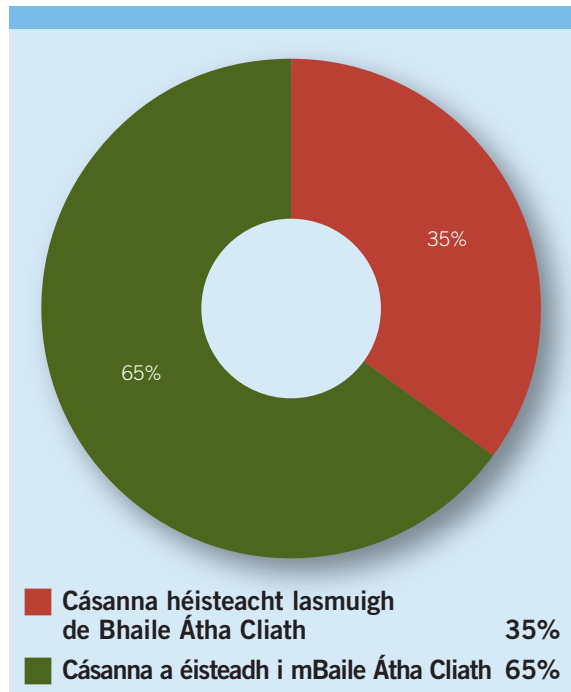
Le linn 2010, fuarthas 485 iarratas ar achomharc chun Binse Tionóntachta. Mheas an Bord iad agus cheadaigh sé 420 iarratas agus dhiúltaigh sé do 65 acu. Dhiúltaigh an Bord d'achomhairc de bharr go raibh siad déanach nó nach raibh an táille chuí ina dteannta. Tionóladh 340 binse in 2010. Bhí sé seo ina mhéadú de 93% ar líon na n-éisteachtaí binse a tionóladh in 2009 (2010). Bhí 20% de na hachomhairc in 2010 ina n-achomhairc ar chásanna breithnithe pháipéarbhunaithe, 75% ina n-achomhairc ar chásanna breithnithe ó bhéal agus bhí 5% curtha ar aghaidh ó idirghabháil. Tarraingíodh 59 achomharc siar roimh an éisteacht.

Bhain 53% de na Binsí Tionóntachta a tionóladh le linn 2010 le Baile Átha Cliath, agus bhain 47% de na Binsí Tionóntachta leis an gcuid eile den tír. Tionóladh 65% de na Binsí i mBaile Átha Cliath agus tionóladh 35% in áiteanna éagsúla ar fud na coda eile den tír. Tionóladh na Binsí Tionóntachta a bhain le háiteanna mórthimpeall Bhaile Átha Cliath, lenar áiríodh inter alia Cill Mhantáin, Cill Dara, an Mhí, agus Lú, in oifigí an Bhoird um Thionóntachtaí Cónaithe Príobháideacha i mBaile Átha Cliath.

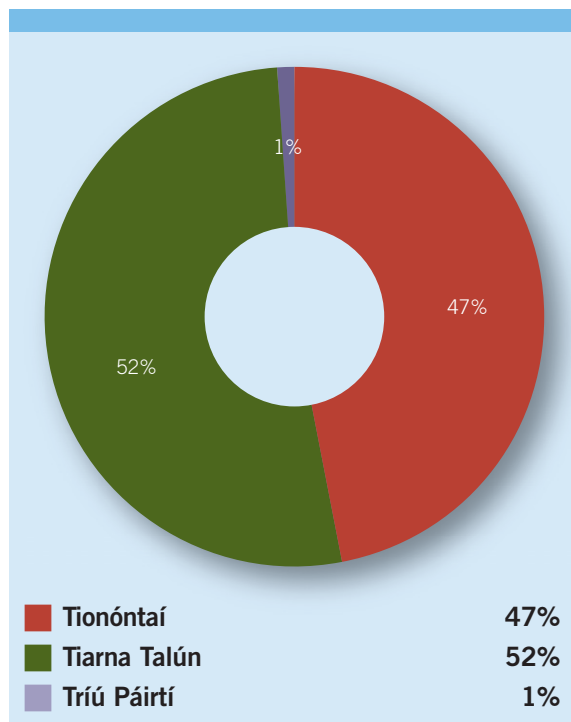
### Cásanna sa Tuath i gcomparáid le Baile Átha Cliath



### Éisteachtaí Binse de réir an Ionaid



### Binsí: Miondealú ar Chásanna lenar Éisteadh in 2010 de réir an Achomharcóra



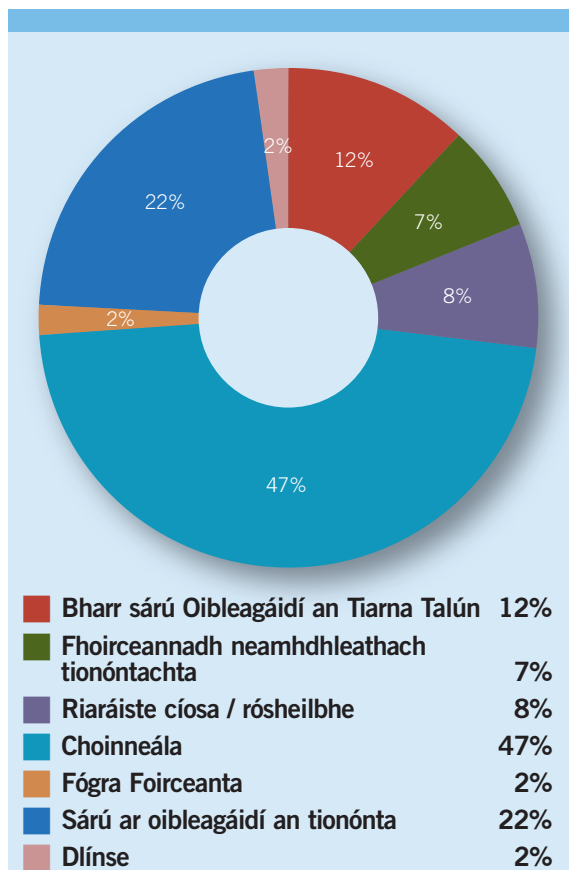
Tháinig ní ba mhó ná leath (52%) de na hachomhairc a cuireadh ar aghaidh chuig Binse Tionóntachta in 2010 ó thiarnaí talún, 47% ó thionóntaí agus 1% ó thríú páirtithe.

### Cásanna maidir le hÉarlaisí Coimeádta a achomharcadh chuig Binse

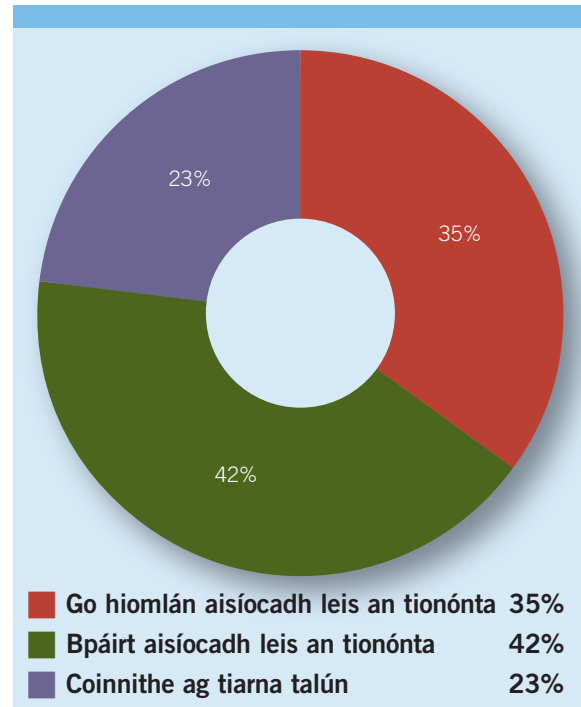
Éilíonn Alt 12 den Acht um Thionóntachtaí Cónaithe, 2004 ar thiarnaí talún aon éarlais a d'íoc an tionónta don tiarna talún a thabhairt ar ais nó a aisíoc go pras ach amháin de réir an Achta.

Is iad na cásanna maidir le cóiméad éarlaisí an chatagóir achomhairc is mó a chuirtear ar aghaidh chuig Binse Tionóntachta, agus sheas siad do 47% de na héisteachtaí binse ar an iomlán in 2010. I 77% de na cásanna seo, chinn an Binse go mbeadh ar na tiarnaí talún cuid den éarlais nó an éarlais ina hiomláine a íoc ar ais dá dtionóntaí.

### Miondealú ar Gach Cás Binse in 2010 de réir Chineál an Achrainn



### Cinntí ar Achrainn maidir le hÉarlaisí Coimeádta

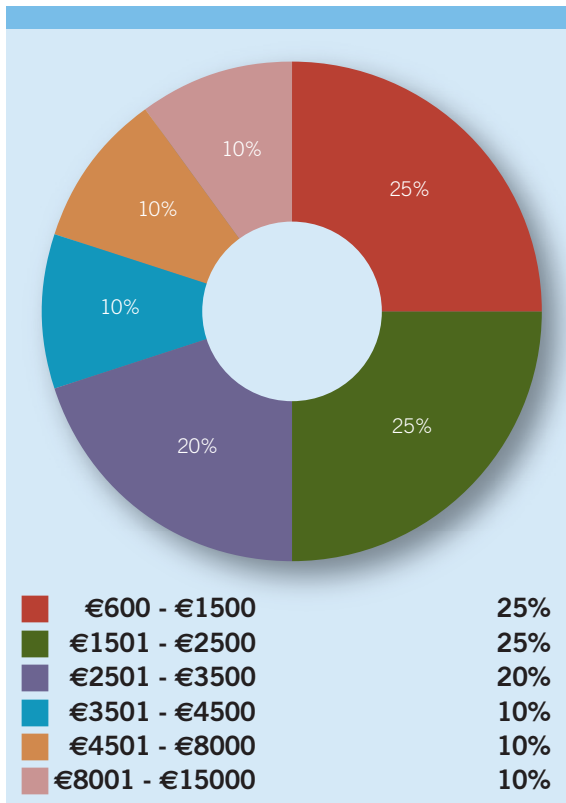


### Cásanna maidir le Díshealbhú Neamhdhleathach

Tarlaíonn díshealbhú neamhdhleathach tionóntachta nuair a chuireann tiarna talún bac, trí fhórsa, imeaglú nó eile, ar thionónta agus é ag iarraidh rochtain ar an teaghais ar cíos agus/nó nuair a bhaineann sé giuirléidí an tionónta den teaghais, beag beann ar cé acu an raibh Fógra Foirceanta seirbheáilte i leith na tionóntachta nó nach raibh. Tá líon na ndámhachtainí ar thionóntaí, mar chúiteamh ar an struis agus míchaoithiúlacht a cruthaíodh de dheasca dhíshealbhú neamhdhleathach na tionóntachta, tar éis laghdú ó 11% de na cásanna a bhain le díshealbhú neamhdhleathach in 2009, go dtí 7% de na cásanna in 2010. Dámhadh damáistí idir 600 agus 15,000 ag brath ar chineál agus chúinsí an díshealbhaithne neamhdhleathaigh.

**Dámhadh damáistí suas go €15,000 ar thionóntaí a dhíshealbhaíodh go neamhdhleathach le linn 2010.**

### Miondealú ar Dhamáistí a Dámhadh de dhroim Foirceannadh Neamhdhleathach Tionóntachta (díshealbhú neamhdhleathach)



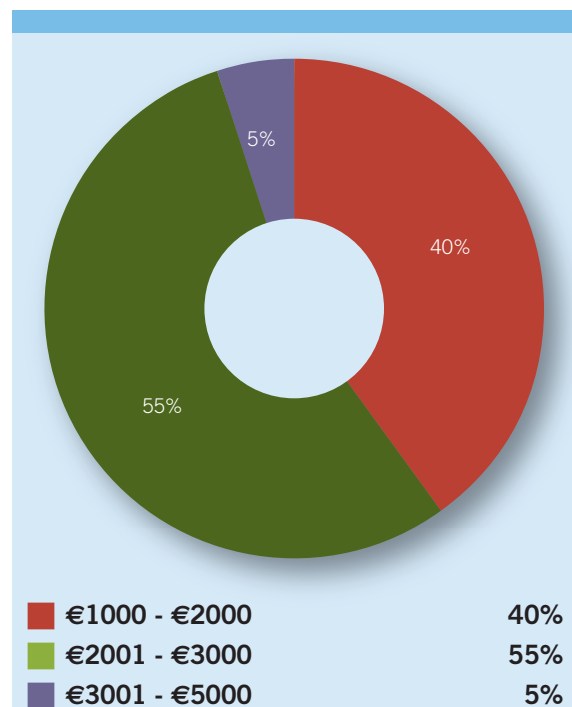
chlúdach. Bhí idir 1,000 agus 5,000 i gceist leis na costais seo, nó 2,750 ar an meán. I bhformhór na gcásanna seo, níor fhreastail an t-achomharcóir ar an éisteacht agus níor thug sé cúis mhaith leis. I roinnt cásanna, áfach, d'fhreastail an t-achomharcóir, nó gníomhaire nó ionadaí a bhí ag feidhmiú thar a cheann ar an éisteacht agus dámhadh na costais ar an BTCP go fóill. Mar shampla, nuair a d'fhreastail an t-achomharcóir ar an mBinse Tionóntachta ach ní raibh sé ar aon eolas faoin achrann agus ní raibh sé in ann aon fhianaise nua a thabhairt ar aird d'fhonn cúnaimh a thabhairt i leith déileáil leis an iarratas ar achomharc.

I bhformhór na gcásanna, ní raibh ceachtar páirtí faoi ionadaíocht dhlíthiúil ag éisteachtaí na mBinsí. Bhí tionóntaí faoi ionadaíocht dhlíthiúil ag Éisteachtaí na mBinsí ag 28% de na cásanna, bhí tiarnaí talún faoi ionadaíocht dhlíthiúil ag 16% de na cásanna agus bhí tríú páirtithe faoi ionadaíocht dhlíthiúil ag 1% de na cásanna.

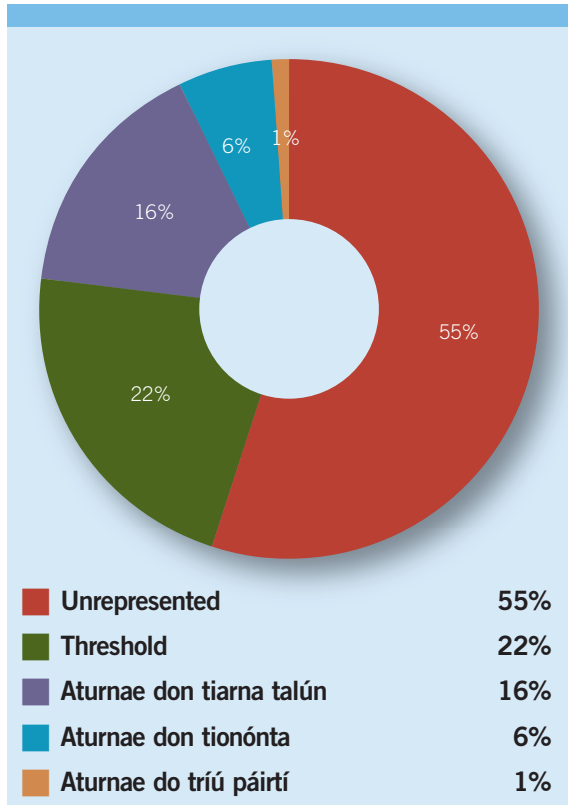
### Costais a Dámhadh ar an mBord um Thionóntachtaí Cónaithe Príobháideacha

Tá an chumhacht ag an mBinse, de réir Alt 115(2)(i) den Acht um Thionóntachtaí Cónaithe, 2004, ordú do pháirtí amháin nó níos mó cuid de na costais nó na costais ina n-iomláine a thabhaíonn an Binse a íoc. Mar shampla, d'fhéadfaí na costais a dhámhachtain nuair nach gcomhoibríonn páirtí i dtreo an t-achrann a réiteach, nó, nuair nach bhfreastalaíonn an t-achomharcóir/an t-iarratasóir ar an mBinse gan cúis mhaith nó nuair nach gcuireann sé aighneacht i scríbhinn maidir lena chás achomhairc faoi bhráid an Bhinse. D'fhéadfadh an Binse a mheas go raibh an éisteacht tionólta de dheasca mhí-úsáid an phróisis réitigh achrann chomh maith. I gcás 6% de na Binsí Tionóntachta a tionóladh le linn 2010, dámhadh na costais ar an BTCP d'fhonn speansais an Bhinse a

### Miondealú ar Chostais nó Speansais a thabhaigh an Binse a Dámhadh -



### Ionadaíocht Dhlíthiúil ag Binsí





## **Orduithe Cinnidh arna bhFhorfheidhmiú ag an BTCP**

*Fuarthas 561 iarratas nua ar fhorfheidhmiú le linn 2010*

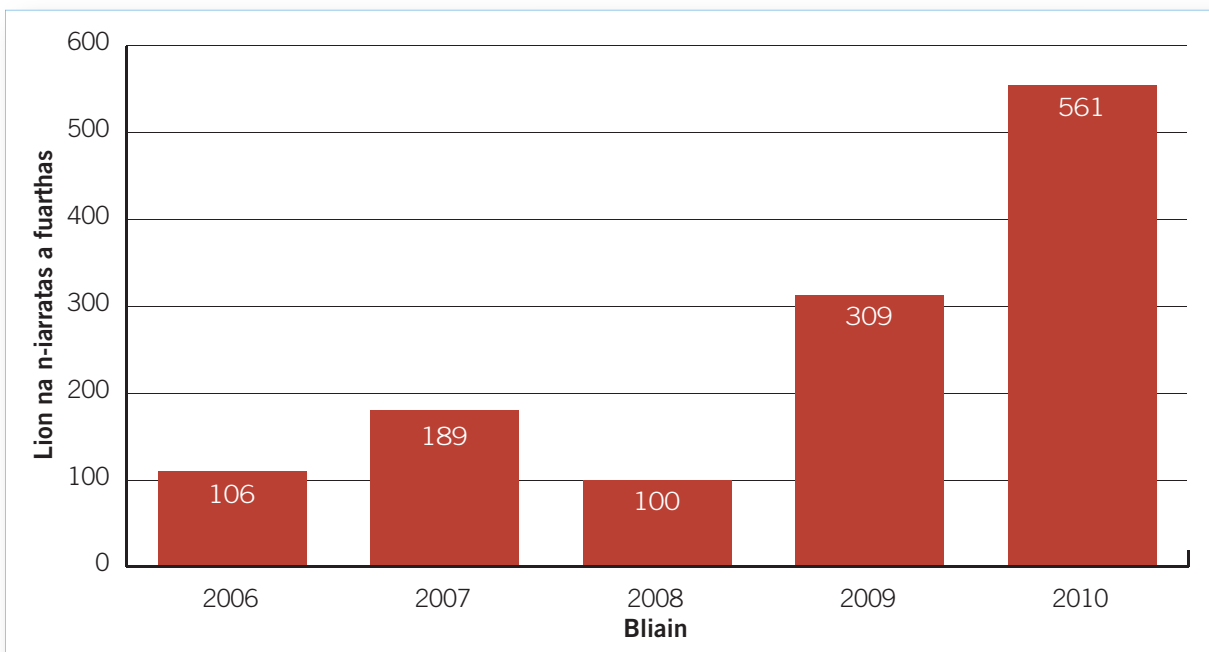
## Seirbhísí Forfheidhmithe 2010

Ordaíonn an tAcht um Thionóntachtaí Cónaithe, 2004 go gcaithfear Ordú Cinnidh a dhéanann an BTCP a chomhlíonadh agus go bhféadfaí an tOrdú sin a fhorfheidhmiú trí ionchúiseamh coiriúil nó imeachtaí sibhialta a thionscnamh, nó an dá cheann acu. Bíonn impleachtaí tromchúiseacha i gceist do pháirtithe nach gcomhlíonann Ordú de chuid an BTCP.

