



Bord um Thionóntachtaí Cónaithe
Residential Tenancies Board

Section 109

Dispute Resolution

Procedural Rules

from 14 September 2026



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Section 109 Rules

Residential Tenancies Act 2004 (as amended) (the “Act”)

Dispute Resolution Procedure

These rules are made by the Residential Tenancies Board (the “RTB”) under section 109 of the Act. Section 109 rules (the “Rules”) are supplementary and additional to the law as set out in the Act. These Rules replace any previous rules made under section 109 of the Act. The RTB can revise these rules at any time with the consent of the Minister for Housing, Local Government and Heritage (the “Minister”). The RTB will process dispute and appeal applications referred to it in line with Part 6 of the Act and the Rules.



A. Applying for Dispute Resolution

Dispute application

1. A dispute can be referred to the RTB:
 - (i) Electronically through the RTB Service Centre; or
 - (ii) By paper application form.
2. The application form to refer a dispute (either electronically or on paper) (the “application form”) is set by the RTB. The RTB may revise the application form from time to time.
3. The RTB has established the RTB Service Centre which is an online portal to submit and manage disputes cases. When a party to a dispute creates an RTB Service Centre account, the RTB may use the account information provided for any dispute or appeal application submitted by that party.

Fees

4. The fee that must accompany an application form is:

Application Type	Fee
Mediation	No fee
Adjudication	€30

5. The RTB may revise the application fee from time to time, with the consent of the Minister.
6. Application fees cannot be refunded once the RTB accepts an application for processing, except in exceptional circumstances.

Incomplete application forms and contact details

7. Applicants must submit certain information the RTB needs to assess the application and to confirm it meets the minimum legal and procedural requirements. Where an application is incomplete, the RTB will take all reasonable steps to get the information needed from the applicant. If the applicant does not provide the information within a reasonable time, the RTB will deem the application withdrawn.

8. An application is incomplete if it is missing:
 - Required information
 - The application fee
9. The RTB may require specific documents and evidence to allow a hearing to proceed for certain dispute types.
10. The applicant is responsible for providing and / or confirming the respondent details. Where the applicant does not provide the respondent's current address in the application form, the RTB will take all reasonable steps available to it to get the address. (The respondent is the landlord or tenant that the dispute is taken against). If, after taking all reasonable steps, the RTB cannot confirm an address, the RTB will close the case within a reasonable timeframe.
11. Before progressing any application, the RTB must be satisfied that:
 - The respondent has been clearly identified;
 - The RTB has enough information to notify the respondent of the proceedings;
 - This is needed to ensure a fair process for everyone involved;
 - The RTB is not required to carry out investigations to get a respondent's address beyond reasonable administrative checks. If the applicant gets the respondent's address later, they can submit a new dispute application.

Extension of time for dispute referrals

12. Under the Act, there are time limits to refer certain dispute types to the RTB.

Type of dispute	Time limit for referral
Disputes about the rent amount that was agreed to or paid by a former tenant	Within 28 days of the tenancy ending.
Disputes about notices of termination	Within 90 days of getting the notice (if no breach of tenant/landlord obligations).
	Within 28 days of getting the notice (if breach of tenant/landlord obligations is the reason given for the notice).
Disputes about rent increases	Before the rent increase takes effect or within 28 days of receiving formal notice of the new rent.

13. Under section 88 of the Act, applicants can apply to the Board of the RTB to extend the time limit to refer a dispute. The RTB Board will decide all applications for an extension of time. The RTB will not extend the time unless the applicant shows "good grounds" for why the time should be extended. The applicant's "good grounds" should provide a justifiable reason for the delay in submitting their dispute application and should be supported by relevant evidence where available. The RTB may consider all relevant circumstances to determine whether to grant an extension of time, including the length of time it has taken to bring the application.
14. Under section 88(4) of the Act, a case party can appeal an RTB decision to extend or to refuse to extend the time limit to the Circuit Court. Any appeal should be supported by appropriate evidence.

Case categories and prioritisation

15. The RTB may prioritise certain categories of cases as it considers appropriate from time to time.
16. On agreement with the applicant, the RTB may update the reason for a dispute application to ensure it accurately reflects the dispute type.
17. If a case party wants to appoint a representative, they should inform the RTB before the hearing is scheduled.
18. If a party has added a representative, the RTB will copy the representative on all communications, including all evidence received, the date and time for the hearing and the outcome of the hearing.

