# Residential Tenancies Board (RTB) Policy on Enforcement of Determination Orders

RTB Bord um Thionóntachtaí Cónaithe
Residential Tenancies Board

## 1. Introduction

When landlords, tenants and third parties bring disputes to the Residential Tenancies Board through mediation, adjudication or tribunal, they receive a legally binding Determination Order. This outlines the time period in which the Order must be complied with. Where a party does not comply, the District Court has the power to make an Order directing the party concerned to comply with the terms of the Determination Order.

A case party who wishes to enforce a Determination Order can take their own enforcement proceedings to the District Court. Where a party takes their own enforcement proceedings to the District Court, either independently or with the support of a solicitor, the RTB supports this process through the provision of required documentation.

Section 124 of the Residential Tenancies Act also allows the Residential Tenancies Board to apply to the District Court to enforce a Determination Order. However, the Act does not place a duty on the RTB to take enforcement proceedings. In limited cases, the Board can provide legal assistance to a party who wants to enforce a Determination Order in the District Court, subject to the terms of this policy.

The RTB grants legal assistance on a case-by-case basis, taking account of:

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

## 2. Implementation

Enforcement is an important function of the Residential Tenancies Board (RTB). When landlords, tenants and third parties bring disputes to the RTB through mediation, adjudication or tribunal, they receive a legally binding Determination Order. While most parties comply, the RTB treats non-compliance with Determination Orders as a serious matter.

The RTB will first seek to secure compliance through non-judicial measures, including writing to the non-compliant parties to remind them of the terms of the Order and requiring them to make arrangements to comply.

If this approach is unsuccessful, the party seeking enforcement can request legal assistance from the RTB to enforce the Order. The RTB will then consider if the case meets the criteria set by the Board and if funding is available.



## 3. 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 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.

## 4. 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.

## 5. RTB strategy for legal assistance

The RTB processes a significant number of enforcement requests each year. However, it does not have the budget to support all enforcement requests.

To provide legal assistance to people enforcing Determination Orders in the District Court, the RTB established a panel of solicitors, local to each District Court, who have agreed to act on its behalf in enforcement cases.

The RTB has an annual budget to provide legal assistance to those seeking to enforce its Orders. The RTB assists as many as possible within this budget but cannot support every request for legal assistance. While the budget for RTB enforcement activities remains limited, it is expected that by reducing the cost of enforcement proceedings, the RTB will be able to provide legal assistance in a high number of cases in line with this policy document.

## 6. Self-enforcement of Determination Orders

Parties can choose to take their own enforcement cases directly to the District Court. A detailed **Guide to Enforcement in the District Court (pdf)** is available on the RTB website.

The RTB can support parties with self-enforcement by:

- Providing information on the enforcement process.
- Supplying documentation and proofs required by the courts, where available.
- Answering procedural queries.

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

## 7. Applying for RTB legal assistance

To request RTB legal assistance for enforcement:

- Email your **completed application form (pdf)** to **enforceorder@rtb.ie** or post it to RTB, PO Box 13841, Freepost FKY7736, Killorglin, Co Kerry, or
- Contact RTB Customer Services on **0818 30 30 37** between Monday and Friday from 9am to 5pm.