Ní fhéadann ach an BTCP duine a ionchúiseamh i gcion, agus chuirfí os comhair na Cúirte Dúiche é. Féadtar pionóis thromchúiseacha a ghearradh ar dhuine atá faighte ciontach i gcion, lena n-áirítear fíneáil suas go dtí 3,000 agus/nó tréimhse príosúnachta suas go dtí 6 mhí, chomh maith le fíneáil de 250 in aghaidh an lae i gcás neamh-chomhlíonadh leantach. Chomh maith le hionchúiseamh coiriúil, is é polasaí an BTCP Ordú Cúitimh a iarraidh suas go dtí uas-suim a fhéadann an Chúirt Dúiche a dhámhachtain (i.e. beagnach 6,350) sa chás go bhfuil suim airgid ar an bpáirtí neamh-chomhlíontach.

Ar an taobh eile, tionscnaítear imeachtaí sibhialta sa Chúirt Chuarda. Is féidir le haon pháirtí imeachtaí sibhialta a thionscnamh. Iarrann a lán cliant ar an BTCP Orduithe Cinnidh a fhorfheidhmiú thar a gceann, áfach. Ina leith seo, déanann Alt 124 den Acht foráil gur féidir leis an BTCP nó páirtí eile (i.e. an páirtí atá ag iarraidh fhorfheidhmiú an Ordaithe Chinnidh) iarratas a dhéanamh chun na Cúirte Cuarda ar Ordú a ordaíonn an páirtí neamh-chomhlíontach Ordú Cinnidh an BTCP a chomhlíonadh. Dá n-éireodh leis an BTCP Ordú a fháil ón gCúirt Chuarda agus mura gcomhlíonadh an páirtí an tOrdú go fóill, d'fhéadfadh an BTCP iarratas a dhéanamh ar astú agus chimiú an pháirtí neamh-chomhlíontaigh. Cé gur faoi lánrogha na Cúirte a bhíonn cinntí den chineál seo, d'fhéadfaí an duine a chur faoi phríosúnacht de dhroim iarratais ar astú agus chimiú.

### Requests received by year



Beag beann ar an gcineál imeachta dlí atá ann, is é polasaí an BTCP iarracht a dhéanamh ar gach costas riaracháin agus dlí a ghnóthú, agus ina leith sin, bhí na Cúirteanna sásta costais a dhámhachtain den chuid ba mhó.

Baineann an t-eolas thuasluaite le polasaithe an Bhoird a bhí i bhfeidhm le linn na tréimhse atá i gceist, i.e. an bhliain 2010. De réir na reachtaíochta, áfach, níl sé de dhualgas ar an mBord Orduithe Cinnidh dá chuid féin a fhorfheidhmiú, agus mar gheall air sin is féidir leis an mBord athruithe a dhéanamh ar an bpolasaí seo ag aon am ar bith.

### Iarratais nua ar Fhorfheidhmiú a Fuarthas in 2010

Fuarthas 561 iarratas nua ar fhorfheidhmiú le linn 2010. Ciallaíonn sé seo go bhfuarthas 252 iarratas sa bhreis ar an líon a fuarthas an bhliain roimhe, nó méadú de 45% in aon bhliain amháin.

Tá gach cosúlacht ann gur de bharr na géarchéime geilleagraí cuid den mhéadú seo. Léiríonn sé seo chomh maith an méadú suntasach a bhí ar líon na gcásanna lenar dhéileáil Rannóga Réitigh Achrann an BTCP.

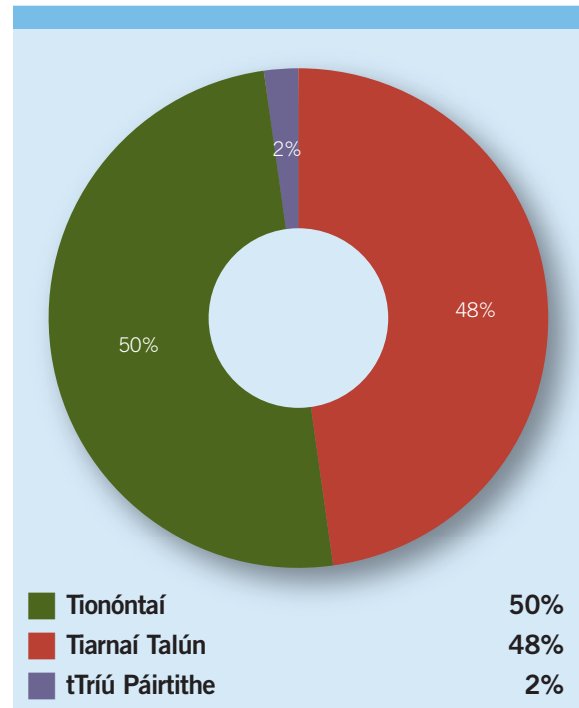
Fuarthas cúpla iarratas ní ba mhó ó thionóntaí (278) ná ó thiarnaí talún (269), agus ní bhfuarthas ach 14 iarratas ó thríú pháirtithe. Bhí sé seo ar aon dul le treocht na mblianta roimhe.

### Iarratais nua ar Fhorfheidhmiú a Fuarthas in 2010 de réir Chineál an Achrainn

#### Fuarthas 561 iarratas ar an iomlán le linn 2010

Is léir ó na 269 iarratas a fuarthas ó thiarnaí talún go raibh na príomhfhadhbanna a bhí acu bainteach le riaráistí cíosa; bhain 121 iarratas le riaráistí cíosa, 92 iarratas le riaráistí cíosa agus sárú oibleagáidí an

### Páirtithe iarraidh forfheidhmithe 2010



tionónta, bhain 21 iarratas le róshealbhú agus sárú oibleagáidí an tionónta, agus bhain na 35 cás eile le saincheisteanna eile.

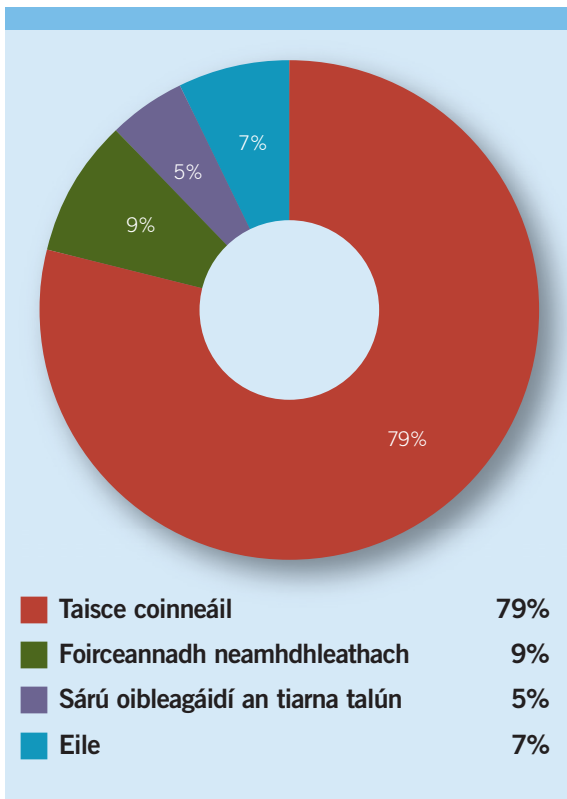
As na 278 iarratas a fuarthas ó thionóntaí, bhí an phríomhdheacracht a bhí acu bainteach le cóiméad éarlaisí; fuarthas 221 iarratas a bhain le cóiméad éarlaise, bhí foirceannadh neamhdhleathach luaite i 24 iarratas, agus bhain na 33 cás eile le saincheisteanna eile. Chuaigh 279 de na hiarratais seo ar aghaidh go dtí an chéim dhlíthiúil roimh dheireadh na bliana.

Fuarthas 14 iarratas ó thríú páirtithe. Bhain an chuid ba mhó acu siúd le tiarnaí talún nach ndearna oibleagáidí an tionónta a fhorfheidhmiú.

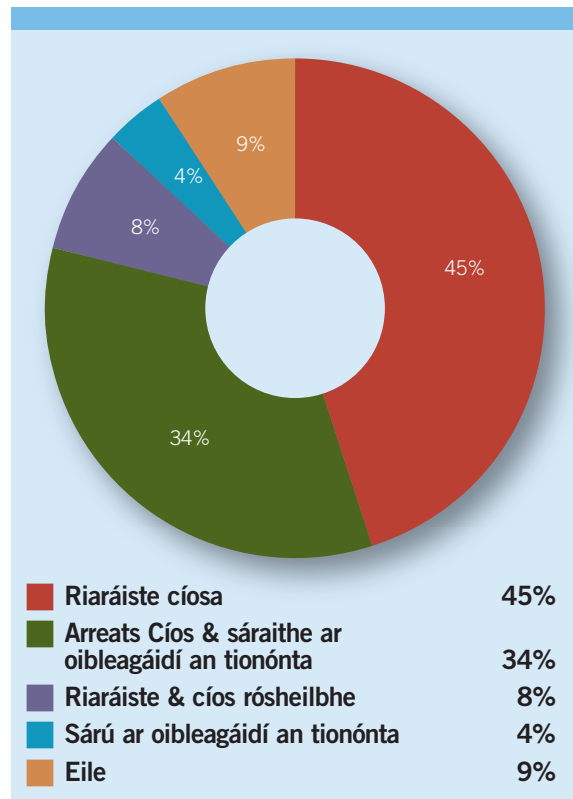


Sonraí maidir leis na Príomh-shaincheisteanna a Atreoáíodh le haghaidh Forfheidhmiú in 2010

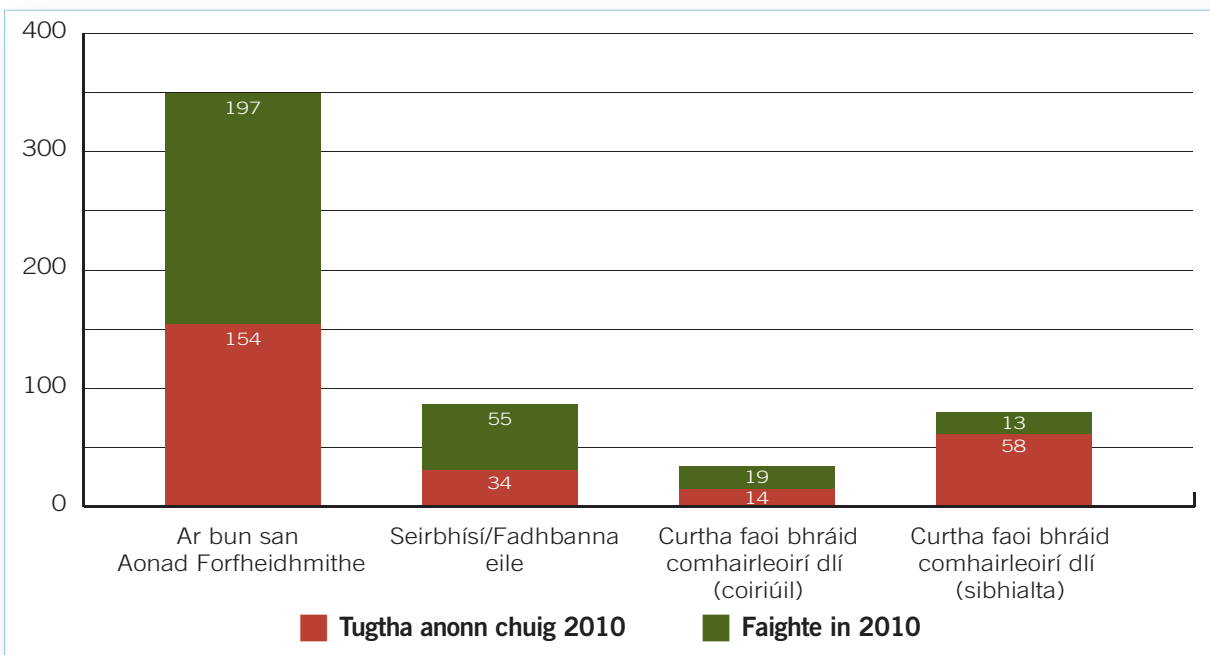
Iarratais a fuarthas ó thionóntaí



Iarratais a fuarthas ó thiarnaí talún



Obair idir Lámha - Stádas na gCásanna



### Cásanna Forfheidhmithe a tugadh ar aghaidh go dtí 2010 ó bhlianta roimhe

Chomh maith leis na 561 iarratas ar fhorfheidhmiú a fuarthas le linn 2010, dhéileáil Aonad Forfheidhmithe an BTCP le 197 cás a bhí fós ar oscailt ag deireadh 2009.

### Torthaí Rathúla

Bhain Aonad Forfheidhmithe an BTCP comhlíonadh nó socraíocht amach i 138 cás in 2010 gan gá le himeachtaí dlí a thionscnamh; 111 cás a fuarthas le linn 2010 agus 27 cás a tugadh ar aghaidh ó 2009.

### Caingne Dlí

Nuair nár éirigh leis an BTCP comhlíonadh a bhaint amach trí mhodhanna neamhdhlíthiúla i 76 cás, chuir sé na cásanna sin faoi bhráid comhairleoirí dlíthiúla dá chuid le haghaidh ionchúiseamh coiriúil nó imeachtaí sibhialta a thionscnamh de dheasca neamh-chomhlíonadh a Orduithe. D'éirigh leis an BTCP i 16 chás a chuaigh os comhair na gCúirteanna le linn 2010; bhí an té ciontaithe i gcion i 3 chás agus rinneadh fíneálacha agus costais a dhámhachtain ar an BTCP; i 13 chás shibhialta eile, bhain an BTCP Orduithe Cúirte amach a sheas le hOrduithe Cinnidh an Bhoird agus rinneadh na costais a dhámhachtain ar an BTCP chomh maith. D'éirigh leis an BTCP socraíocht agus/nó comhlíonadh iomlán, chomh maith le costais, a bhaint amach i 10 gcás eile sula ndeachaigh siad os comhair na gCúirteanna.

### Impleachtaí ó thaobh Costais de

Ba chóir a thabhairt faoi deara go mbíonn na Cúirteanna i bhfabhar costais a dhámhachtain ar an BTCP de ghnáth. Chomh maith leis sin, baineadh comhlíonadh amach i gcás áirithe tar éis imeachtaí dlí a thionscnamh don BTCP. Sa chás seo, lean an BTCP ar aghaidh leis an ionchúiseamh agus d'éirigh leis.

Is é polasaí an BTCP costais a iarraidh nuair a bhí dáta éisteachta socrúithe le haghaidh an cháis, beag beann ar cé acu ar thángthas ar socraíocht sula ndeachaigh sé os comhair na Cúirte.

Lasmuigh de na pionóis atá leagtha amach sa reachtaíocht, bíonn impleachtaí forleathana i dtéarmaí costas, a fhéadann a bheith suntasach go minic, i gceist nuair nach gcomhlíontar Ordú Cinnidh.



