

Residential Tenancies Board

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Agenda

- About the RTB
- Dispute Resolution Service
- Evolution of Telephone Mediation
- Case Studies

About the RTB

Vision

An effectively regulated residential rental sector that is fair, accessible and beneficial to all

Information
Education
Awareness

Tenancy
registration

Dispute
Resolution
Service

Research/
Rent Index

Investigations
And
Sanctions

The rental sector is growing and changing,
and we're growing and changing with it.

We launched our new
One Stop Shop and **Webchat service**.

173,197

landlords
registered
tenancies with RTB

336,890
tenancies were
registered with
RTB

Since April 2016, over

29,542

Approved Housing Body
tenancies had been
registered with the RTB

We've also extended
our opening hours.

08:30 – 18:30

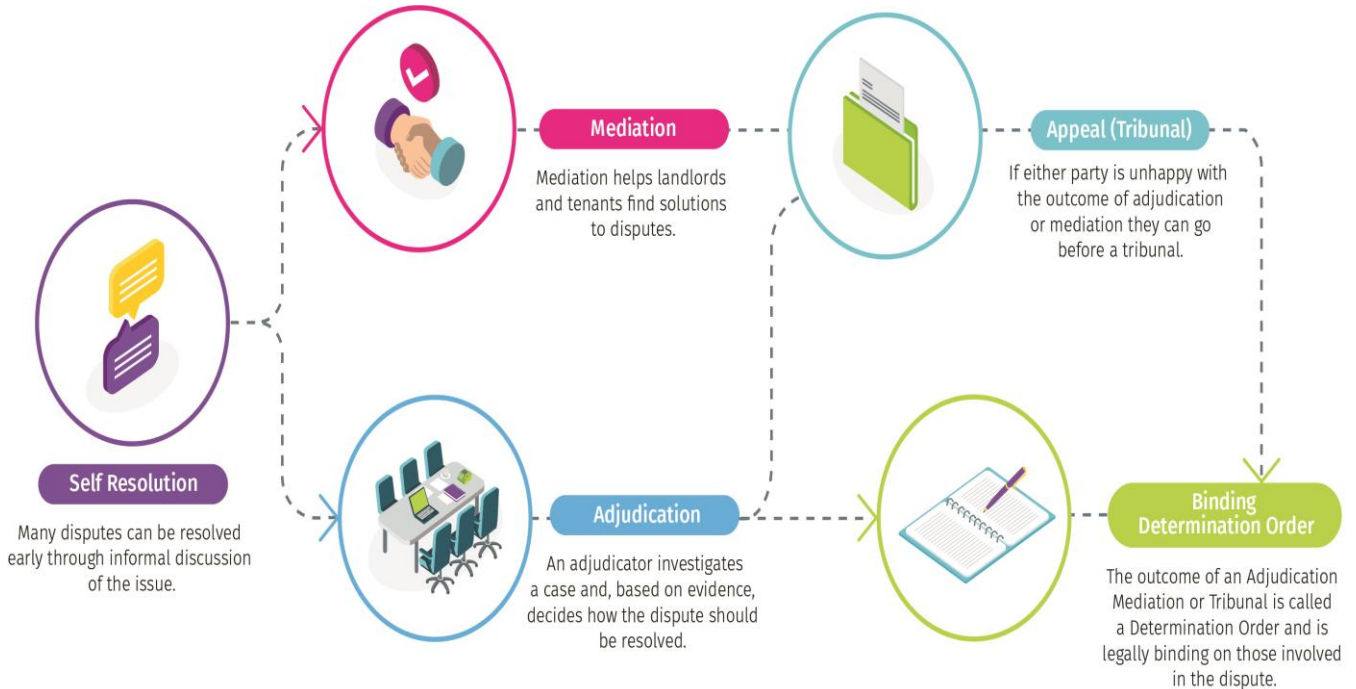
695,142
People living in
the rental
sector

We've answered over...

165,453 calls

70,313 emails

Dispute Resolution Process



Dispute Resolution Activity 2017 v 2018

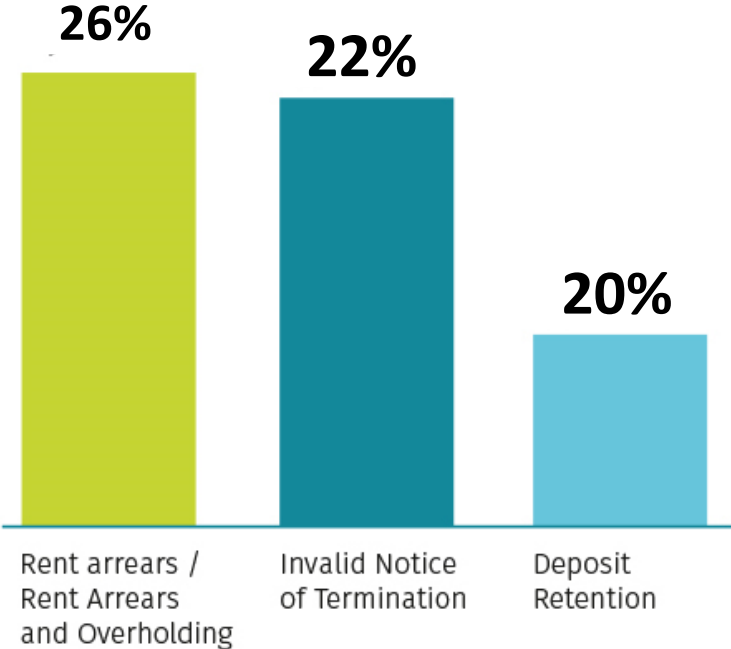
In 2017, 5,823
applications for
dispute resolution
received