B. Initial Jurisdictional Matters

Right of the Board not to deal with a dispute

- Under section 83 of the Act, the Board may not deal with a dispute where:
 - The correct fee has not been paid in full;
 - The applicant is a landlord and the tenancy concerned is not registered with the RTB.
- 19. Section 84 of the Act sets out that the RTB may not deal with a dispute application when:
 - The Act does not apply to the dwelling concerned;
 - The dispute is outside the RTB's jurisdiction;
 - The legal time limit to take a court case on the matter has passed.
- 20. The RTB may refuse applications where the matter or matters concerned are trivial, frivolous or vexatious.

Examples:

(i) Trivial matters:

- A dispute over a very small or negligible amount where there is no wider principle at stake.
- Raising issues that do not materially impact rights, obligations, or decisions.

(ii) Frivolous matters:

- Submitting a dispute without any stated grounds or explanation.
- Claims that are clearly outside the RTB's jurisdiction.
- Applications with no supporting evidence, where evidence is essential.
- Arguments that are irrational, incoherent, or unsupported by facts.
- Disputes that cannot succeed under any interpretation of the rules.
- Applications based on misunderstanding of basic eligibility criteria, with no attempt to address them.

(iii) Vexatious matters:

- Repeated submissions of the same dispute after a decision, with no new evidence.
 - Applications clearly intended to delay enforcement or payment obligations.
 - Submissions containing abusive, threatening, or harassing language.
 - A pattern of multiple complaints on the same issue, escalating without justification.
21. Under section 84(5) of the Act, either case party can appeal an RTB decision to deal or not to deal with a dispute to the Circuit Court.



C. Scheduling for hearing

The RTB will schedule a hearing when:

- The applicant has provided all required information;
- The fee has been paid, where required;
- For a mediation case, the Mediation Position Statement has been provided;
- For an adjudication case, the evidence needed to support their case has been submitted within the time given by the RTB. For example, for overholding, the applicant has submitted the Notice of Termination and any other relevant documents so the RTB can make a decision on the case.

22. Under these rules, a 'hearing' is a session before a mediator, an adjudicator or tenancy tribunal, or as the context may admit, any one or more of them.

23. The RTB will offer mediation as the default dispute resolution service. However, a case party can request that a dispute is dealt with by an adjudicator, for which the applicant will be charged the appropriate fee.

24. Mediations will be conducted primarily by telephone. They may also be held in person or online virtually. The mediator, through a series of separate phone calls or virtual meetings, will help both parties to find a mutually acceptable solution to resolve the dispute.

25. The RTB may arrange for adjudications and tenancy tribunals to be conducted in person or online virtually. The RTB will consider all dispute applications suitable for a virtual online hearing, unless it decides that a virtual online hearing would be unfair to one or more parties or would not be in the interests of justice. In that case the hearing will take place in person. A mediator, adjudicator, or tenancy tribunal may also request that a hearing take place in person, if it is of the opinion that a virtual online hearing would be unfair to one or more parties or would not be in the interests of justice.

26. The RTB may, in limited and exceptional circumstances, decide that a dispute is suitable for determination through a document-based adjudication hearing, without the need for physical or online attendance by the parties. The RTB will only adopt such an approach where it is satisfied that it is fair and appropriate to do so considering the nature and complexity of the dispute and the interests of justice. The RTB will not direct a matter to a document-based hearing where it considers that this would be unfair to any party. In making this decision, the RTB may consider representations made by case parties. A mediator, adjudicator or tenancy tribunal may also, where appropriate, recommend that a matter be considered for determination on a document-based basis.

27. All adjudication and tribunal hearings will be conducted in public as per section 97(10) and section 106(1) of the Act. The adjudicator or tribunal panel may under special circumstances decide that the adjudication/tribunal or part of it should be conducted in private. Special circumstances may include:

- Proceedings involving a child or young person;
- Proceedings involving a vulnerable person, including a person with diminished capacity or other particular vulnerability;
- Matters involving allegations of domestic, sexual or gender-based violence;
- Proceedings involving protected disclosures or whistleblowing;
- Cases involving highly sensitive medical, psychiatric or physiological evidence;
- Where publication would breach statutory restriction or prohibition imposed by law;
- Where publication may prejudice or interfere with an ongoing criminal investigation or criminal proceedings;
- Where publication may prejudice concurrent civil proceedings or another statutory investigation;

- Where a court has directed that anonymity or restricted publication should apply;
- Where publication would create a real and substantial risk of serious injustice or disproportionate harm that outweighs the public interest in open publication.