# **Straitéis Teicneolaíochta Faisnéise agus Cumarsáide**

## Straitéis Teicneolaíochta Faisnéise agus Cumarsáide

### Forbhreathnú1

Is gné lárnach dár bPlean Corparáideach agus ár straitéis amach anseo í infheistíocht an BTCP i dTeicneolaíocht Faisnéise agus Cumarsáide. Tá sé beartaithe go mbaintear leas as TFC chun roghanna féinseirbhíse a chur ar fáil do chliant agus d'fhonn éifeachtúlacht níos fearr a bhaint amach trí phróisis a dhéanamh uathoibríoch go himheánach, rud a íoslaghdóidh, oiread agus is féidir, an tionchar a imreoidh líon níos lú ball foirne agus an cinneadh chun an BTCP a fheidhmiú ar bhonn féinmhaoinithe agus deireadh a chur le haon mhaoiniú ón státchiste, ar ár gcuid seirbhísí. Cuirfidh céim dheireanach an thionscadail isteach ar roinnt cliant na Seirbhíse Réitigh Achrann ar fheadh roinnt seachtainí ag deireadh 2011 fad is a bheidh an córas á thástáil agus á chur i bhfeidhm. Nuair a bheidh sí curtha i bhfeidhm ina hiomláine, cuimseoidh an straitéis:

- ▶ Pleananna Athshlánaithe ó Thubaiste agus Ballaí Dóiteáin Tionscalchaighdeánacha is fearr (beo in Iúil 2010)
- ▶ Clárúcháin ar líne agus áiseanna chun íocaíochtaí a dhéanamh ar líne (beo i mí na Samhna 2010)
- ▶ Mianadóireacht uathoibríoch sonraí a dhéanamh ar bhunachair shonraí eile na hearnála poiblí, ar nós an Bhunachair Shonraí maidir leis an bhFordheontas Cíos de chuid na Roinne Coimirce Sóisialaí (beo i mBealtaine 2011)
- ▶ Bainistiú Leictreonach Cásanna le haghaidh cásanna cúirte a bhaineann le clárúcháin a fhorfheidhmiú (beo i mBealtaine 2011)
- ▶ Scanadh gach cáipéisíochta a fhaightear i scribhínn agus úsáid a bhaint as aithint optúil carachtar agus aithint chliste carachtar (OCR/ICR) chun iad a

léamh go huathoibríoch nuair is féidir (beo i mí na Samhna 2011)

- ▶ Bainistiú Leictreonach Cásanna le haghaidh cásanna cúirte a bhaineann le hOrduithe Cinnidh a fhorfheidhmiú (beo i mí na Samhna 2011)
- ▶ Iarratas ar líne ar Sheirbhísí Réitigh Achrann agus ar Sheirbhísí an Bhinse (beo i mí na Samhna 2011)
- ▶ Comhad leictreonach / bainistiú cásanna le haghaidh seirbhísí réitigh achrann agus binsí, lena n-áirítear cianrochtain shlán do bhreithneoirí / idirghabhálaithe / bhaill an Choiste Réitigh Achrann (beo i mí na Samhna 2011)
- ▶ Tionscadal i gcomhpháirt le An Post chun míreanna sa phost a rianú nuair is gá cruthúnas seirbhíse a fháil.
- ▶ An Chéad Innéacs Náisiúnta Cíos a sheoladh (beo i mí na Nollag 2011)
- ▶ Athdhearadh an tSuimh Idirlín (beo in Eanáir 2012)

Beidh an lán buntáistí i gceist dár gcliaint agus don BTCP nuair a bhainfear an éifeachtúlacht níos fearr amach de dhroim na seirbhísí nua seo. Díreach cosúil le gach ríomhthionscnamh an Rilatais, braithfidh sé seo ar an líon is mó daoine agus is féidir a spreagadh chun na seirbhísí nua seo úsáid.

### Seoladh an Chórais um Bainistiú Tionóntachtaí (CBT)

Ar 8 Samhain 2010, sheol an tAire Stáit do Thithíocht agus Seirbhísí Áitiúla, Michael Finneran T.D., an Córas um Bainistiú Tionóntachtaí (CBT) ag ócáid i dTeach an Chustaim. Leag an tAire béim ar an mbealach

samhlaíoch agus soiléir a rinneadh maoirseacht ar an tionscadal agus dúirt sé gur bhuntáiste mór é don BTCP go raibh gairmithe TFC, a raibh taithí cruthaithe sa réimse seo acu ó phríomhchomhlachtaí na hearnála poiblí ar nós Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta, na gCoimisinéirí Ioncaim agus na Gníomhaireachta Bainistíochta Rialtais Áitiúil (GBRA), sásta fónamh ar an gCoiste Stiúrtha TFC. Bhí an taithí, agus an cúnamh praiticiúil, a tháinig go dtí an Bord um Thionóntachtaí Cónaithe Príobháideacha tríd an gCoiste seo fíorluachmhar agus tá sé fós mar bhonn agus thaca ag an gcaidreamh rathúil oibre idir foireann an BTCP, an conraitheoir TC agus gníomhaireachtaí eachtracha. Glacadh leis gur thionscadal suaitheanta é de bharr gur cuireadh réitigh nuálacha teicniúla i bhfeidhm ar mhaithe le fíor-roinnt eolais agus fíor-chomhoibriú idir gníomhaireachtaí poiblí. Chuir an tAire in iúl chomh maith, anois agus na seirbhísí clárúcháin ar líne ar an bhfód, nach mbeadh aon seans ann go bhféadfaimis an tseirbhís is fearr a sholáthar don phobal gan feidhm iomlán a bhaint as córais chliste TFC d'fhonn dul i ngleic leis an mbrú mór atá ag cur isteach ar acmhainní soláthair foirne faoi láthair.

## Dul Chun Cinn in 2010

Bhí 2010 ina bhliain ríthábhachtach i leith úsáid TFC laistigh den BTCP. Tar éis an conradh um sholáthar an Chórais nua um Bainistiú Tionóntachtaí (CBT) a bhronnadh ar Vulcan System, caitheadh tús 2010 ag déanamh athbhreithniú ar na próisis ghnó a bhí ar thaobh clárúcháin an ghnó agus ag tionscnamh 3 fhréamhshamhail den chóras beartaithe. Ba de bharr an cur chuige nuálach seo, nach raibh íocaíochtaí déanta ach nuair a bhí táirgí seachadta ann, go rabhthas in ann a mheas cé acu an raibh na gnéithe a bhí á seachadadh ar aon dul leo siúd a bhí sonraithe inár larraidh ar Thairiscint (IAT) ar dtús. Osclaíodh an córas don phobal i gcoitinne i nDeireadh Fómhair 2010, uair nach raibh ach dhá mhí ní ba dhéanaí ná na chéad mheastacháin. Tá an

seanchóras, RACTS, fós ar fáil le haghaidh tagairt stairiúil agus rinneadh é a aistriú go dtí timpeallacht ina bhféadtar é a choinneáil. Faoi Nollaig 2010, bhí thart ar 26% de na clárúcháin á ndéanamh ar líne, ach bhí 74% díobh á ndéanamh i scríbhinn go fóill d'ainneoin feachtas náisiúnta a craoladh ar fud fad na tíre. Bhí an figiúr seo ní b'fhearr ná ríomhthionscnaimh iomráiteacha eile an Rialtais cosúil le 'Mótarcháin ar Líne' agus 'Ceadúnas Teilifíse ar Líne', ach bhí sé ní ba mheasa ná an figiúr a bhí mar aidhm againn ag tús an tionscnaimh.

Taisceadh seiceanna a fhaightear i dteannta foirmeacha i scríbhinn ag tús an phróisis chlárúcháin anois trí phróisis nua atá éascaithe ag scanadh na seiceanna. Bhí an t-athrú seo ina chúis le méadú ar tháirgiúlacht agus ar líon na seiceanna a chuaigh tríd an Rannóg Airgeadais. Ní chuirtear aon mhoill ar ioncam a fháil ó sheiceanna anois ach i gcás foirmeacha neamh-chomhlíonta.

Iarradh ar thairiscintí le linn chéad ráithe 2010 chun 1) Freastalaithe agus Stóras; agus 2) Infreastruchtúr Líonra a sholáthar don BTCP i riocht is go ndéanfaí an trealamh a shuiteáil chun an CBT a óstáil. Bronnadh an conradh le haghaidh freastalaithe agus stórais ar Calyx (atá ag trádáil mar Unity anois) agus an conradh le haghaidh an infreastruchtúir líonra ar Diacom. Reáchtáladh comórtas eile i leith naisc líonra achair fhairsing (WAN) a sholáthar, rud a bronnadh ar Complete Telecom. Chuir an Gníomhaireacht Bainistíochta Rialtais Áitiúil (GBRA) áiseanna óstála le haghaidh ár bhfreastalaithe Gréasáin ar fáil agus chuir sé an phlean athshlánaithe ó thubaiste i bhfeidhm. Baineadh úsáid as creat-chomhaontú an Rialtais dá chuid leis an gcuideachta próiseála ríomhíocaíochtaí Realex, chomh maith, chun cártaí creidmheasa agus dochair a phróiseáil ar líne.

Tugadh an freastalaí ba dhéanaí de chuid Microsoft, córas ríomhphoist agus córas bunachar sonraí isteach de thoradh ar na tionscnaimh seo d'fhonn maolú na

rioscaí a bheadh ann nuair a thabharfadh an CBT isteach, rud atá bunaithe ar Chóras Bainistíochta Caidreamh Custaiméirí de chuid Microsoft (Microsoft CRM) agus ar uirlisí comhoibrithe de chuid SharePoint. Tugadh Microsoft Office 2007 isteach le haghaidh na n-úsáideoirí laistigh den BTCP d'fhonn is go mbeidís in ann leas a bhaint as tuilleadh áiseanna atá ann sa chóras bainistíochta caidreamh custaiméirí. Cuireadh triail ar an bplean athshlánaithe ó thubaiste go rathúil sular osclaíodh an CBT don phobal i gcoitinne. Tá sé beartaithe go dtabharfaidh an Bord sainmhíniú ar amfhrámaí teipaistrithe agus go seachadfar iad le linn na bliana amach romhainn.

Tá an-suim ag ranna agus gníomhaireachtaí eile an Rialtais in úsáidí a bhaintear as Microsoft CRM i gcásanna ar nós chás an BTCP de bharr go méadaíonn suiteáil den chineál seo, ar a dtugtar córas BBC (Bainistíocht Bhreisithe Caidreamh) nó XRM i mBéarla, feidhmiúlacht an chórais gan cód a scríobh, rud a laghdaíonn an t-am a dtógann sé chun an tseirbhís a chur ar an margadh, a laghdaíonn costais forbartha na seirbhíse sin agus a mhaolaíonn an spleáchas ar réitigh oiriúnaithe bogearraí a bhíonn faoi smacht na cuideachta a sholáthair iad de ghnáth.

Éascaítear nascacht idir Teach Dhroichead Uí Chonaill agus ár suíomh athshlánaithe ó thubaiste trí naisc gan sreang (micreathonn) agus naisc snáthoptaice, rudaí a áiríonn luas agus iontaofacht na seirbhíse i dtimpeallacht ar líne nach raibh ann roimhe seo. Tá go leor comhaontuithe seirbhísí i bhfeidhm lenár soláthróirí seirbhíse, lena n-áirítear clúdach iar-ama i roinnt cásanna, d'fhonn aga fónaimh ár gcóras a uasmhéadú.

D'éascaigh Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta (GBCN) an próiseas athbhreithnithe piaraí chun a chinntiú go bhfuiltear ag cloí le dea-chleachtas agus go bhfuil maoirseacht an tionscadail laistigh de théarmaí tagartha an Choiste Stiúrtha TFC, ar a bhfuil ionadaithe do na Coimisinéirí Ioncaim, do Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta, agus don Gníomhaireacht Bainistíochta Rialtais Áitiúil (GBRA), chomh maith le hionadaithe do lucht ardbhainistíochta Aonaid Ghnó an BTCP.

Tá sé beartaithe go dtabharfar an chuid den CBT a bhaineann le Forfheidhmiú Clárúchán isteach ag tús 2011, agus go dtabharfar an chuid a bhaineann le hAchrainn/Binsí/Forfheidhmiú Achrann ag deireadh na bliana. Cuirfear córais nua shlándála i bhfeidhm agus muid ag uasghrádú ár gcóras athshlánaithe ó thubaiste d'fhonn agaí níos daingne agus níos giorra a chinntiú i gcás teipaistriú práinneach. Déanfar Córais Bhainistíochta Líonra dár gcuid a fheabhsú tuilleadh chun idirghabháil réamhghníomhach a éascú sula dtiteann na fíorfhadhbanna amach.

# Rialachas Corparáideach agus Riarachán

*Dhéileáil an BTCP le 78,222 glao in 2010.*

*Fuair baill foirne oiliúint leantach ionas go mbeidís*

*in ann eolas cruinn a chur ar fáil*



## Rialachas Corparáideach agus Riarachán in 2010

Feidhmíonn an Bord um Thionóntachtaí Cónaithe Príobháideacha de réir a reachtaíochta rialaithe féin, is í sin an tAcht um Thionóntachtaí Cónaithe, 2004, arna leasú, agus cloíonn sé le réimse riachtanas reachtúil agus riaracháin ar an leibhéal náisiúnta agus ar leibhéal an AE. Tá roinnt nósanna imeachta i bhfeidhm chun comhlíonadh na riachtanas sin a áirithiú agus rinne an BTCP obair ar feadh 2010 chun a gcórais rialachais a fhorbairt agus a mhonatóiriú. Is iad seo a leanas na príomhriachtanais:

1. An Cód Cleachtais maidir le Rialachas Comhlachtaí Stáit
2. An tAcht um Eitic in Oifigí Poiblí, 1995
3. An tAcht um Shábháilteacht, Sláinte agus Leas ag an Obair, 2005
4. Na hAchtanna um Chomhionannas Fostaíochta, 1988 agus 2004
5. Acht na dTeangacha Oifigiúla, 2003
6. Na hAchtanna um Chosaint Sonraí, 1988 agus 2003

### Achtanna um Eitic in Oifigí Poiblí, 1995 agus 2001

Is comhlacht forordaithe poiblí é an Bord um Thionóntachtaí Cónaithe Príobháideacha chun críche na nAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001. Cuireadh gach ball an Bhoird agus baill foirne bainteacha eile ar an eolas faoina gcuid dualgas de réir reachtaíochta um eitic in oifigí poiblí agus tugadh eolas cuí dóibh maidir leo chomh maith.

### Bainistíocht Riosca

De réir fhorálacha an Chóid Chleachtais maidir le Rialachas Comhlachtaí Stáit, ní mór do gach

comhlacht na hearnála poiblí córas foirmiúil bainistíochta riosca a chur i bhfeidhm. Le linn 2010, rinne an Bord athbhreithniú cuimsitheach ar a phróifíl riosca agus forbraíodh clár uasdátaithe riosca mar gheall air a dhéanann sainithint ar phríomhrioscaí reatha agus na rialúcháin lenar ghlac an Bord d'fhonn dul i ngleic leo.

### Na hAchtanna um Chomhionannas Fostaíochta, 1998 agus 2004

Tá an BTCP tiomanta do pholasaí comhdheiseanna agus glacann sé le cur chuige dearfach i leith comhionannais san eagraíocht. Tá an Bord tiomanta do chothromaíocht oibre is saoil a bhaint amach ar mhaithe leis an bhfoireann uile. Feidhmíonn sé scéim uaireanta oibre agus socruithe freastail inathraithe faoi láthair.

### Acmhainní Daonna

Tugann Rannóg na Seirbhísí Corparáideacha agus an Rannóg Airgeadais faoi fheidhmeanna lárnacha riaracháin agus tacaíochta an BTCP. Lena n-áirítear, tacaíocht don Bhord maidir le rialachas corparáideach, bainistíocht acmhainní daonna, oiliúint agus forbairt, bainistíocht airgeadais agus buiséadú.

Tá gach gné de sholáthar foirne sa BTCP, lena n-áirítear gráid na mball foirne; líon na ndaoine atá ar gach grád; luach saothair ar gach grád; agus na téarmaí agus coinníollacha a bhaineann le fostaíocht; faoi réir thoiliú an Aire Comhshaoil, Pobail agus Rialtais Áitiúil agus an Aire Airgeadais. De réir Alt 167 den Acht um Thionóntachtaí Cónaithe, 2004, tá sé de cheart ag an Aire seirbhísí a chur ar fáil don Bhord, lena n-áirítear seirbhísí ball foirne.

In oiriúint leis an Alt seo, earcaíodh baill foirne go díreach chuig an mBord in 2008, agus soláthraíodh oifigigh de chuid na Roinne agus Údarás Áitiúil don Bhord trí shannacháin fhoirmiúla pearsanra agus trí iasachtaí sealadacha pearsanra. I Márta 2009, d'fhógair an Roinn Airgeadais an moratóir ar earcaíocht agus ar ardú céime, agus ní raibh aon earcaíocht eile sa BTCP le linn 2010 dá bharr seo.

### Oiliúint agus Forbairt Foirne

Is é ceann de na haidhmeanna ar a ndéantar sainaitheint sa Phlean Corparáideach 2009-2011 ná a chinntiú go bhfuil na hacmhainní cuí daonna ag an eagraíocht chun críche a dtéarmaí tagartha, atá bunaithe ar éiteas luacha ar airgead. Baintear é seo amach trí chórais chuí oiliúna agus forbartha, bainistíochta feidhmíochta agus bainistíochta eolais a chur i bhfeidhm d'fhonn gairmiúlacht a chinntiú ar gach leibhéal agus áit oibre a chruthú ina gcothaítear obair agus oiliúint foirne laistigh d'éiteas atá dírithe ar sheirbhís do chustaiméirí.

### An Córas Bainistíochta agus Forbartha Feidhmíochta

Glacann gach ball foirne den BTCP páirt sa Chóras Bainistíochta agus Forbartha Feidhmíochta. Comhlánaíonn an fhoireann uile a bhfoirmeacha maidir le próifíl ról agus a bpleananna pearsanta oiliúna, agus téann siad i ngleic lena mbainisteoir líne ag cruinnithe ina leith seo. Tugann an córas seo deis do bhaill foirne agus don lucht bainistíochta feidhmíocht an duine aonair agus na foirne a chomhordú le cuspóirí na heagraíochta, trí spriocanna agus aidhmeanna a shocrú le haghaidh daoine aonair agus na bhfoirne agus monatóireacht a dhéanamh ar an dul chun cinn a dhéanann siad. Chuir an córas seo go mór le táirgiúlacht fhoireann an BTCP a fhairsingiú.

