

Application Form



Bord um Thionóntachtaí Cónaithe
Residential Tenancies Board

Request for Legal Assistance to Enforce a Determination Order

The Residential Tenancies Board (RTB) may provide legal assistance to parties seeking to enforce a Determination Order in the District Court.

Enforcement decisions are made on a case-by-case basis, taking account of:

- ▶ If the case meets the eligibility criteria.
- ▶ The RTB's budget and resources.
- ▶ The estimated cost of taking legal proceedings.
- ▶ The likelihood of achieving a successful outcome.

RTB Policy on Enforcement of Determination Orders

A summary of the RTB's Policy on Enforcement of Determination Orders and legal assistance criteria is included at the end of this form. A full version is available on the **RTB website**.

The RTB may also consider a small number of exceptional cases that fall outside the standard criteria where hardship or extenuating circumstances are demonstrated, subject to available budget.

Self-enforcement of Determination Orders

Parties may enforce Determination Orders themselves directly through the District Court.

A **Guide to taking Enforcement Proceedings in the District Court (pdf)** is available on the RTB website.

The RTB can support self-enforcement by providing guidance and where possible, documents or proofs required by the Court.

The compliance period in the Determination Order must have ended before enforcement can be taken.

If you want to apply for RTB legal assistance, complete this form and return it:

- ▶ By email: **enforceorder@rtb.ie**, or
- ▶ By post: RTB, PO Box 13841, Freepost FKY7736, Killorglin, Co Kerry

The RTB handles your personal data in line with Data Protection legislation. See the RTB **Privacy Statement** on our website.



1. Checklist before you submit this form

Please confirm:

- ☐ The compliance period on my Determination Order has expired.
- ☐ I have read and understand the RTB's Policy on Enforcement of Determination Orders.
- ☐ All mandatory sections of this form are completed.
- ☐ I have signed the Undertaking to Support Enforcement Proceedings.
- ☐ A letter of authority is attached (if someone not named on the Determination Order is submitting this request).

Incomplete forms will be returned.

2. How the RTB processes your request

Once we receive your completed form:

- ▶ We conduct an initial review, if your form is incomplete we will return it to you.
- ▶ A reminder letter may issue to the non-compliant party advising them of their legal obligations.
- ▶ Your case will be reviewed in full and we will decide on your application for legal assistance.
- ▶ You will receive a written outcome (email or letter). The RTB cannot provide interim updates due to the volume of cases.
- ▶ If legal assistance is approved, your case will be assigned to an RTB Panel Solicitor, who will act on your behalf in District Court enforcement proceedings. All approved costs are paid by the RTB.
- ▶ If legal assistance is not approved, you will receive written notice and information on your options to enforce the Determination Order through self-enforcement.

The RTB operates within a fixed annual budget and cannot approve all applications.

3. Enforcement request details

Important: Any sections marked (*) are mandatory fields. If you fail to complete all mandatory fields we will return this form to you for completion. This will delay your request being considered.

Knowingly or recklessly providing false or misleading information in this form is an offence under the Residential Tenancies Act 2004.

Case Reference Number (*)

DR: -

1 Your details:

Name: (*)

Contact phone number: (*)

Address: (*)

Email:

2 The contact details of the non-compliant party or parties, if known:

(If the Order involves more than two non-complaint parties, please provide the details on a separate sheet)

Name: (*)

Contact phone number: (*)

Address: (*)

Name:

Contact phone number:

Address:

3 What steps have you taken to secure compliance with the terms of the Determination Order: (*)

☐

Phone call

☐

Email

☐

Personal contact

☐

Text message

☐

Letter

☐

Other, please provide details below

4 If there is further information that you wish to be considered, please state this briefly below.

5 Terms of the Determination Order that have not been complied with relate to: (*)

☐

Overholding

☐

Unlawful termination

☐

Damage above normal wear and tear

☐

Deposit retention

☐

Rent arrears

☐

Breach of landlord obligations

☐

Unpaid utilities

☐

Breach of tenant obligations

**6 If the tenant was ordered to vacate the property but continues to live there, is there an amount of rent outstanding?
If so, please provide the up-to-date amount of rent owed:**

Amount of rent € as of (dd/mm/yyyy)