28. The RTB will aim to provide at least 10 working days' notice for all hearings. The RTB reserves the right to give less notice if needed to accommodate priority hearings.

D. Virtual Online Hearings

29. RTB will offer virtual online hearings as default for both adjudication and tribunal hearings. Mediation hearings will by default be held by telephone but may also be held virtually if required.

30. The RTB is not responsible for ensuring that all parties have access to the equipment to attend an online hearing.

31. Where an agreement is reached at a virtual online hearing, the mediator, adjudicator, or tenancy tribunal (as appropriate) will email the terms of the agreement to the parties. The parties may confirm that they agree to the terms of the agreement by email or other electronic means (for example, text message or webchat). The agreement date will be the date the last of the relevant parties confirms that they agree to the terms.

E. Adjournments

32. The RTB will only consider a request by a case party to adjourn or reschedule a mediation, adjudication or tenancy tribunal hearing in limited and exceptional circumstances and in line with fair procedures and due process. The RTB must be notified as soon as possible of any such request.

33. The RTB will ask the party who requests an adjournment to provide reasons and documents, to support their request (for example, a medical certificate confirming an upcoming hospital procedure). The RTB reserves the right to allow adjournments where it considers the circumstances qualify as exceptional.

34. A mediator, adjudicator or tenancy tribunal may adjourn a hearing to another date, where they consider the circumstances qualify as exceptional.

35. Once an adjournment has been granted, the RTB may require all evidence to be submitted by a set date before the hearing. Where a case has been adjourned at an adjudication or tribunal hearing, the RTB may allow further evidence to be submitted.

36. Adjournment dates will be scheduled as soon as practicable.

F. Evidence

Circulation of evidence

37. A party may submit documents relevant to the matters set out in the dispute application as evidence in support of their case, as well as written submissions if they choose to do so (together, the “case files”). Evidence is anything that proves or disproves the disputed facts in a case. The term ‘documents’ includes all forms of hard copy and electronic documents such as letters, lease agreements, emails, text messages and photographs.
38. The RTB will give parties deadlines to submit evidence before the hearing is scheduled. The RTB will share all case files submitted by each party with all parties to the case, and with the adjudicator or tenancy tribunal before a hearing in line with fair procedures and once submitted by the appropriate deadline.
39. The circulation of case files by the RTB is an administrative function. The admissibility of all case files, their probative value and the weight given to such evidence are at the exclusive discretion of the adjudicator or tenancy tribunal in accordance with the principles of fair procedures.
40. Case files must be provided to the RTB by the date given to all parties. The RTB sets deadlines to ensure the RTB has a reasonable time to circulate the case files to the other party or parties and to ensure the application is complete before scheduling the hearing. Case files received outside of the specified deadline will not be accepted. However, at the hearing, the adjudicator or tenancy tribunal can allow further case files to be admitted after hearing submissions from the parties and having considered fair procedures.¹
41. The RTB may close a case if an applicant does not submit the evidence required by the RTB to support their case by the deadline set by the RTB.
42. The RTB will not accept, retain, circulate, or store audio or video recordings submitted in advance of a hearing, whether by email or any other means. Any such material will not form part of the evidential record unless otherwise directed. A party wishing to rely on audio or video evidence must notify the RTB and the other party in advance of the hearing and may request that the adjudicator permit the material to be presented during the hearing.
43. Any such request shall be determined at the discretion of the Adjudicator, having regard to relevance, fairness, and the efficient conduct of proceedings.
44. The RTB, mediator, adjudicator, or tenancy tribunal may specify, where necessary, other deadlines parties must comply with to submit case files to support their case.
45. Parties should keep original copies of any evidence they submit and make it available if required at the hearing.
46. Case parties are responsible for identifying if any evidence they submitted is not included in the final case files circulated by the RTB.

Party responsibility for confidential information

47. Case parties are responsible for redacting (blacking out or obscuring so it cannot be read or viewed) all confidential and/or personal information in the case files that they submit (for example, bank account or telephone numbers). This includes any confidential and/or personal information of another person. Case parties must complete any necessary redactions of all documents (including photographs) before submitting the evidence to the RTB.