### An Scéim um Tháillí a Aisíoc

Sheol an tAonad Oiliúna agus Forbartha an Scéim um Tháillí a Aisíoc 2010 i Meitheamh le haghaidh bhliain acadúil 2010-2011. Fuarthas 10 n-iarratas agus faomhadh iad uile (méadú de 50% i gcomparáid le 2009). Tugtar cúnamh do bhaill foirne staidéar a dhéanamh le haghaidh cúrsaí a bhfuil baint dhíreach acu lena gcuid dualgas sa BTCP, ar nós Cuntasóireachta (ACCA) agus Baitsiléir Eolaíochta i dTeicneolaíocht Faisnéise.

### Plean Oiliúna 2010

Tugtar faoi oiliúint a sholáthar sa BTCP de réir na riachtanas oiliúna ar a ndéanann baill foirne sainaitheint ina bpleananna pearsanta oiliúna.

### Oiliúint a Seachadadh/a Foinsíodh go dtí seo

Seachadadh agus maoiníodh 39 cúrsa, seimineár agus comhdháil ar leith ar mhaithe leis an bhfoireann in 2010. Bhí 14 cúrsa curtha ar fáil ag Public Affairs Ireland (PAI) go heachtrach, agus 3 chúrsa eile ag an bhForas Riaracháin.

Chomh maith leo siúd, eagraíodh 7 láithreoireacht/caint don fhoireann maidir le hábhair éagsúla le linn 2010, lena n-áirítear

- ▶ láithreoireachtaí a thug ár gcomhairleoirí dlí in 2010, Matheson, Ormsby agus Prentice maidir le *Forbhreathnú ar an Acht um Thionóntachtaí Cónaithe, 2004; Pribhléid Dlí; Tréimhsí Comhlíonta agus Breithiúnais agus Athbhreithniú Breithiúnach ar Chinntí Riaracháin le déanaí, agus Achomhairc Reachtúla*
- ▶ láithreoireacht a thug an tOifigeach Cuidithe Fostaithe maidir le *Dínit san Áit Oibre*
- ▶ seimineár a bhí curtha i láthair ag an Ionad um Thaighde Tithíochta maidir le hImlircigh san Earnáil Tionóntachtaí Príobháideacha ar Cíos

- ▶ Seimineár maidir le Brú a Bhainistiú a bhí curtha i láthair ag Stress Management Institute of Ireland).

D'fhreastail Baill den Bhord ar 5 chúrsa/láithreoireacht, lenar áiríodh *Seimineár maidir le Rialachas Corparáideach* a bhí curtha i láthair go himheánach don Bhord ag an gColáiste Ollscoile, Cúrsa maidir le *Scileanna Meán* agus *Comhdháil maidir le Rialachas Maith*.

### Seirbhís do Chustaiméirí .....

Faigheann an fhoireann uile oiliúint leantach i leith seirbhís do chustaiméirí agus scileanna teileafóin a fheabhsú. Soláthraíodh seisiúin eolais maidir leis na hailt bhainteacha den Acht um Thionóntachtaí Cónaithe, 2004 agus oiliúint maidir le nósanna imeachta inmheánacha don fhoireann le linn 2010, lenar áiríodh ceann a bhain le nósanna imeachta don teileafón d'fhonn cuidiú leo seirbhís éifeachtúil agus ghairmiúil a chur ar fáil do chustaiméirí de chuid an BTCP.

Faigheann an BTCP 373 rud sa phost agus 300 glao teileafóin ar an meán gach uile lá. D'fhreagair an BTCP ní ba mhó ná 78,000 glao gutháin le linn 2010.

Achrainn	22,785
Iontráil	16,947
Clárúchán	35,048
Binse	3,442
<b>Iomlán</b>	<b>78,222</b>

Freastalaíonn an BTCP ar chustaiméirí a bhfuil fonn orthu Gaeilge a úsáid i gcomhfhreagras i scríbhinn agus déanann sé a dhícheall chun freastal ar riachtanais custaiméirí nach bhfuil ach beagán Béarla acu, lena n-áirítear príomhcháipéisí tábhachtacha a aistriú agus ateangairí a chur ar fáil ag éisteachtaí.

### Inrochtaineacht

Cuireann an BTCP oifigí agus seomraí cruinnithe nua-aimseartha agus inrochtana ar fáil a chomhlíonann caighdeáin ghairme, sláinte agus sábháilteachta.

Tá na hoifigí oiriúnach do chathaoir rothaí agus féadtar ateangairí na teanga comharthaíochta agus teangacha eile a chur ar fáil nuair is gá. Le haghaidh custaiméirí taobh amuigh de Bhaile Átha Cliath, thaistil breithneoirí agus baill na mBinsí go dtí éisteachtaí i roinnt áiteanna éagsúla chun freastal ar ghearánaigh agus fhreagróirí.

### Cosaint Sonraí agus Saoráil Faisnéise

Is rialaitheoir cláraithe sonraí é an BTCP chun críche na nAchtanna um Chosaint Sonraí. Feidhmíonn an Bord de réir polasáí foirmiúil cosanta sonraí a bhí comhantaithe le hOifig an Choimisinéara Cosanta Sonraí. Cuireann an polasáí dualgas ar an mBord nósanna imeachta cosanta sonraí a chur i bhfeidhm, agus mar sin, cearta an duine aonair chun príobháideachais a chosaint agus na bealaí a fhéadtar eolas pearsanta a chur ar fáil de réir na nAchtanna um Chosaint Sonraí a rialú.

Fuair an BTCP roinnt iarratas faoi na hAchtanna um Chosaint Sonraí in 2010 agus déileáladh le gach iarratas agus cuireadh cóipeanna den eolas ar fáil do na hiarratasóirí nuair a bhí sé riachtanach. Ní raibh an BTCP faoi réir na nAchtanna um Shaoráil Faisnéise le linn 2010.

### Soláthairtí agus Tairiscintí a Iarradh agus a Bronnadh

Baineann an BTCP úsáid as córas tairiscintí iomaíocha sa phróiseas soláthair de ghnáth. Tugann gach tairiscint aird mar is cuí ar thairseacha luacha chun na rialacha soláthair a chur i bhfeidhm.

Dearbhaíonn an BTCP go gcomhlíontar gach nós imeachta soláthair i leith an chórais tairiscintí iomaíocha. Áiríonn sé seo comhlíonadh treoirlínte náisiúnta agus threoracha an AE, a bhfuil feidhm dlí acu sa Stát seo.

Is féidir le haon duine a bhfuil fonn air a bheith mar shainchomhairleoir nó chomhairleoir don Bhord fógra a thabhairt don Bhord i scríbhinn agus ní mór d'aon fhógra chun na críche sin sonraí maidir le cáilíochtaí agus taithí an duine sin a áireamh. Cloíonn an BTCP le riachtanais soláthair phoiblí nuair a iarrann sé ar thairiscint nó mheastacháin. Le linn 2010, d'fhaomh an Bord nó an stiúrthóir roinnt eochairsheirbhísí atá leagtha amach thíos:

- ▶ Infreastruchtúr Seirbhíse agus Stórais an BTCP (Ardán Fíorúlaithe) - Unity (Calyx roimhe sin) - Márta 2010
- ▶ Infreastruchtúr Líonra - Diacom - Bealtaine 2010
- ▶ Nasc le Líonra an Rialtais - Eircom - Meitheamh 2010
- ▶ Athshlánú ó Thubaiste - an Bord Seirbhísí Ríomhaire Rialtais Áitiúil - Meitheamh 2010
- ▶ Naisc Líonra Achair Fhairsing (WAN) - Complete Telecom - Meitheamh 2010

### Acht na dTeangacha Oifigiúla, 2003

Tá an BTCP faoi réir Acht na dTeangacha Oifigiúla, 2003, a leagann amach creat reachtúil i leith seirbhísí a chur ar fáil trí mheán na Gaeilge; rinneadh dul chun cinn i dtreo scéim an Bhoird a chur i bhfeidhm faoin Acht i rith na bliana.

Ar aon dul le hAlt 10 den Acht, tá an Tuarascáil seo ar fáil i nGaeilge agus i mBéarla.

### Comhlíonadh Cánach

Tá an BTCP in oiriúint iomlán lena chuid dualgas de réir na ndlíthe a bhaineann le cáin, agus íoctar gach dliteanas cánach ar an dáta dlite bainteach nó roimhe sin.

### An tAcht um Íoc Pras Cuntas, 1997

Comhlíonann an BTCP riachtanais an Achta um Íoc Pras Cuntas, 1997. Le linn na bliana dar críoch 31 Nollaig 2010, thabhaigh an BTCP ús de 2,355 de bharr íocaíochtaí déanacha. Sheas íocaíochtaí déanacha do 0.05% den tsuim airgid iomlán a gearradh sna sonraisc a fuair an BTCP.



# Tuarascáil agus Ráitis Airgeadais

*don bhliain dar críoch 31 Nollaig 2010*

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# Report of the Comptroller and Auditor General for presentation to the Houses of the Oireachtas

## An Bord um Thionóntachtaí Cónaithe Príobháideacha

Rinne mé ráitis airgeadais an Bhoird um Thionóntachtaí Cónaithe Príobháideacha don bhliain dar críoch 31 Nollaig 2010 a iniúchadh de réir an Achta um Thionóntachtaí Cónaithe, 2004.

Cuimsíonn na ráitis airgeadais, a ullmhaíodh de réir na bpolasaithe cuntasáíochta atá leagtha amach iontu, an Ráiteas maidir le Polasaithe Cuntasáíochta, an Cuntas Ioncaim agus Caiteachais, an Ráiteas maidir le Gnóthachain agus Cailteanais Aitheanta Iomlána, an Clár Comhardaithe, an Ráiteas maidir le Sreabhadh Airgid, agus na nótaí bainteacha. Is iad an dlí bainteach agus na cleachtais chuntasáíochta a bhfuil glacadh leo in Éirinn an creat tuairiscithe airgeadais a cuireadh i bhfeidhm agus iad á n-ullmhú.

## Freagrachtaí an Bhoird

Tá an Bord freagrach as na ráitis airgeadais a ullmhú, as a chinntiú go dtugann siad léargas firinneach cóir ar ghnóthaí an Bhoird agus ar a ioncam agus a chaiteachas, agus as rialtacht na n-idirbheart a áirithiú.

## Freagrachtaí an Ard-Reachtair Cuntas agus Ciste

Tá sé de dhualgas orm iniúchadh a dhéanamh ar na ráitis airgeadais agus tuairisc a thabhairt maidir leo de réir an dlí bhainteach.

Tugtar faoi m'iniúchadh trí thagairt do na gnéithe speisialta a bhaineann le comhlachtaí an Stáit ó thaobh iad a bhainistiú agus a fheidhmiú.

Déantar m'iniúchadh de réir na gCaighdeán Idirnáisiúnta Iniúcháireachta (an Ríocht Aontaithe agus Éire) agus in oiriúint leis na Caighdeán Eiticiúla d'Iniúcháirí de chuid an Bhoird um Chleachtais Iniúcháireachta.

## Raon an Iniúchta ar na Ráitis airgeadais

Baineann iniúchadh le fianaise a bhailiú maidir leis na suimeanna agus na rudaí a nochtadh sna ráitis airgeadais, i riocht is go dtugtar ráthaíocht réasúnta nach bhfuil aon mhíshonrú ábhartha iontu, cé acu an de thoradh ar chalois nó ar bhotún é. Cuimsíonn sé seo measúnú ar

- ▶ cé acu an raibh na polasaithe cuntasáíochta oiriúnach do chás an Bhoird, ar cuireadh i bhfeidhm ar bhonn comhsheasmhach iad, agus ar nochtadh go himleor iad
- ▶ réasúntacht na meastachán suntasach cuntasáíochta a rinneadh agus na ráitis airgeadais á n-ullmhú, agus;
- ▶ leagan amach na ráiteas airgeadais ar an iomlán. Tá sé mar aidhm aige fianaise a bhailiú i leith rialtacht na n-idirbheart airgeadais i rith an iniúchta chomh maith.

Chomh maith leo sin, léim an t-eolas airgeadais agus neamhairgeadais uile sa Tuarascáil Bhliantúil chun neamhréireanna ábhartha leis na ráitis iniúchta airgeadais a shainaithint. Sa chás go dtugaim aon mhíshonrú nó neamhréir ábhartha faoi deara, déanaim na himpleachtaí a mheas le haghaidh mo thuairisce.



## Cistiú Iarchurtha Pinsean

Gan mo thuairim a cháiliú, tarraingím aird ar Nóta 11 (c) a leagann amach an bealach a n-aithníonn an Bord an tsócmhainn a bhaineann leis an gcistiú iarchurtha pinsean.

## Tuairim maidir leis na Ráitis Airgeadais

I mo thuairimse, tugann na ráitis airgeadais, a ullmhaíodh i gceart agus de réir na gcleachtas cuntasáíochta a bhfuil glacadh leo in Éirinn, léargas fírinneach cóir ar staid ghnóthaí an Bhoird amhail ar 31 Nollaig 2010 agus ar a ioncam agus a chaiteachas don bhliain dar críoch 31 Nollaig 2010.

I mo thuairimse, bhí leabhair iomchuí chuntais coimeáda ag an mBord. Tá na ráitis airgeadais ar aon dul leis na leabhair chuntais.

## Ábhair a dtugaim tuairisc orthu de réir eisceachta

Tugaim tuairisc de réir eisceachta sa chás

- ▶ nach bhfuair mé gach eolas agus míniúchán a theastaigh uaim i dtaca le m'iniúchadh, nó
- ▶ gur thug m'iniúchadh aon chás ábhartha faoi deara nuair nár cuireadh airgead i bhfeidhm le haghaidh na críche beartaithe nó nuair nár chloígh na hidirbhearta leis na húdaráis a rialaíonn iad, nó

- ▶ nach bhfuil an t-eolas atá ann i dTuarascáil Bhliantúil an Bhoird don bhliain lena mbaineann na ráitis airgeadais i gcomhréir leis na ráitis airgeadais sin, nó
- ▶ nach léiríonn an Ráiteas maidir le Rialú Inmheánach Airgeadais comhlíonadh an Bhoird leis an gCód Cleachtais maidir le Rialachas Comhlachtaí Stáit, nó
- ▶ go dtugaim faoi deara go bhfuil ceisteanna ábhartha ann a bhaineann leis an mbealach a ndearnadh gnó phoiblí.

Níl aon tuairisc le tabhairt agam maidir leis na hábhair a dtugtar tuairisc orthu de réir eisceachta.

**Andrew Harkness**

**Thar ceann**

**an Ard-Reachtair Cuntas agus Ciste**

*28 Samhain 2011*

## Ráiteas maidir le Freagrachtaí

Éilíonn Alt 178 den Acht um Thionóntachtaí Cónaithe, 2004 ar an stiúrthóir na Ráitis Airgeadais a ullmhú i bhfoirm a d'fhéadfadh an tAire Comhshaoil, Pobail agus Rialtais Áitiúil a shonrú de réir cleachtas cuntasáochta a bhfuil glacadh leo. Ní mór don Bhord na Ráitis Airgeadais a fhaomhadh.

Nuair atá an Stiúrthóir agus an Bord ag ullmhú na Ráiteas Airgeadais seo, éilítear orthu:

- ▶ Polasaithe cuntasáochta iomchuí a roghnú agus iad a chur i bhfeidhm go comhsheasmhach;
- ▶ Breitheanna agus meastacháin a dhéanamh atá réasúnach agus stuama;
- ▶ A shonrú cé acu ar cloíodh leis na caighdeáin bhainteacha chuntasáochta, faoi réir aon imeacht ábhartha a bhí nochta agus a bhfuil cur síos déanta air sna Ráitis Airgeadais;
- ▶ Ráitis Airgeadais a ullmhú ar bhonn an ghnóthais leantaigh ach amháin sa chás go mbeadh sé neamhfhóirsteanach talamh slán a dhéanamh go leanfaí d'fheidhmiú an Bhoird.

Tá sé de dhualgas ar an Stiúrthóir, faoi stiúradh an Bhoird, leabhair chuí chuntais a choimeád, a nochtann staid an Bhoird ó thaobh airgeadais de ag aon am le cruinneas réasúnach, agus a chuireann ar a chumas a chinntiú go gcomhlíonann na Ráitis Airgeadais Alt 178 den Acht. Tá an Bord freagrach as a chinntiú go dtugtar faoi gach gnó an Bhoird ar bhealach cuí agus rialta agus as gach sócmhainn faoina rialú oibríochtúil a chosaint agus, mar sin, gach beart réasúnach a dhéanamh d'fhonn calaois agus neamhrialtachtaí eile a chosc agus a bhrath.

**Anne Marie Caulfield**  
*Stiúrthóir*

**Orla Coyne**  
*Cathaoirleach*

## Ráiteas maidir le Rialú Inmheánach Airgeadais

### Freagracht as an gcóras um Rialú Inmheánach Airgeadais

Thar ceann Bhaill an Bhoird um Thionóntachtaí Cónaithe Príobháideacha, admháim ár bhfreagracht as a chinntiú go gcoinnítear agus go bhfeidhmítear córas éifeachtach rialaithe inmheánaigh airgeadais.

Ní féidir leis an gcóras seo ach ráthaíocht réasúnach a thabhairt, ní ráthaíocht absalóideach, go gcosnaítear na sócmhainní, go mbíonn idirbhearta údaraithe agus taifeadta i gceart, agus go ndéantar botúin ábharacha nó neamhrialtachtaí eile a chosc nó a bhrath in am is i dtráth. Agus iad ag meas éifeachtacht an rialaithe inmheánaigh airgeadais, tugann an Bord agus Coiste aird ar na riachtanais atá leagtha amach sa Chód Cleachtas maidir le Rialachas Comhlachtaí Stáit, chomh maith le rudaí eile.