In 2018, 6,398
applications for
dispute resolution
received

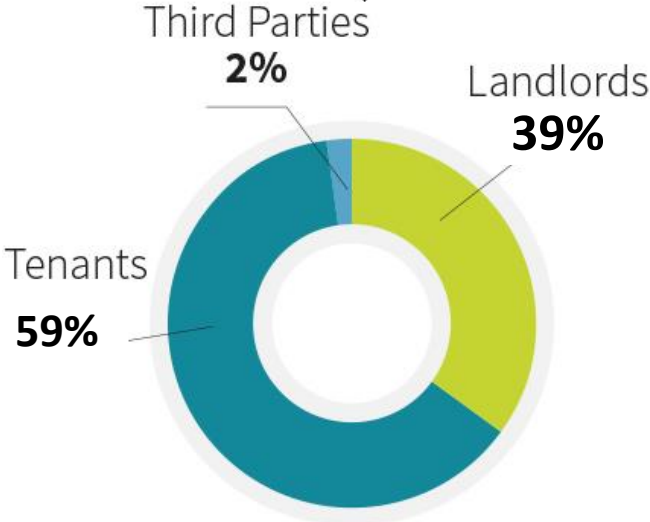


Dispute Resolution Activity 2018

Most common dispute types



Who took cases?



Mediation: The Evolution

- 2011 – handful of face to face mediations. Decision makers on average hearing max 3 cases a year.
- The law
- Mediation Foundation of Ireland
- 2013 – Introduction of Telephone Mediation - 5%
- 2016 – Introduction of Free Mediation
- 2016 - Introduction of scheduled time slots (1.5 hours) – 3 per day
- 2019 – 29% of applications opting for TM

Mediation: The Application Statistics

Year	% of cases	Appeal Rate	Enforcement Rate
2013	5%	N/A	N/A
2014	17% (582 cases)	8%	1%
2015	21% (856 cases)	8%	3.6%
2016	23% (1,121 cases)	10%	1%
2017	28% (1,630 cases)	13%	3%
2018	26% (1,663 cases)	11%	4%
2019 to date	29% (1,529 cases)	10%	5%

The Processes

Adjudication

- Consent not required
- Addresses are critical
- Hearing takes place once service is confirmed
- Evidence is circulated to all relevant parties
- Decision issues + appeal period

Mediation

- Consent is essential
- Time and date of phone call assigned
- Evidence is not circulated to other side
- Mediation Position Statement
- Outcome listed same day as Mediation

Mediation Position Statement

Mediation is a voluntary confidential process that allows two or more disputing parties resolve their conflict in a mutually agreeable way with the help of a neutral third party, a mediator.

Mediation focuses on the interests or needs of the parties and on solutions, not on determining or assigning blame. The mediator does not impose a solution but rather works with all parties to create their own solution. All parties should participate in the mediation in the spirit of compromise with the goal and intention of achieving a settlement of the case.

This statement is made solely for the purposes of a mediation of this dispute. It is confidential and will be copied to the mediator prior to the mediation, but not to the other case party.

Case party name: _____

Case Number: DR _____

Question 1: What do you hope to achieve through this mediation hearing?

To increase the chances of a successful outcome please consider what you would like to achieve before the mediation commences. Please consider the best possible outcome from your point of view but also what might be an acceptable outcome should this not be feasible. Please consider what you may need to do to achieve this outcome.



Question 2: What are the key issues from your perspective which have prevented settlement of the dispute up to now?



Adjudication V Mediation

- Free v Expense
- Shorter processing times
- Take a telephone call v Attendance in person
- Informal v Formal
- In control of the situation v Outcome dictated
- Negotiated solution v Evidence based
- Rigid determinations v Imaginative solutions
- Win / Lose v Win / Win
- Confidential v Public
- More likely to comply with the DO

Telephone Mediation: The Statistics

2018 & 2019 to date

2019 to date:

- Application rate: 26%
- Agreement Rate: 74%
- No Agreement: 26%
- Appeal Rate :10%
- Enforcement Rate: 5%

2018:

- Application rate: 26%
- Agreement Rate: 75%
- No Agreement: 25%
- Appeal Rate :11%
- Enforcement Rate: 4%

Timelines

Mediation

1-2 months	80%
3 months	14%
4 months	5%
Over 5 months	1%

Adjudication

1-2 months	52%
3 months	14%
4 months	18%
Over 5 months	12%

Case Study 1

Telephone Mediation

- Telephone Mediation took place October 2019
- NoT served for sale purposes with a termination date of 14/02/2020
- 2 Adults & 4 Children
- Agreed that a new NoT would be served which specified a termination date of "on or after 30 June 2020" to coincide with the end of the primary school year
- Provided certainty to the occupants going forward and additional time to seek alternative accommodation

Case Study 2

Telephone Mediation

- AT V RL
- Invalid Rent Review in a Rent Pressure Zone
- €6,800 claim in rent overpayment
- LL accepted legal position but pleaded an inability to pay
- Confidential Agreement
- Sum owed off-set against future rent payments
- Win / Win



Thank You