Number of months

7 If you have vacated the property and the Determination Order states that your deposit has been unjustly retained, please provide the amount retained and the original full deposit amount below:

Amount retained (€):

Original full deposit amount (€):

If the Determination Order awards you an amount other than Rent Arrears or Deposit Retention, please provide the amount (€):

Signature: (*) Date: (*) (dd/mm/yyyy)



4. Undertaking to Support Enforcement Proceedings

I, *[insert name]*
of *[insert address]*

request that the Residential Tenancies Board (“RTB”) provide me with Legal Assistance under Section 124 of the Residential Tenancies Act 2004 (as amended) to take enforcement proceedings in respect of an alleged failure by:

[insert name of non-compliant party]

to comply with Determination Order Reference No:

relating to the tenancy at: *[insert address]*

I confirm that:

- ▶ I will fully co-operate with all enforcement steps, including providing sworn statements and attending Court to give sworn testimony if required.
- ▶ If the RTB grants legal assistance, I will engage with the RTB Panel Solicitor assigned to undertake District Court enforcement proceedings.
- ▶ I consent to the RTB sharing my data with the assigned Panel Solicitor for the purpose of enforcement.
- ▶ I understand that the RTB will incur costs in supporting enforcement. If I withdraw consent or fail to co-operate without good cause, I may be required to reimburse the RTB for costs incurred up to that point.
- ▶ I understand that the legal assistance scheme does not cover additional debt recovery actions following registration of the judgement.
- ▶ I understand and accept that the RTB may seek a contribution toward Sheriff’s fees in certain overholding cases.

Signature:

Date:

(Must be signed by the party named on the Determination Order.)

Appendix I - Eligible cases for legal assistance

Below is a summary of the criteria for legal assistance from the RTB's Policy on Enforcement of Determination Orders. Please read the full policy document on the RTB website before completing this form.

Cases eligible for legal assistance

The RTB may provide legal assistance for enforcement in the following cases:

- ▶ Overholding, including overholding with rent arrears, based on a Determination Order requiring vacant possession.
- ▶ Rent arrears of €3,000 or more, or 3 months' rent, whichever is lower. (No arrears threshold is applied where the tenant is overholding).
- ▶ Deposit retention of €1,000 or more.
- ▶ Unlawful termination of a tenancy, including cases found to involve an abuse of the termination process.
- ▶ Overpaid rent in Rent Pressure Zones, where rent increases exceeded statutory limits.
- ▶ Third-party cases involving anti-social behaviour, where qualifying damages have been awarded.
- ▶ Cases where a non-compliant party has a previous history of breaching the Residential Tenancies Act.

Cases that may not receive legal assistance

The RTB may refuse legal assistance in the following circumstances:

- ▶ Cases falling below the RTB's value for money threshold of €1,000.
- ▶ Cases where there are insurmountable service difficulties.
- ▶ Where the non-compliant party lives outside the State.
- ▶ Where the extenuating circumstances of a case mean the legal costs would be excessive (higher than average) considering the likelihood of achieving a successful outcome.
- ▶ Where the requesting party has failed to comply with their obligations under the Residential Tenancies Act (assistance may be refused or withdrawn).
- ▶ Where the requesting party is an Irish Collective Investment-management Vehicle (ICAV), Limited Partnership or Investment Fund.
- ▶ Where the terms of an agreement are unenforceable in the Courts or contradict the provisions of the Residential Tenancies Act.
- ▶ Where the landlord seeking enforcement has not registered the tenancy with the RTB.
- ▶ Where the applicant has not completed all required information in the legal assistance application form.
- ▶ Where the applicant has already been approved for legal assistance within the last calendar year.
- ▶ Where an Approved Housing Body (AHB) has exceeded the limit of 3 order enforcement approvals within the last calendar year.
- ▶ Where an agreement was reached that contravenes rent regulation rules.
- ▶ Where a settlement is later agreed and complied with, then the case for legal assistance will not proceed or will be withdrawn.

Exceptional circumstances

The RTB may approve a limited number of cases that fall outside of the above criteria where there is hardship or other extenuating circumstances. These will be considered on a case-by-case basis where funding is available within the RTB budget.