### Príomhnósanna imeachta rialaithe

Rinne an Bord um Thionóntachtaí Cónaithe Príobháideacha bearta chun timpeallacht iomchuí rialaithe a bhaint amach:

- ▶ trí nósanna imeachta foirmiúla a bhunú i leith teipeanna suntasacha rialaithe a thuirisciú agus beart cuí ceartaitheach a áirithiú;
- ▶ trí fhochoistí iomchuí an Bhoird a chur ar bun d'fhonn díriú níos doichte ar réimsí áirithe.

Chomhaontaigh an Bord go bhfuil an Stiúrthóir agus foireann an Bhoird (faoi réir tharmligean an stiúrthóra) freagrach as ábhair oibríochtúla.

Tá an córas um rialú inmheánach airgeadais de chuid an Bhoird um Thionóntachtaí Cónaithe Príobháideacha bunaithe ar chreat maidir le heolas bainistíochta míosúil, nósanna imeachta riaracháin (lena n-áirítear dualgais agus teorainneacha údaraithe a dheighilt), agus ar chóras tarmligin agus freagrachta. Lena n-áirítear go háirithe:

- ▶ córas cuimsitheach buiséadaithe a chuimsíonn buiséad bliantúil, a ndéantar athbhreithniú air agus a bhíonn comhaontaithe leis an gCoiste Gnó agus leis an mBord;
  - ▶ athbhreithniú rialta ag an gCoiste Gnó agus ag an mBord ar thuarascálacha tréimhsiúla agus bliantúla airgeadais a léiríonn feidhmíocht airgeadais i gcomparáid le spriocanna;
  - ▶ treoracha maidir leis an soláthar, le hiarraidh ar thairiscint agus leis an infheistíocht chaipitiúil atá sonraithe go soiléir.
- Bíonn eolas tugtha don Bhord ar mhaithe lena mhonatóiriú agus lena athbhreithniú ar éifeachtacht an chórais um rialú inmheánach airgeadais ag an

gCoiste Iniúcháireachta, an fhoireann bhainistíochta feidhmiúcháin, atá freagrach as an gcreat um rialú airgeadais a choinneáil, agus ag tráchtanna a dhéanann an tArd-Reachtaire Cuntas agus Ciste ina litir bhainistíochta nó i dtuarascálacha eile.

Leanadh d'obair an Bhoird i dtreo fairsinge agus dealraitheacht riosca ghnó a mheas le linn 2010, agus leanfar den obair seo in 2011.

### Athbhreithniú Bliantúil ar an gCóras Rialaithe

Dearbhaím go ndearna an Bord athbhreithniú ar éifeachtacht na mbeart inmheánach rialaithe le linn na bliana dar críoch 31 Nollaig 2010.

**Orla Coyne**  
*Cathaoirleach*

## Ráiteas maidir le Polasaithe Cuntasaíochta

Is iad seo a leanas na polasaithe suntasacha cuntasaíochta a nglactar leo sna ráitis airgeadais seo:

### 1. Ginearálta

Is iad seo a leanas feidhmeanna ginearálta an Bhoird:

- ▶ córas náisiúnta clárúcháin a fheidhmiú le haghaidh tionóntachtaí príobháideacha cónaithe atá taobh istigh de théarmaí tagartha an Achta um Thionóntachtaí Cónaithe, 2004;
- ▶ seirbhís réitigh achrainn a fheidhmiú, agus;
- ▶ eolas a chur ar fáil, taighde a dhéanamh, agus comhairle maidir le polasaithe a thabhairt don Aire maidir leis an earnáil tionóntachtaí príobháideacha ar cíos.
- ▶ tacaíocht riaracháin agus rúnaíochta a sholáthar do na Binsí (tá na costais bhainteacha san áireamh sna costais riaracháin).

### 2. An Bunús Cuntasaíochta

Ullmhaíodh na ráitis airgeadais seo faoi bhonn fabhráithe cuntasaíochta de réir cleachtas cuntasaíochta a bhfuil glacadh leo agus faoi choinbhinsiún an chostais stairiúil. Tá na ráitis leagtha amach i bhfoirm atá faofa ag an tAire Comhshaoil, Pobail agus Rialtais Áitiúil. Tá na cuntais luaite in euro.

### 3. Ioncam

#### Stáitchistiú

Seasann stáitchistiú don airgead a fuarthas ón Roinn Comhshaoil, Pobail agus Rialtais Áitiúil le linn na bliana.

#### Táillí Clárúcháin agus Achrainn

Aithnítear táillí a bhaineann le clárúcháin agus le hachrainn ag an bpointe a fhaightear an t-iarratas.

#### Ioncam Eile

Seasann ioncam eile d'ús atá á fhabhrú ar nótaí stáitchiste atá i seilbh Ghníomhaireacht Bainistíochta an Chisteáin Náisiúnta faoi láthair agus ar thaiscí atá i seilbh institiúidí eile airgeadais, agus costais dhlíthiúla a gnóthaíodh le linn na bliana.

### 4. Sócmhainní Seasta Inláimhsithe

Sonraítear sócmhainní seasta inláimhsithe ar a gcostas lúide dímheas carnach.

Sonraítear an dímheas ar bhonn líne dhíreach ar rátaí atá measta chun costas na sócmhainní a dhíscríobh thar a saolré fhóna ionchais mar seo a leanas:-

Feabhas ar Léasacht	5%
Líne Dhíreach	
Troscán agus Feistí	10%
Líne Dhíreach	
Trealamh Oifige	20%
Líne Dhíreach	
Trealamh Ríomhaireachta	20%
Líne Dhíreach	

## 5. Airgeadraí Eachtracha

Déantar idirbhearta in airgeadraí eachtracha a shóinseáil go dtí euro ar an ráta malairte a bhí i bhfeidhm ar lá an idirbhirt. Gearrtar aon difríocht a éiríonn as an sóinseáil idir dátaí na n-idirbheart agus dátaí na n-íocaíochtaí ar an gCuntas Ioncaim agus Caiteachais.

## 6. Cuntas Caipitil

Seasann an Cuntas Caipitil don tsuim ioncaim gan amúchadh a úsáidtear chun sócmhainní seasta a mhaoiniú.

## 7. Pinsin Ball Foirne

Ar aon dul le hAlt 163 den Acht um Thionóntachtaí Cónaithe, 2004, ullmhaíodh dréachtscéim um shochar aoisliúntais a bhronnadh ar bhaill foirne an Bhoird agus cuireadh faoi bhráid an Aire é le faomhadh. Tá an faomhadh seo ar feitheamh.

Feidhmíonn an Bord um Thionóntachtaí Cónaithe Príobháideacha scéim phinsin le sochar sainithe a bhíonn maoinithe go bliantúil ar bhonn íoc-mar-a-úsáidtear ón airgead a bhíonn ar fáil di, lena n-áirítear airgead a chuireann an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil ar fáil agus ó ranníocaíochtaí a bhaintear as tuarastail na mball foirne.

Léiríonn na costais phinsin sochair phinsin a thuill baill foirne le linn na tréimhse agus léirítear iad gan ranníocaíochtaí pinsin na mball foirne a áireamh, lena ndéileáiltear mar iníochta leis an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil. Aithnítear aon suim a bhaineann leis an muirear pinsin mar ioncam sa mhéid go bhfuil sé inghnóthaithe, agus fritháirithe in aghaidh deontas a fhaightear le linn na bliana i leith íocaíochtaí pinsin a íoc.

Tá gnóthachain agus caillteanais achtúireacha a d'éirigh as dlíteanais na scéime léirithe sa Ráiteas maidir le Gnóthachain agus Caillteanais Aitheanta Iomlána agus tá coigeartú comhfhreagrach aitheanta sa tsuim atá inghnóthaithe ón Roinn Comhshaoil, Pobail agus Rialtais Áitiúil.

Seasann dlíteanais phinsin do luach reatha na n-íocaíochtaí pinsin a thuill baill foirne go dtí seo. Seasann cistiú iarchurtha pinsean don sócmhainn chomhfhreagrach a bheidh le gnóthú ón Roinn Comhshaoil, Pobail agus Rialtais Áitiúil sa todhchaí.

## An Cuntas Ioncaim agus Caiteachais

don bhliain dar críoch 31 Nollaig 2010

	Notes	Bliain dar Críoch 31 Nollaig 2010 €	Bliain dar Críoch 31 Nollaig 2009 €
<b>Ioncam</b>			
Státchistiú	1	6,477	974,415
Cistiú Iarchurtha Pinsean	11c	205,000	175,000
Táillí Clárúcháin	2	8,363,247	8,391,708
Lúide Aisghabháil Dhlite d'Údaráis Áitiúla	7	(2,591,008)	(3,764,325)
Táillí Achrainn		65,755	46,847
Ioncam Eile	3	252,262	334,016
Aistriú (chuig)/ó Chuntas Caipitil	8	(717,302)	54,773
		<b>5,584,431</b>	<b>6,212,434</b>
<b>Caiteachas</b>			
Costais Foirne	4a	(3,363,944)	(3,158,359)
Costais Riaracháin	4b	(4,212,027)	(4,034,183)
Dímheas	5	(213,042)	(198,903)
Brabús ó dhiúscairt sócmhainní seasta		246	-
		<b>(7,788,767)</b>	<b>(7,391,445)</b>
(Easnamh) / Barrachas don bhliain	9	<b>(2,204,336)</b>	<b>(1,179,011)</b>

Tá an Ráiteas maidir le Polasaithe Cuntasaíochta agus Nóta 1 go dtí Nóta 17 ina gcuid de na ráitis airgeadais seo.

Baineann gach ioncam agus caiteachas don bhliain dar críoch 31 Nollaig 2010 le gníomhaíochtaí leantacha.

**Anne Marie Caulfield**  
Stiúrthóir

**Orla Coyne**  
Cathaoirleach

## Ráiteas maidir le Gnóthachain agus Cailteanais Aitheanta Iomlána

don bhliain dar críoch 31 Nollaig 2010

Nótaí	Bliain dar Críoch 31 Nollaig 2010 €	Bliain dar Críoch 31 Nollaig 2009 €
(Easnamh) / Barrachas don bhliain	(2,204,336)	(1,179,011)
Gnóthachain/(cailteanais) ó thaithí ar dhliteanais na scéime pinsin	65,000	18,000
Athruithe ar na toimhdí atá mar bhonn agus thaca ag luach reatha dhliteanais na scéime pinsin	–	(43,000)
Gnóthachain/(cailteanais) achtúireacha aitheanta	65,000	(25,000)
Coigeartú ar chistiú iarchurtha pinsean	(65,000)	25,000
<b>(Easnamh) / gnóthachan iomlán aitheanta don bhliain</b>	<b>(2,204,336)</b>	<b>(1,179,011)</b>

**Anne Marie Caulfield**  
Stiúrthóir

**Orla Coyne**  
Cathaoirleach



## An Clár comhardaithe

amhail ar 31 Nollaig 2010

	Nótaí	31 Nollaig 2010 €	31 Nollaig 2009 €
<b>SÓCMHAINNÍ SEASTA</b>			
Sócmhainní inláimhsithe	5	2,740,688	2,023,386
<b>SÓCMHAINNÍ REATHA</b>			
Féichiúnaithe	6	42,138	62,452
Airgead sa Bhanc		8,955,760	14,354,435
		<b>8,997,898</b>	<b>14,416,887</b>
<b>CREIDIÚNAITHE</b>			
Suimeanna a bheidh dlite laistigh d'aon bhliain amháin	7	(7,182,147)	(10,396,800)
Glansócmhainní Reatha		1,815,751	4,020,087
<b>IOMLÁN NA SÓCMHAINNÍ LÚIDE DLITEANAIS REATHA ROIMH PHINSIN</b>		<b>4,556,439</b>	<b>6,043,473</b>
Cistiú larchurtha Pinsean	11	(790,000)	(650,000)
Dlíteanais na Scéime Pinsin	11	790,000	650,000
<b>IOMLÁN NA SÓCMHAINNÍ LÚIDE DLITEANAIS REATHA</b>		<b>4,556,439</b>	<b>6,043,473</b>
<b>MAOINITHE AG</b>			
(Easnamh) / Barrachas carnach	9	1,815,751	4,020,087
Cuntas Caipitil	8	2,740,688	2,023,386
		<b>4,556,439</b>	<b>6,043,473</b>

Tá an Ráiteas maidir le Polasaithe Cuntasaíochta agus Nóta 1 go dtí Nóta 17 ina gcuid de na ráitis airgeadais seo.

**Anne Marie Caulfield**  
Stiúrthóir

**Orla Coyne**  
Cathaoirleach

## Ráiteas maidir le Sreabhadh Airgid

don bhliain dar críoch 31 Nollaig 2010

	Nótaí	Bliain dar Críoch 31 Nollaig 2010 €	Bliain dar Críoch 31 Nollaig 2009 €
<b>Réiteach barrachais oibriúcháin agus glanmhéid</b>			
<b>Insreabhadh airgid de thoradh ar ghníomhaíochtaí oibriúcháin</b>			
(Easnamh) oibriúcháin don bhliain	9	(2,204,336)	(1,179,011)
Dímheas	5	213,042	198,903
Ús tuillte	3	(236,720)	(300,554)
Brabús ó dhiúscairt sócmhainní seasta		(246)	-
Aistriú (ón)/chuig an gCuntas Caipitil	8	717,302	(54,773)
(Laghdú)/Méadú ar fhéichiúnaithe	6	20,314	(15,504)
(Laghdú)/Méadú ar chreidiúnaithe	7	(3,214,653)	368,501
Glan-eis-sreabhadh airgid ó ghníomhaíochtaí oibriúcháin		<b>(4,705,297)</b>	<b>(982,438)</b>
<b>Ráiteas maidir le Sreabhadh Airgid</b>			
Glan-(eis)/in-sreabhadh airgid ó ghníomhaíochtaí oibriúcháin		(4,705,297)	(982,438)
<b>Torthaí ar Infheistíochtaí agus ar Sheirbhísiú Airgeadais</b>			
Ús faighte	3	236,720	300,554
<b>Glanchaiteachas Caipitiúil</b>			
Iocaíochtaí chun sócmhainní seasta inláimhsithe a fháil	8	(939,175)	(144,130)
Fáltais ó dhiúscairt sócmhainní seasta	8	9,077	0
<b>(Laghdú)/Méadú ar airgead tirim</b>		<b>(5,398,675)</b>	<b>(826,014)</b>
<b>RÉITEACH GLANSREABHADH AIRGID IN AGHAIDH GLUAISEACHT GLANCHISTÍ</b>			
Glanchistí amhail ar 1 Eanáir		14,354,435	15,180,449
Glanchistí amhail ar 31 Nollaig		8,955,760	14,354,435
<b>(Laghdú)/Méadú ar airgead tirim</b>		<b>(5,398,675)</b>	<b>(826,014)</b>

Tá an Ráiteas maidir le Polasaithe Cuntasaíochta agus Nóta 1 go dtí Nóta 17 ina gcuid de na ráitis airgeadais seo.

## Nótaí

### Nótaí (atá ina gcuid de na ráitis airgeadais)

#### 1. STÁTCHISTIÚ

Thosaigh an BTCP ag feidhmiú ar bhonn féinmhaoinithe ar 1 Eanáir 2010. Soláthraíodh stáitchistiú de 6,477 trí Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil in 2010 i leith oiliúna a bhain le míchumas agus suim iarmharach a aistríodh ó chuntas bainc an Bhinse Chíosa nuair a d'aistrigh freagrachtaí riaracháin chuig an BTCP.

Soláthraíodh stáitchistiú de 974,415 trí Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil le linn na bliana dar críoch 31 Nollaig 2009.

#### 2. IONCAM Ó THÁILLÍ CLÁRÚCHÁIN

Fuarthas 8,363,247 (2009 - 8,391,708) i dtáillí ó thiarnaí talún mar íocaíocht as tionóntachtaí dá gcuid a chlárú.

De réir threoir an Aire, a thug sé faoi Alt 176(5) den Acht um Thionóntachtaí Cónaithe, 2004, déileáiltear le hioncam a fhaigheann an BTCP de thoradh ar an táille chlárúcháin ar an mbealach seo a leanas:

Chuig Údaráis Áitiúla:

- ▶ 3/7 le linn na tréimhse suas go dtí 6 Iúil 2010 - €1,769,780;
- ▶ 20% le linn na tréimhse ó 7 Iúil 2010 - €821,228;

Coinnithe ag an BTCP chun a chostais riaracháin a chlúdach:

- ▶ 4/7 le linn na tréimhse suas go dtí 6 Iúil 2010 - €2,539,707;
- ▶ 80% le linn na tréimhse ó 7 Iúil 2010 - €3,232,532.

#### 3. IONCAM EILE

	31 Nollaig 2010	31 Nollaig 2009
	€	€
Ioncam ó Ús	236,720	300,554
Costais dhlíthiúla Gnóthaithe	15,542	33,462
	<b>252,262</b>	<b>334,016</b>

## 4a. COSTAIS FOIRNE

	Bliain dar Críoch 31 Nollaig 2010	Bliain dar Críoch 31 Nollaig 2009
	€	€
Baill Foirne de chuid an BTCP agus ar iasacht	1,769,746	1,751,461
Foirne Gníomhaireachta	1,118,861	1,147,122
Costais Phinsin	351,923	144,134
Oiliúint do Bhaill Foirne agus do Shealbhóirí Oifige	44,488	35,294
Costais Leasa Shóisialta	78,926	80,348
	<b>3,363,944</b>	<b>3,158,359</b>

**Líon na mBall Foirne:**

Bhí 25 duine fostaithe ag an mBord sa bhliain (2009: 25). Bhí 13 bhall foirne eile tugtha don Bhord ar iasacht ag an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil (2009: 13), 2 ag Comhairle Cathrach Bhaile Átha Cliath (2009: 2), 1 ag an bPríomh-Oifig Staidrimh (2009: 1) agus 1 ag an mBord Seirbhísí Ríomhaire Rialtais Áitiúil (2009: 1).

**An Tobhach Pinsin:**

Baineadh €38,974 as de thoradh ar an tobhach pinsin agus íocadh leis an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil é (2009: €27,908).

## 4b. CAITEACHAS RIARACHÁIN

	Bliain dar Críoch 31 Nollaig 2010	Bliain dar Críoch 31 Nollaig 2009
	€	€
Táillí Bhaill an Bhoird	97,481	147,147
Táillí Bhaill na mBinsí	763,587	363,053
Táillí Breithneoirí agus Idirghabhálaithe	371,906	449,057
An Binse Cíosa (Nóta *)	14,409	-
Taisteal agus Cothú	38,165	36,359
Táillí Dlíthiúla agus Gairmiúla	1,047,618	1,335,983
Táillí Iniúchta	11,609	10,340
Cuntasóireacht	81,492	85,254
Costais luathscríbhneoireachta	250,784	140,751
Costais cruinnithe	10,849	9,190
Soláthairtí Oifige	94,528	78,876
Costais Phoist agus Dáileacháin	260,668	217,839
Costais Priontála agus Aistriúcháin	229,639	254,931
Costais Ghutháin	19,587	21,511
Eolas agus Oideachas don Phobal i gCoitinne	104,356	3,829
Costais Ríomhaireachta agus Chothabhála	175,906	85,136
Costais Bhunaíochta	509,323	602,354
Seirbhísí glantacháin	23,030	23,158
Staidéir Taighde	76,363	140,817
Íocaíocht Dhéanach in Idirbhearta Tráchtála	2,355	1,272
Ilghnéitheach	28,372	27,326
	<b>4,212,027</b>	<b>4,034,183</b>

Tabhair faoi deara \*: go bhfuil táillí Bhaill na mBinsí Cíosa agus a speansais i leith taistil agus cothaithe curtha san áireamh.

## 5. SÓCMHAINNÍ SEASTA INLÁIMHSITHE

	Trealamh Ríomhaireachta €	Feabhas ar Léasacht €	Troscán agus Feistí €	Trealamh Oifige €	Iomlán €
<b>COSTAS</b>					
Iarmhéid Tosaigh	529,445	1,746,933	195,203	83,833	2,555,414
Breiseanna	933,453	-	5,722	-	939,175
Diúscairtí	(12,616)	-	-	-	(12,616)
<b>Amhail ar 31 Nollaig 2010</b>	<b>1,450,282</b>	<b>1,746,933</b>	<b>200,925</b>	<b>83,833</b>	<b>3,481,973</b>
<b>DÍMHEAS</b>					
Iarmhéid Tosaigh	255,497	168,439	37,534	70,558	532,028
Táille don bhliain	100,656	87,348	19,827	5,211	213,042
Dímheas ar dhiúscairtí	(3,785)	-	-	-	(3,785)
<b>Amhail ar 31 Nollaig 2010</b>	<b>352,368</b>	<b>255,787</b>	<b>57,361</b>	<b>75,769</b>	<b>741,285</b>
<b>GLANLUACH LEABHAR</b>					
<b>Amhail ar 31 Nollaig 2010</b>	<b>1,097,914</b>	<b>1,491,146</b>	<b>143,564</b>	<b>8,064</b>	<b>2,740,688</b>
Amhail ar 31 Nollaig 2009	273,948	1,578,494	157,669	13,275	2,023,386

## 6. FÉICHIÚNAITHE

Suímeanna a bheidh dlíte laistigh d'aon bhliain amháin	31 Nollaig 2010 €	31 Nollaig 2009 €
Costais réamhíoctha	32,140	8,293
Ús infhála	3,486	39,647
Glanrialú pá	1,124	1,829
Asbhaintí Saorálacha	76	5,621
Ilfhéichiúnaithe	5,312	7,062
	<b>42,138</b>	<b>62,452</b>

## 7. CREIDIÚNAITHE

Suimeanna a bheidh dlite laistigh d'aon bhliain amháin	31 December 2010	31 December 2009
	€	€
Creidiúnaithe agus Fabhruithe	1,622,997	1,022,192
Suimeanna Dlíte d'Údaráis Áitiúla	5,559,150	9,374,608
	<b>7,182,147</b>	<b>10,396,800</b>

### Anailís ar shuimeanna dlite d'údaráis áitiúla:

Leagtar amach sa tábla thíos na táillí a fuarthas sa bhliain airgeadais bhainteach agus na suimeanna a focadh leis na húdaráis áitiúla ar leith as a gcuid feidhmeanna a fheidhmiú de réir na Rialachán Caighdeán agus Leabhair Chíosá

	31 Nollaig 2010	31 Nollaig 2009
	€	€
Iarmhéid Tosaigh	9,374,608	9,210,284
Táillí leithdháilte le húdaráis áitiúil le linn na bliana	2,591,008	3,764,325
Táillí íoctha amach le linn na bliana	(6,406,466)	(3,600,001)
<b>Suimeanna dlite d'Údaráis Áitiúla</b>	<b>5,559,150</b>	<b>9,374,608</b>

Beidh na suimeanna a bheidh le híoc leis na húdaráis áitiúla bhainteacha ar aon dul leis na critéir a shonraíonn an tAire Comhshaoil, Pobail agus Rialtais Áitiúil, agus faoina stiúradh.

## 8. CUNTAS CAIPITIL

	31 Nollaig 2010	31 Nollaig 2009
	€	€
larmhéid Tosaigh	2,023,386	2,078,159
<b>Aistriú (chuig an)/ón gCuntas Ioncaim agus Caiteachais</b>		
Cistiú chun Sócmhainní a fháil	939,175	144,130
Amúchadh ar aon dul le dímheas sócmhainní	(213,042)	(198,903)
Scaoileadh diúscartha sócmhainní seasta	(8,831)	-
	717,302	(54,773)
<b>larmhéid deiridh amhail ar 31 Nollaig</b>	<b>2,740,688</b>	<b>2,023,386</b>

## 9. BARRACHAS / (EASNAMH) CARNACH

	31 Nollaig 2010	31 Nollaig 2009
	€	€
larmhéid Tosaigh	4,020,087	5,199,098
(Easnamh) / Barrachas don bhliain	( 2,204,336)	(1,179,011)
<b>larmhéid deiridh amhail ar 31 Nollaig</b>	<b>1,815,751</b>	<b>4,020,087</b>

## 10. CÓIRÍOCHT

In Deireadh Fómhair 2007, chuir an Bord um Thionóntachtaí Cónaithe Príobháideacha a lámh le comhaontú 20 bliana léasachta i leith an dara agus an tríú hurlár de Theach Dhroichead Uí Chonaill, Sráid D'Olier, Baile Átha Cliath 2. Tá clásal scoir ann sa léas seo a thabharfaidh deis don BTCP deireadh a chur leis ag deireadh bhliain 5. Ba é ceangaltas bliantúil an léasa seo ag deireadh na bliana ná 433,476.

## 11. AOISLIÚNTAS

## a) a) Anailís ar chostais iomlána phinsean a muirearaíodh ar Chaiteachas

	31 Nollaig 2010	31 Nollaig 2009
	€	€
Costas reatha na seirbhíse	170,000	150,000
Ús ar dhliteanais na scéime pinsean	35,000	25,000
Ranníocaíochtaí Ball Foirne	(31,476)	(30,866)
	<b>173,524</b>	<b>144,134</b>
Aoisliúntas (Baill Foirne na Roinne)	178,399	-
	<b>351,923</b>	<b>144,134</b>



**b) Athrú ar ghlandhliteanas pinsean le linn na bliana airgeadais**

	31 Nollaig 2010	31 Nollaig 2009
	€	€
Glandhliteanas pinsean amhail ar 1 Eanáir	(650,000)	(450,000)
Costas reatha na seirbhíse	(170,000)	(150,000)
Costais na seirbhíse roimhe	-	-
Costais úis	(35,000)	(25,000)
Gnóthachain/(caillteanais) achtúireacha	65,000	(25,000)
Easnamh ag deireadh na bliana	(790,000)	(650,000)

**c) Cistiú larchurtha do Phinsin**

Roimhe seo, fuair an BTCP ioncam ó tháillí agus ó chistiú suntasach ón Stát. Aithníonn an Bord an Cistiú larchurtha do Phinsin mar shócmhainn ar bhonn tacair toimhdí agus tarluithe roimhe, lenar áiríodh an bonn reachtúil i leith an scéim aoisliúntais a chur ar bun agus an próiseas bliantúil cistithe faoina dtugann an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil. Mar gheall ar nach bhfuil an BTCP spleách ar státchistiú a thuilleadh, chuir sé tús le próiseas plé leis an Roinn i leith pinsin a chistiú as seo amach. Go dtí go gcuirfear an próiseas seo chun críche, tá sé beartaithe ag an mBord go ndéileálfar leis an gCistiú larchurtha do Phinsin mar a bhíodhas ag déileáil leis go dtí seo.

Is é seo a leanas an Glanchistiú larchurtha do Phinsin a bhí aitheanta sa Chuntas Ioncaim agus Caiteachais:

	2010	2009
	€	€
Cistiú atá inghnóthaithe i leith pinsean sa bhliain reatha	205,000	175,000
Deontas ón Stát a cuireadh i bhfeidhm chun pinsin a íoc	-	-
	<b>205,000</b>	<b>175,000</b>

Ba é an tsócmhainn cistithe iarchurtha do phinsin €790,000 (2009: €650,000) amhail ar 31 Nollaig 2010.

**d) Stair maidir le hoibleagáidí i leith pinsean le sochar sainithe**

	2010	2009
	€	€
Oibleagáidí i leith pinsean le sochar sainithe	790,000	650,000
Gnóthachain ó thaithí ar Shuim dhliteanas na scéime	65,000	18,000
Céatadán dhliteanas na scéime	8%	3%

Ba é an cailteanas carnach achtúireacha a bhí aitheanta sa Ráiteas maidir le Gnóthachain agus Cailteanais Aitheanta lomlána €306,000 (2009: €371,000).

**e) Cur síos ginearálta ar an Scéim**

Bhí 42 ball foirne fostaithe ag an BTCP amhail ar 31 Nollaig 2010 (2009: 42), ina measc bhí 13 státseirbhíseach ar iasacht ón Roinn Comhshaoil, Pobail agus Rialtais Áitiúil, beirt ar iasacht ó Chomhairle Cathrach Bhaile Átha Cliath, duine amháin ar iasacht ón bPríomh-Oifig Staidrimh, duine amháin ar iasacht ón mBord Seirbhísí Ríomhaire Rialtais Áitiúil agus bhí 25 acu ina mbaill foirne de chuid an BTCP.

Tá státseirbhísigh ar iasacht clúdaithe ag socruithe pinsin na státseirbhíse. Is scéimeanna pinsin le sochar sainithe iad scéimeanna aoisliúntais na státseirbhíse atá neamhchistithe agus faoi riarachán na Roinne Airgeadais. Níl aon táille ann sna ráitis airgeadais as aon dliteanas breise aoisliúntais a d'fhéadfadh a éirí as i leith na mball foirne seo.

Tá feidhm ag scéim aoisliúntais le sochar sainithe ar bhaill foirne de chuid an BTCP agus tá sí á feidhmiú ar bhonn riaracháin go dtí go bhfaomhfaidh an tAire Comhshaoil, Pobail agus Rialtais Áitiúil í. Bíonn sochair maoinithe ar bhonn íoc-mar-a-úsáidtear. Ní chuimsíonn teidlíochtaí pinsin do bhaill foirne ach na gnáth-theidlíochtaí atá leagtha amach i scéim aoisliúntais shamhail na hearnála poiblí le sochar sainithe.

Bhí an luacháil a úsáideadh i dtaca le nochtadh faoi FRS 17 bunaithe ar luacháil iomlán achtúireach a rinne achtúire cáilithe neamhspleách chun aird mar is cuí a thabhairt ar riachtanais FRS 17 d'fhonn dliteanas na scéime a mheas amhail ar 31 Nollaig 2010.

Ba iad seo a leanas na toimhdí ar baineadh úsáid astu chun dliteanas na scéime a áireamh:

	31 Nollaig 2010	31 Nollaig 2009
Ráta lascaine	5.5%	5.5%
Toimhde i leith méadú ar thuarastail	4.0%	4.0%
Toimhde i leith méadú ar phinsin	4.0%	4.0%
Boilsciú praghsanna	2.0%	2.0%

**12. ÍOCAÍOCHTAÍ DÉANACHA IN IDIRBHEARTA TRÁCHTÁLA**

Tá an Bord ar an láneolas maidir lena chuid dualgas faoi na Rialacháin um Íocaíochtaí Déanacha in Idirbhearta Tráchtála 2002 agus chuir sé nósanna imeachta agus próisis iomchuí ar bun d'fhonn a chinntiú go ndéantar gach íocaíocht i gcomhréir leis na Rialacháin. D'áirigh an Bord gur é a dhliteanas €2,355 (2009: €1,272) don bhliain dar críoch 31 Nollaig 2010.

**13. DLITEANAIS THEAGMHASACHA**

Bhí 720 cás idir lámha an Bhoird a bhí ag fanacht ar éisteacht amhail ar 31 Nollaig 2010. De bharr go mbíonn éagsúlachtaí suntasacha idir costais an phróisis réitigh achrainn ó chás go cás, níl aon fhoráil ann sna ráitis airgeadais le haghaidh na gcásanna seo atá fós gan réiteach a cláraíodh roimh 31 Nollaig 2010. Chomh maith leo sin, tá thart ar 190 cás ar chéimeanna éagsúla d'imeachtaí forfheidhmithe sna cúirteanna agus níl aon fhoráil ann sna ráitis airgeadais de bharr nach féidir na costais bhainteacha a áireamh go fóill.

## 14. CEANGALTAIS CHAIPITIL

D'fhaomh an Bord tógáil córais nua TF le haghaidh clárúcháin a phróiseál ar líne. Rinneadh roinnt gealltanais maidir leis suas go dtí 31 Nollaig 2010: Ba é an ceangaltas caipitil iomlán a bhí conraithe ach nach raibh luaithe sna cuntais 721,000. Tá ceangaltas breise de 284,000 ann chomh maith a d'fhaomh an Bord ach nach bhfuil conraithe go fóill.

## 15. LEAS BHAILL AN BHOIRD

Ghlac an Bord le nósanna imeachta de réir na dtreoirínte a eisíodh an Roinn Airgeadais maidir le leas bhaill an Bhoird a nochtadh, agus cloíodh leis na nósanna imeachta sin le linn na bliana. Níor tharla aon idirbheart a bhain le gníomhaíochtaí an Bhoird ina raibh leas tairbhiúil ag aon bhall den Bhoird le linn na tréimhse.

## 16. LUACH SAOTHAIR STIÚRTHÓIRÍ AGUS BHAILL AN BHOIRD

### Luach Saothair Stiúrthóirí

Tuarastal an Stiúrthóra	€92,222
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Tá an stiúrthóir fostaithe faoi socrú iasachta leis an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil agus íocann an Roinn a tuarastal. Bhí na suimeanna thuasluaite íoctha leis an Roinn mar aisíocaíocht an tuarastail. Ní bhfuair an stiúrthóir aon bhónas nó aon sochar comhchineáil in 2010. Ní chuimsíonn teidlíochtaí pinsin an stiúrthóra ach na gnáth-theidlíochtaí atá leagtha amach i scéim aoisliúntais shamhail na hearnála poiblí le sochar sainithe.

Ball an Bhoird	Táillí €
Orla Coyne, Cathaoirleach	€20,810
Aidan Brennan	€0
Gene Feighery	€13,468
Aideen Hayden	€13,096
Ciaran McNamara	€0
Vincent P Martin	€10,944
Finian Matthews	€13,358
Joseph Meehan	€0
Conn Murray	€0
Cian O Lionáin	€0
An tOll. Comhlach Eoin O'Sullivan	€196
Thomas J Reilly	€14,926
John Tiernan	€8,988
<b>Total</b>	<b>€95,786</b>

Baineann na figiúirí thuasluaite le híocaíochtaí iarbhír a rinneadh le Baill an Bhoird le linn 2010. Mar gheall ar thosca éagsúla, baineann roinnt de na híocaíochtaí seo le cruinnithe ar freastalaíodh orthu in 2009. Déantar an figiúir, atá luaite i Nóta 4b maidir le Táillí Bhaill an Bhoird, a áireamh ar bhonn fabhráithe cuntasaíochta le haghaidh na gcruinnithe uile ar freastalaíodh orthu le linn 2010, beag beann ar an uair a rinne na híocaíochtaí.

Chomh maith leis sin, níor íocadh táillí do bhaill den Bhoird sa chás gur státseirbhísigh lánaimseartha iad chomh maith.

Íocadh €11,242 do bhaill an Bhoird as speansais taistil agus chothaithe a tabhaíodh de bharr freastal ar chruinnithe agus ar Bhinsí. Íocadh an tsuim seo ar aon dul le treoir na Roinne Airgeadais.

## 17. FAOMHADH NA RÁITEAS AIRGEADAIS

D'fhaomh an Bord na Ráitis Airgeadais ar 19 Deireadh Fómhair 2011.



## **Aguisíni**

## AGUISÍN 1

# Cás-staidéir 2010

Foilsítear gach Ordú Cinnidh ar [www.prtb.ie](http://www.prtb.ie). Léiríonn na cásanna seo réimse agus cineál na n-achrann lenar dhéileáil an BTCP in 2010.

## Cás-staidéir ar Bhreithniú

### Cás 1 - Frithchás. Riaráistí cíosa, Sárú oibleagáidí an tionónta, agus Díshealbhú neamhdhleathach líomhnaithe

#### Cúlra

Thaisc an tiarna talún iarratas maidir le riaráistí cíosa agus sárú oibleagáidí an tionónta. Tar éis an fógra maidir leis an achrann seo a fháil don thionónta, thaisc sé frithchás i leith díshealbhú neamhdhleathach líomhnaithe. Mhaígh an tiarna talún go raibh an tionónta i riaráistí cíosa de 3,900 agus go bhfios di, bhí an tionónta tar éis dul thar lear. Thug sí fianaise gur de bharr go raibh imní uirthi go raibh an teaghais tréigthe a rinne sí iarracht rochtain uirthi agus fuair sí amach gur athrú na glais. Chuir an tiarna talún in iúl gur fhostaigh sí cuideachta shlándála chun an doras a oscailt ar 12 Feabhra 2010 agus fuair sí amach nach raibh aon duine ina chónaí sa teaghais, ach go raibh sealúchais an tionónta fós ann. Feistíodh glais nua sa teaghais agus cuireadh sealúchais an tionónta i stóras.

#### Éisteacht an Bhreithnithe

Tionóladh éisteacht le haghaidh an bhreithnithe agus d'fhreastail an bheirt pháirtithe uirthi. Thug an tiarna talún breac-chuntas ar a cás i leith na riaráistí cíosa agus chuir sí in iúl go ndearna sí roinnt fógraí foirceanta a sheirbheáil ar an tionónta maidir leis na riaráistí. Ghlac an tionónta go raibh na riaráistí cíosa dlite ag an éisteacht. Rinne an breithneoir cíoradh ar shraith ríomhphost idir na páirtithe a bhain leis na riaráistí agus

le hóc uaineach an chíosa, agus fuair sé nach raibh an tiarna talún in ann teagmháil bhríoch a dhéanamh leis an tionónta.

Fuair an breithneoir chomh maith gur thug na cúinsí údar leis an tátal a bhain an tiarna talún astu go raibh an tionónta tar éis an teaghais a fhágáil go hiarbhír.

#### Cinneadh

Is é seo a leanas an cinneadh a rinne an breithneoir: Meastar go raibh deireadh curtha leis an tionóntacht ag an tionónta. Íocfaidh an tionónta an tsuim iomlán de 3,690.00 don tiarna talún laistigh de sheacht lá tar éis eisiúint an Ordaithe Chinnidh, i.e. riaráistí cíosa de 3,900.00, chomh maith le 120 as glais nua a fheistiú agus 70 as costais stórála, lúide 400 don tionónta i.e. an éarlais de 600 lúide 200 a coimeádadh go dlísteanach mar gheall ar dhochar a rinneadh don teaghais de bhreis ar ghnáthchaitheamh agus ghnáthchuímit.

## Cás a Dó - Cóiméad Éarlaise

#### Cúlra

Chuir an tionónta iarratas isteach mar gheall ar ró-íocaíocht líomhnaithe cíosa, coimeád na héarlaise gan chúis agus fógra neamhbhailí líomhnaithe.

#### Éisteacht an Bhreithnithe

Tionóladh éisteacht le haghaidh an bhreithnithe. Níor fhreastail na freagróirí uirthi, ach chuir duine de na freagróirí aighneacht isteach le tabhairt san áireamh ag an éisteacht. Fuair an breithneoir gur thug an duine a bhí ainmnithe mar an bhfreagróir ar an iarratas le fíoras gurbh é an tiarna talún í, ach nach raibh inti ach gníomhaire a bhí ag feidhmiú thar ceann an tiarna

talún. Rinne na freagróirí iarracht seasamh le coimeád na héarlaise trína mhaíomh gur cuireadh deireadh leis an tionóntacht le comhaontú frithpháirteach. Mhaígh an freagróir go raibh an tionónta i riaráistí cíosa. Thug an breithneoir san áireamh nach ndearna an freagróir fógra bailí 14 lá maidir le riaráistí cíosa a sheirbheáil ná fógra bailí foirceanta a sheirbheáil ach oiread, agus fuair sé chomh maith nach raibh an tionónta i riaráistí cíosa de bharr gur íoc sí an cíos roimh ré. Fuair an breithneoir chomh maith gur sháraigh an tiarna talún a chuid oibleagáidí toisc go raibh an teaghais faoi bhun na n-íoschaighdeán riachtanach.

#### **Cinneadh**

Íocfaidh na freagróirí an tsuim iomlán de 1,200 don tionónta laistigh de sheacht lá tar éis an tOrdú Cinnidh a eisiúint don BTCP. Cuimsíonn an tsuim seo an éarlais ina hiomláine de 600 a coimeádadh gan chúis chomh maith le damáistí de 600.00 as an éarlais a choimeád.

### **Cás a Trí - Sárú Líomhnaithe oibleagáidí an Tiarna Talún chun oibleagáidí an tionónta a chur i bhfeidhm agus iompraíocht fhrithshóisialta an Tionónta.**

#### **Cúlra**

D'iarr an t-iarratasóir seirbhís réitigh achrainn mar thríú páirtí ar a raibh truailliú torainn líomhnaithe ón teaghais ar cíos in aice lena theaghais féin ag cur isteach agus ar a raibh iompraíocht fhrithshóisialta líomhnaithe an tionónta ag cur isteach.

#### **Éisteacht an Bhreithnithe**

Tionóladh éisteacht. Bhí an tiarna talún na teaghaise ar cíos agus an t-iarratasóir i láthair ag an éisteacht. Bhí an tionónta i láthair chomh maith. Cé nach raibh sé páirteach san achrann sa chás seo, tá sé de cheart ag tionóntaí gach cáipéisíocht a bhaineann le cásanna iompraíochta fhrithshóisialta agus freastal ar aon éisteacht d'fhonn a dhea-chlú agus aon líomhain a dhéantar ina choinne a chosaint. Thug an t-iarratasóir fianaise maidir le roinnt teagmhas inar cuireadh isteach a chodladh

agus ina raibh ceol glórach ar siúl i rith na hoíche, a chuir sé fios ar na Gardaí dá mbarr. Thug an tiarna talún fianaise go ndearna sí teagmháil leis an tionónta tar éis cinn de na teagmhais agus chuir sí an tionónta ar an eolas faoi na gearáin. Thug an tiarna talún fianaise chomh maith nach raibh aon deacreacht ag aon duine de na comharsana eile leis an tionónta agus thug sí ráiteas i scríbhinn ón gcomharsa a bhí ina chónaí ar an taobh eile den teaghais ar cíos a chuir in iúl nach raibh aon deacreacht aici leis an tionónta. Thaispeáin an tiarna talún litir ón nGarda Síochána chomh maith a dheimhnigh gur thug siad cuairt ar an teaghais agus go raibh na tionóntaí comhoibríoch agus gur éist siad leis na hábhair ba chúram do na Gardaí i leith torann iomarcach. Thug an tionónta fianaise chomh maith i gcoinne líomhaintí an tríú páirtí.

#### **Cinneadh**

Níor seasadh le hiarratas an tríú páirtí maidir le sárú oibleagáidí an Tiarna Talún chun oibleagáidí an tionónta a chur i bhfeidhm i leith iompraíocht fhrithshóisialta an Tionónta agus truailliú torainn.

I gCoimre d'Fhátanna an bhreithneora, luaigh sé gur "líomhain thromchúiseach é aon líomhain a bhaineann le hionpraíocht fhrithshóisialta de bharr gur féidir léi dul i gcion ar dhea-chlú an tsaoránaigh sin, agus ar a shocrú cóiríochta chomh maith, agus nuair a dhéantar líomhain den chineál sin, go bhfuil dualgas mór cruthúnais ar an duine atá á cur ina leith".



## Cás-staidéir ar Chásanna de chuid na mBinsí Tionóntachta

**TR162/DR848/2010** - *Níor tugadh aon fhianaise ar láimh a chur in iúl gur íocadh aon éarlais.*

### Cúlra:

Chuir an tionónta iarratas ar sheirbhís réitigh achrainn isteach chuig an BTCP maidir le héarlais choimeáda. Cuireadh an cás ar aghaidh le haghaidh breithniú ó bhéal, ag ar chinn an breithneoir go n-íocfadh an tiarna talún suim de 505.00 don tionónta, i.e. an éarlais a coimeádadh gan chúis, lúide suim de 95 as damáiste a rinneadh do mheaisín níocháin, a ghlac an tionónta a raibh sé ina chúis leis. Ina dhiaidh sin, áfach, fuarthas fógra achomhairc chun Binse ón tiarna talún.

## Aighneachtaí na bPáirtithe

### Cás an Tiarna Talún (an tAchoimharcóir)

Thug an tiarna talún fianaise nár bhuail sé leis an tionónta agus nach raibh gnó aige leis riamh. Chuir sé in iúl chomh maith nach raibh sé cinnte go raibh an té ina thionónta sa teaghais riamh. Chuir sé in iúl dá mba rud é gur chreid sé go raibh an tionónta ina thionónta sa teaghais sin, agus gur íoc sé an éarlais, nach mbeadh aon fhadhb aige an éarlais a íoc ar ais. Ach, dúirt sé nach raibh aon chruthúnas ann go raibh sé an méid sin fíor; mar shampla, ní raibh aon admháil ar íocaíocht na héarlaise ag an tionónta. Rinne sé tuairimíocht gur de bharr nach raibh sé ar an eolas faoi chúinsí íocaíocht na héarlaise mar a líomhain an tionónta, go raibh seans ann gur íoc an tionónta an éarlais sin (má d'íoc sé ar chor ar bith í) do thionónta eile a choimeád í.

### Cás an Tionónta (an Freagróir)

Thug ionadaí don tionónta breac-chuntas ar an mbealach a d'íoc an tionónta an éarlais trí ríomhaistriú airgid óna chuntas chuig cuntas bainc tionónta eile a bhí ina chónaí sa teaghais roimhe.

Ní raibh aon fhianaise dhoiciméadach ann a dheimhnigh go bhfuair an tionónta roimhe an íocaíocht

ná go bhfuair an tiarna talún é mar a líomhain an tionónta.

### Cinneadh:

Ar bhonn na fianaise a cuireadh os comhair an Bhinse, agus de réir dhochúlachtaí an cháis, níor sheas an Binse le héileamh an tionónta ar aisíoc na héarlaise a líomhain sé a d'íoc sé agus a coimeádadh gan chúis.

**TR323 /DR11/2010** - *Foirceannadh Neamhdhleathach Tionóntachta*

### Cúlra:

Rinne an tionónta iarratas ar an BTCP maidir le foirceannadh neamhdhleathach tionóntachta. Cuireadh an cás ar aghaidh chuig breithneoir, a chinn go mbeadh ar an tiarna talún glansuim de 4,790 a íoc don tionónta, i.e. 10,000 damáistí as sárú oibleagáidí an Tiarna Talún agus an iarracht ar dhíshealbhú neamhdhleathach, móide an éarlais de 300 agus 490 as na costais phluiméireachta a thabhaigh an tionónta, lúide 6,000 as riaráistí cíosa. Ina dhiaidh sin, áfach, rinne an tionónta achomharc in aghaidh an chinnidh seo.

## Aighneachtaí na bPáirtithe:

### Cás an Tionónta (an tAchoimharcóir)

Chuir an tionónta in iúl gur cuireadh tús le tionóntacht na teaghaise 6 seomra i mí Lúnasa 2007 agus go raibh caidreamh maith idir an tionónta agus an tiarna talún ar feadh beagnach dhá bhliain ina dhiaidh sin. Bhí an cíos €1,000 in aghaidh na míosa, réamhíoctha, agus d'íoc an tionónta éarlais de £300 steirling don tiarna talún. I Meitheamh 2009, bheartaigh an tionónta agus a chlann dul ar saoire ar feadh tréimhse ó Iúil go dtí Lúnasa 2009 agus chuir sé an tiarna talún agus a fear céile ar an eolas mar gheall air seo. Dúirt sé go raibh cíos mhí Iúil réamhíoctha agus go raibh sé ar intinn aige cíos mhí Lúnasa a íoc nuair a thiocfaidís ar ais. Luaigh sé gur fhág siad a gcuid giurléidí pearsanta sa teaghais le linn na tréimhse.

Nuair a d'fhill an tionónta ar an teach ar lá i lár mhí Lúnasa, thug an tionónta faoi deara go raibh an teach á athmhaisiú ag an tiarna talún. Bhí na cairpéid agus cuirtíní bainte amach, agus bhí an troscán cruachta le taobh na mballaí. Cuireadh isteach ar ghiuirléidí pearsanta dá chuid féin agus de chuid a chlainne agus bhí siad curtha i málaí agus boscaí plaisteacha.

Nuair a thug sé aghaidh ar fhear céile an tiarna talún, dúirt sé gur shíl an tiarna talún gur 1 mhí amháin a bhí i gceist leis an saoire agus nuair nach raibh trácht ná tuairisc uaidh agus nuair nár íoc sé an cíós, bhí siad den tuairim go raibh sé tar éis bogadh amach. D'iarr sé ar an tiarna talún am a thabhairt dó ionas go mbeadh sé in ann lóistín eile a shocrú dó féin agus dá chlann.

Ón am ar tháinig sé ar ais ar 15 Lúnasa, agus ó lár mí Mheán Fómhair ar aghaidh go háirithe, bhí fadhbanna tromchúiseacha leis an soláthar uisce sa teaghais. Thug sé fianaise gur sheol an tiarna talún teachtaireacht chuige a chuir comhairle air: 'Ní chuimsítear muirir uisce nuair a ligtear teach ar cíós, ní bhaineann an fhadhb seo linn, déan teagmháil leis an Bord Uisce chun réiteach a fháil uirthi'.

D'fhostaigh sé seirbhísí sainchomhairleoirí innealtóireachta agus pluiméireachta agus d'íoc sé astú, ach de bharr nach raibh cead isteach acu ar chuid den chóras soláthair a bhí faoi rialú an tiarna talún, ní raibh siad in ann an fhadhb a dhiagnóisiú ná a réiteach. Ní raibh soláthar uisce ná téamh lárnach ag an teaghlach sa teaghais ó lár mhí Lúnasa 2009 go dtí deireadh mhí Feabhra 2010. Rinne sé cur síos ó chroí ar na deacrachtaí a bhí aige, ag a bhean chéile agus ag a chlann nuair a bhí siad ag iarraidh uisce a fháil ó sconna i ngarraí béal dorais, go háirithe le linn na drochaimsire fuaire a bhí ann le linn gheimhreadh 2010. Chuir sé seo cruatan agus strus suntasach ar an teaghlach. Le linn na tréimhse seo, rinne an tAchoimharcóir agus a bhean chéile gach iarracht chun lóistín eile a fháil ach bhí deacrachtaí acu de bharr go raibh orthu teaghais a fháil ina raibh go leor spás dóibh agus dá 6 páistí.

Tugadh fianaise ar aird a chuir in iúl gur thug an tiarna talún fógra don tionónta go raibh an cíós á ardú go dtí 2,000 in aghaidh na míosa.

Dúirt an tionónta go raibh sé ag déanamh achomhairc i gcoinne chinneadh an bhreithneora ar fhoras nach raibh sé den tuairim gur léirigh sé an cruatan agus strus faoinar cuireadh é féin agus a chlann de thoradh ghníomhartha agus theipeanna an tiarna talún.

### **Cás an Tiarna Talún (an Freagróir):**

Ní raibh an tiarna talún i láthair; ach, chuir sí in iúl i bhfianaise i scríbhinn gur insíodh di go mbeadh an tionónta agus a chlann ar saoire ar feadh 1 mhí amháin. Luaigh an tiarna talún gur ghoill staid an tí uirthi nuair a chuaigh sí isteach sa teaghais i mí Iúil. Bhí cuileanna agus cruimheanna ann agus soithí salacha sa chistín, bhí sconnaí fós ar siúl agus bhí roinnt málaí líonta athchúrsála ann i seomra na n-acraí. Bhí dópholl sa chairpéad sa seomra codlata.

Luaigh sí ina chuid fianaise gur fhág sí liosta rudaí le deisiú don tionónta chomh maith le fógra scortha. Nuair a chuaigh sí isteach sa teach ar 10 Lúnasa, thug sí faoi deara nach raibh na tionóntaí ar ais agus ghlac sí leis go raibh siad tar éis bogadh amach. Chuir sí tús le hullmhúcháin i dtreo an teach a phéinteáil agus a athchóiriú.

### **Cinneadh:**

Chinn an Binse go mbeadh ar an tiarna talún an ghlansuim iomlán de €12,239.67 a íoc. Chuimsigh an tsuim seo €15,000 damáistí as foirceannadh neamhdhleathach na tionóntachta agus sárú neamhdhleathach oibleagáidí reachtúla an Tiarna Talún i leith bail na teaghaise, chomh maith le haisíocaíocht de €2,885.90 a d'íoc an tionónta as seirbhísí innealtóireachta agus pluiméireachta, agus aisíocaíocht de €353.77 (a chomhluach i steirling) as an éarlais a coimeádadh gan chúis, agus lúide 6,000 as riaráistí cíosa.

**TR355 /DR230/2010 - Dochar a rinneadh don Teaghais de bhreis ar ghnáthchaitheamh agus ghnáthchuimilt**

**Cúlra:**

Rinne an tionónta iarratas ar an BTCP. Cuireadh an cás faoi bhráid breithneora a chinn go mbeadh ar an tiarna talún €2,100 a íoc don tionónta, i.e. suim na héarlaise a coimeádadh gan chúis Ina dhiaidh sin, áfach, fuarthas achomharc bailí ón tiarna talún.

**Aighneachtaí na bPáirtithe**

**Cás an Tiarna Talún (an tAchomharcóir):**

Dúirt an tiarna talún gur teach nua í an teaghais a bheag nó a mhór a bhí cosúil le 'teach taispeántais' nuair a cuireadh tús leis an tionóntacht. Bhí an cíós €2,100 in aghaidh na míosa agus íocadh éarlais de €2,100. Rinne sé conradh le gníomhaireacht eastáit i gcomhair an teach a ligean ar cíós.

Mhaígh an tiarna talún gur ghoill staid an tí air nuair a rinne sé iniúchadh ar an teaghais díreach tar éis deireadh a chur leis an tionóntacht don tionónta. Thug sé grianghraif ar aird chun staid na teaghaise ag am an iniúchta a léiriú. Léirigh na grianghraif seo roinnt scrioblálacha ar bhallaí, fheistis agus throscaín. Bhí siad seo le feiceáil i ngach seomra sa teach, a dúirt sé. Bhí siad déanta le réimse crián, badhrónna agus marcóirí. Tar éis an teach a phéinteáil dó, dúirt sé go raibh air úsáid a bhaint as péint dhilsithe chun na marcanna a chlúdach de bharr go rabhthas fós in ann iad a fheiceáil trí na brait úra péinte. Dúirt an tAchomharcóir go raibh sé ag éileamh ar €8,625.68 as dochar a rinneadh don teaghais de bhreis ar ghnáthchaitheamh agus ghnáthchuimilt. Mhaígh an Tiarna Talún go raibh 5 chathaoir leatharcumhdaithe chistine marcáilte le badhró agus nár féadadh iad a dheisiú ar chostas barainneachta agus go raibh air cinn nua a fhail ina n-ionad. Thug an Tiarna Talún fianaise go ndearnadh dochar don tolg leathair sa teach agus go raibh an leathar scoilte. Níor éirigh leis an tionónta nuair a rinne sé iarracht an tolg leathair a dheisiú. Chuir sé in iúl go raibh costas de

€2,280 ar an tolg nua, cé go raibh débhríocht ann i leith na sonrasc a thug sé ar aird.

Ghéill an Tiarna Talún nár tugadh liosta fardail don Tionónta. Bhí sé den tuairim go dtabharfadh an gníomhaire faoi seo, ach níor thug sé aon fianaise a chuir in iúl gur tugadh faoi. Ghéill sé chomh maith nach ndearna sé iniúchadh ar an teaghais ar bhonn rialta le linn na tionóntachta.

Mhaígh an Tiarna Talún, in ainneoin fhoráil chomhaontú na tionóntachta, go raibh sé féin ag íoc an bhille mhíosúil ó Sky ar feadh na tionóntachta. Cé gur thoiligh sé le hobair ar an mias satailíte, níor aontaigh sé ag aon am ar bith go n-íocfadh sé as an obair sin, lenar cuireadh tús de bharr gur mhian leis an tionónta uasghrádú go dtí seirbhís ardghléine (HD).

**Cás an Tionónta (an Freagróir):**

Mhaígh an Tionónta go raibh sé den tuairim go raibh aon dochar a rinneadh don teach ar aon dul le gnáthchaitheamh agus gnáthchuimilt, go háirithe de bharr go raibh an teach á ligean ar cíós do dhaoine a raibh leanaí óga acu. Dúirt sé nach raibh an graifítí ar na ballaí chomh forleathan is a thabharfadh sé údar leis an teach ar fad a phéinteáil, mar a mhaígh an Tiarna Talún. Ní raibh gach balla sa teach marcáilte; ba ghrianghraif gar-amhairc a bhí sa ghrianghraif agus dúirt sé gur chóir don Tiarna Talún roinnt grianghraif eile a thabhairt ar aird a léireodh cé chomh beag is a bhí na háiteanna a ndearnadh dochar dóibh. Bhí sé den tuairim go n-éireodh le péinteáil ad hoc ar achair bheaga chun na ballaí a athchóiriú go dtí an staid ina raibh sé roimhe. Cheap sé chomh maith go bhféadfadh an Tiarna Talún na marcanna criáin agus marcóra a bhaint trí iad a chuimilt le ceirt amháin. Chuir sé in iúl gur éirigh leis féin roinnt marcanna criáin a bhaint. Rinne sé iarracht na marcanna badhró a bhaint chomh maith ach níor éirigh leis.

Ghlac sé leis go raibh an dochar a ndearnadh do na 5 chathaoir chomh dona is nach bhféadfadh an Tiarna Talún iad a dheisiú ar chostas barainneachta, ach,

mhaígh sé gur de bharr go raibh siad 3 bliana d'aois ag deireadh na tionóntachta, gur chóir an costas a mheas ar bhonn a mbaile ar an gcéim sin seachas cathaoireacha nua. Ghlac sé leis chomh maith go ndearnadh dochar don tolg ach gur íoc sé 150 as é a dheisiú.

Thug an Tionónta fianaise ar aird gur chuir an Tiarna Talún glao air ar lá deireanach na tionóntachta agus é ag glanadh an tí, agus dúirt sé leis an Tionónta gur mhian leis an teach a thaispeáint do thionónta nua ionchasach.

Bhí sé seo ina chúis le deifir a chur ar an nglantachán agus níor tugadh aire do roinnt rudaí dá bharr. Ach, bhí sé den tuairim go mbeadh an tiarna talún in ann dul i ngleic leis na rudaí sin le mionghlantachán.

Thug an Tionónta fianaise go raibh glacacht satailíte go dona nó nach raibh aon ghlacacht satailíte sa teach. Nuair a bhí sé ag iarraidh an córas a uasghrádúgo dtí seirbhís ardghléine (HD), chuir sé glao ar an tiarna talún agus d'iarr sé air labhairt leis an teicneoir i dtreo an mias satailíte ar an simléar a athshocrú. Chreid sé gur chuir comhrá agus roinnt téacsteachtairachtaí ina dhiaidh sin in iúl gur ghlac an tiarna talún leis go n-íocfadh sé costas na hoibre. Bhí €155 i gceist leis seo (tagartha dó mar €150 in aighneachtaí i scríbhinn a fuarthas ina dhiaidh sin)

Thug an tionónta fianaise ar aird nach bhfuair sé liosta fardail de na rudaí a bhí sa teach in ainneoin gur iarr sé é. Bhréagnaigh sé chomh maith go ndearna sé aon dochar don deiceáil mar a mhaígh an tiarna talún, agus thug sé le tuiscint go ndearnadh an dochar dá tagraíodh sular cuireadh tús leis an tionóntacht. Luaigh sé roinnt rudaí nár thug an tiarna talún talún fúthu go pras, lena áiríodh leithreas blocáilte, triomadóir rothlaim a dheisiú agus an t-asraon ón mbáisín níocháin sa phríomhsheomra folctha. Thagair sé d'fhoirgeacht le luchóga chomh maith a thit amach le linn na tionóntachta.

#### **Cinneadh:**

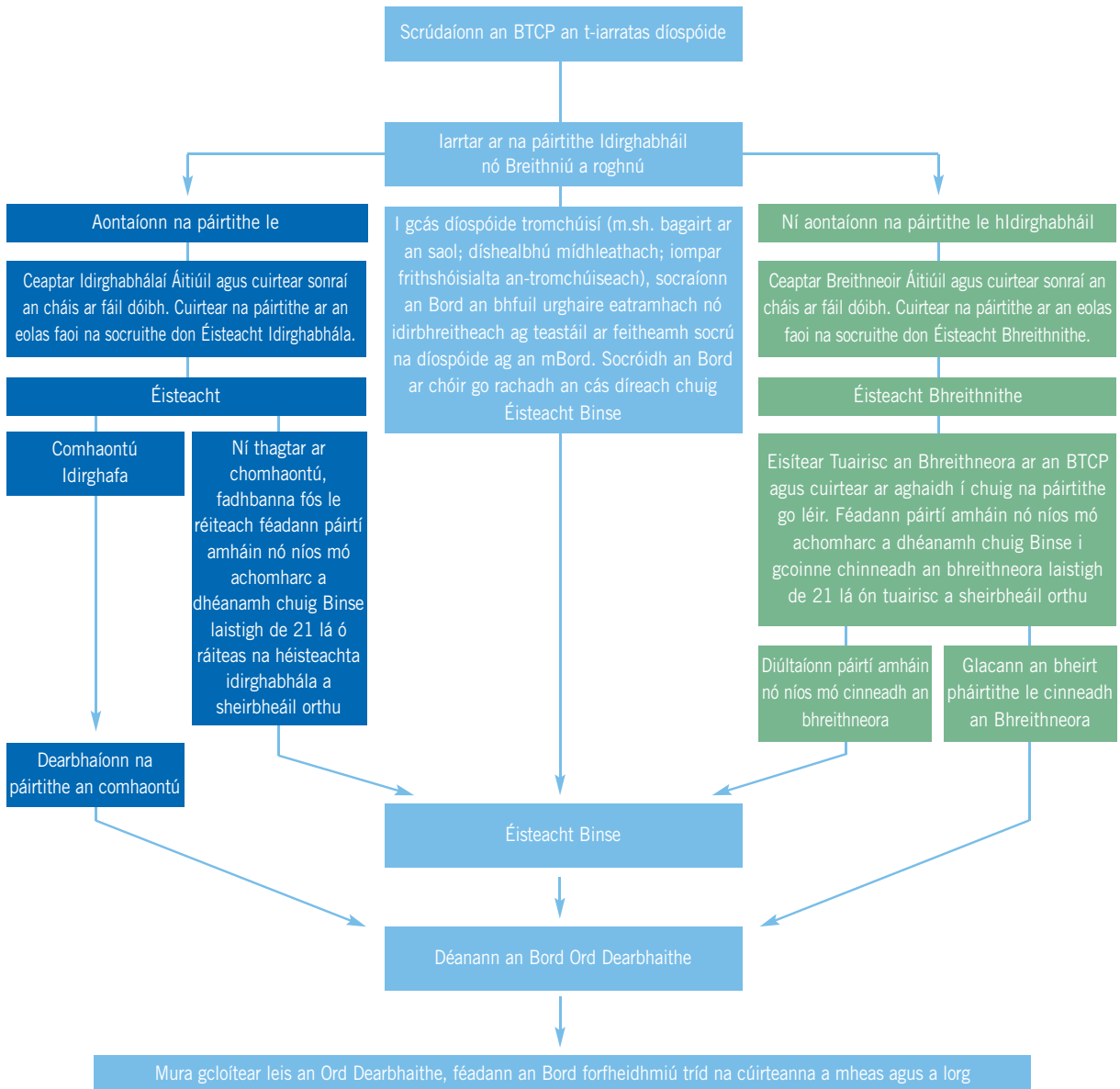
Íocfaidh an tionónta an ghlansuim de 875 i.e. 2,975 as dochar a rinneadh don teach de bhreis ar ghnáthchaitheamh agus ghnáthchumilt, lúide an éarlais de 2,100 a choimeád an tiarna talún i leith thionóntacht na teaghaise go réasúnach.

#### **Binsí eile a d'fhéadfadh a mbeadh suim agat iontu**

1. TR167/DR1263/2010: Údarás ar bith mar Thiarna Talún Achomharcóra de bharr nárbh an Tiarna Talún é
2. TR183 /DR680 & DR707/2010: Fógra Foirceanta, Sárú Oibleagáidí an Tiarna Talún/an Tionónta
3. TR244/DR990/DR996/2010: Caihdeán agus Cothabháil na Teaghaise agus Fógra Foirceanta riachtanach ag deireadh léasa téarma sheasta.

AGUISÍNÍ 1

# Próiseas Réiteach Díospóide



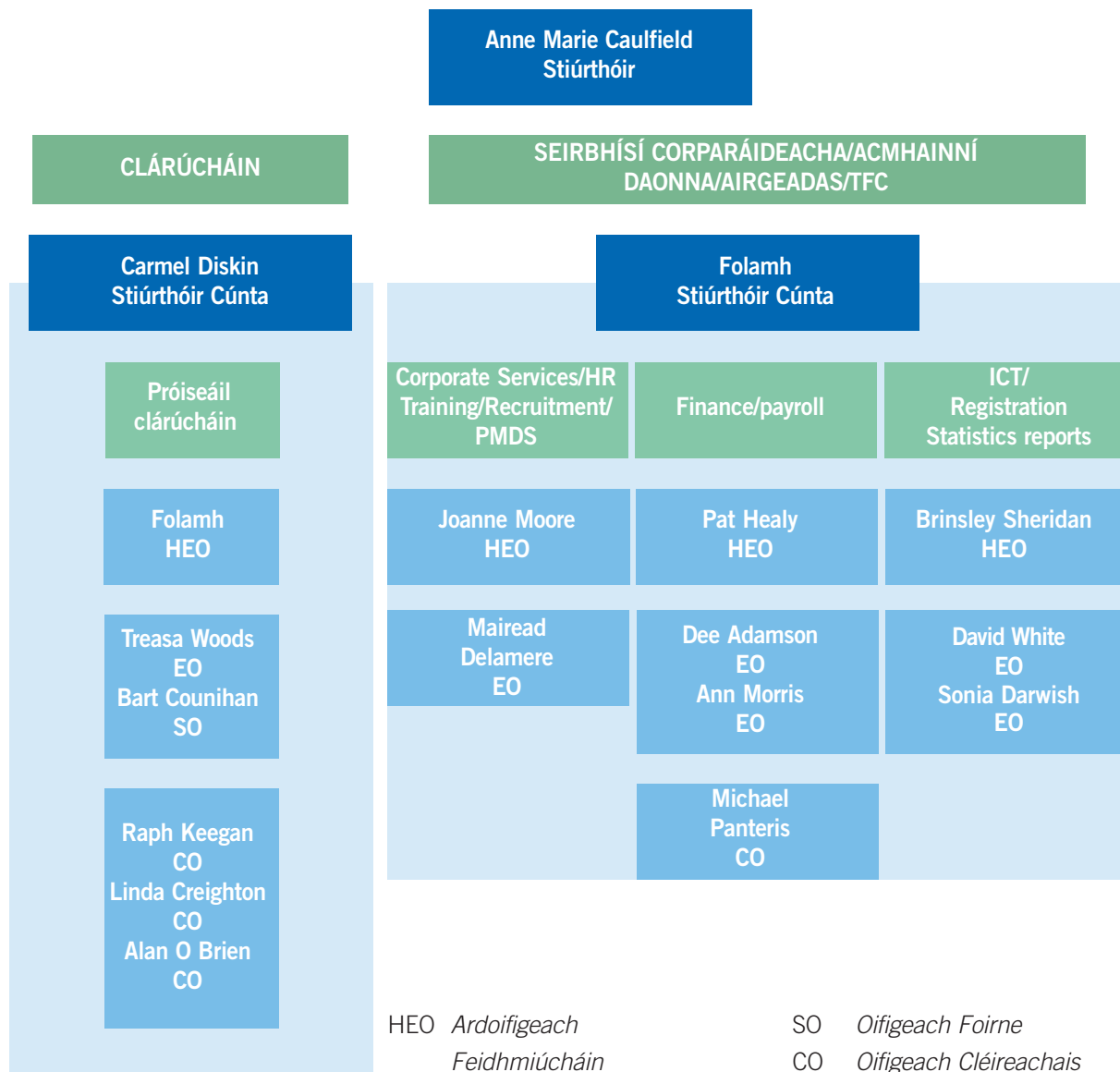
## AGUISÍN 3

## Painéil Breithnithe agus Idirghabhála an Bhoird um Thionóntachtaí Cónaithe Príobháideacha 2010

Breithneoirí	Breithneoirí	Idirghabhálaithe
Seamus Bane	James Howley	Anne Carroll
Kevin Baneham	John Hyland	Peter Cunningham
Joe Behan	Padraic Ingoldsby	Martin Durack
Bridget Birmingham	Phil Kealy	Barney Kiernan
Ronan Browne	Nesta Kelly	John McArdle
James Burke	Richard Kennedy	Brenda Moran
Patrick Burke	Darren Lehane	Derek Nolan
John Callaghan	Thomas Mannix	Brigitte O'Brien
Emmett Carty	Joseph May	Audrey O'Carroll
Charles Corcoran	Michael McNamara	Helena O'Gorman
Michael Coughlan	Francis Meenan	Yvette O'Malley
James Coyne	Claire Millrine	Hilary Sweetman
Gus Cummins	Mary H. Morris	
Jim Dennison	Michael Munnelly	
Ian Dermody	Joseph Murray	
William B. Devine	Liam Nolan	
Arran Dowling Hussey	Patricia O'Connor	
David Duncan	Maurice O'Donoghue	
Shaun Elder	Niamh O'Leary	
John C. Elliott	Martin O'Malley	
Michael Farry	Paul O'Reilly	
Geraldine Feeney	Tom Rigney	
Pat Finn	Patrick Rowan	
Anthony Flynn	John Shaw	
Corona Grennan	Nuala Skeffington	
Frank Guinane	Patricia Stafford	
Con Guiney	Breda Tuite	
Tom Hardy	Robert Walsh	
Maureen Harewood	Joseph Whelan	
Eoin Dillon		
Keara Donnelly		
Thomas Woodbyrne		
Mary Henry Feehily		
Bill Holohan		

## AGUISÍNÍ 4

## Cairt Eagraíochta BTCP



SEIRBHÍS RÉITITHE DÍOSPÓIDE				
Kathryn Ward Stiúrthóir Cúnta		Frank Gallagher Stiúrthóir Cúnta		
Forfheidhmiú	Binsí/Staitisticí	Díospóidí	Díospóidí	Díospóidí
Rosaleen Keane (AOF) Vacant (AOF)	Janette Fogarty (AOF)		Anne Marie Quinn (AOF)	Folamh (AOF)
Paul Staunton (OF) Gillian MacGann (OF)	Geraldine Norton (OF) Iwona Piech (OF)	Gloria Gallagher (OF) Tom Coghlan (OF)	Pat McDonnell (OF) Folamh (OF) Robert Allen (OF) Carolyn O'Brien (OF)	Ruth Cullen (OF) Ronan Conlan (OF)
	Adrian McGrath (OF)		Ade Lawal (OC) Ciara Cronin (OC)	Claire Diggins (OC)

I láthair na huaire, tá 30 ball foirne sealadach ar an meán ó na gníomhaireachtaí fostaíochta Adecco agus La Crème fostaithe ag an BTCP agus muid ag fanacht ar ár gCóras Bainistíochta Tionóntachta, go háirithe an tseirbhís chlárúcháin ar líne, a sheoladh in 2010.









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