1 Reference the guide for evidence

G. Attendance at Hearings

48. A telephone mediation hearing will not proceed if neither party is in attendance and no representative has been appointed.
49. An adjudication hearing may be deemed abandoned if the applicant does not attend without notifying the RTB in advance.
50. A party may attend a hearing with a representative who may act on their behalf (for example, a solicitor or letting agent).
51. A party may also nominate a representative to attend a hearing in their place and/or submit a written statement for consideration by the mediator, adjudicator or tenancy tribunal.
52. The parties to a dispute (including their representatives and witnesses) should treat each other and the mediator, adjudicator or tenancy tribunal with respect. If a case party refuses to stop behaviour that impacts on the conduct of a hearing, the mediator, adjudicator or tenancy tribunal may take steps to ensure the orderly conduct of the hearing in line with fair procedures. This may include adjourning the hearing to a later date.

H. Matters Following Mediation

53. The RTB may close a case where:
 - No agreement has been reached and no referral to a tribunal has been submitted.
 - One or more of the parties do not attend the mediation hearing and no referral to a tribunal has been submitted.
56. In the circumstances described at paragraph 54(c), the Board will refer the matter to a tenancy tribunal as soon as practicable after receipt of notification of the cooling-off of a mediation agreement.

Referral to tenancy tribunal

54. Either party may request the RTB to refer a dispute to a tenancy tribunal where:
 - a) No agreement is reached at mediation.
 - b) The dispute is not fully resolved, even if some matters have been agreed between the parties.
 - c) A case party informs the RTB and the mediator within 10 working days of the date the mediation ended that they wish to withdraw from the mediation agreement.
55. In the circumstances described at paragraph 54(a) and (b), a party's request for a referral to a tenancy tribunal must be made in writing within 10 working days of the final mediation session.

Referral from mediation

57. The fee that must be paid by a party who wishes to refer a matter to a tenancy tribunal following a mediation, or notifies the RTB of their cooling-off from the mediation agreement, is as follows:

Application Type	Fee
Referral from mediation	€30

58. The RTB may revise the fee to accompany an application from time to time, with the consent of the Minister.
59. The fee must accompany the application form for referral to a tribunal, submitted to the RTB. A referral without the required fee will not be valid. The RTB will automatically refuse any invalid applications.

I. Matters Specific to Adjudications

Non-attendance by a party

60. Where a party fails to attend an adjudication hearing and the adjudicator is satisfied that the party was notified of the hearing date and there appears to be no material reason for their non-attendance, the adjudicator may proceed to determine the dispute on the basis of the application submitted and the evidence available to him/her. This includes where the party not in attendance is the applicant. This will depend on the circumstances of each individual case and is determined at the discretion of the adjudicator. The parties have a right to appeal the adjudicator's decision to a tenancy tribunal under section 100 of the Act.

Hearings

61. Adjudication hearings are conducted in public unless an adjudicator decides that special circumstances require the hearing to be held in private. Any person who gives evidence at an adjudication (including a party to the dispute) may be cross-examined by or on behalf of any party.
62. Any person who gives evidence at an adjudication is entitled to the same immunities and privileges as if he or she were a witness before the High Court.

Agreement reached at adjudication and cooling off period

63. Where an agreement is reached at adjudication, the 'cooling off' period is 10 working days from the date that an agreement has been reached.
64. If neither party withdraws from the agreement during the cooling off period, there is no option to appeal and the RTB will issue a determination order.

65. If one of the parties withdraws from the agreement during the cooling off period, the matter will be referred back to the adjudicator who will make a decision on the case and issue a report to all parties. Once the report is issued, case parties can appeal the adjudication decision in the normal manner.

Appeal from adjudication

66. A party may appeal an adjudicator's determination to a tenancy tribunal in accordance with section 100 of the Act. The appeal must:
- Be made on an RTB appeal form
 - State the ground(s) for appeal
 - Be accompanied by the relevant fee
 - Be made within 10 working days following receipt of the adjudicator's report.

The RTB may refuse any incomplete applications.

67. The appeal form may be submitted to the RTB:
- (i) electronically, or
 - (ii) by the completion of a paper application form.
68. The appeal form (both electronic and paper) is set by the RTB. The RTB may revise the appeal form from time to time.
69. The appeal form is available on the RTB's website www.rtb.ie and hard copies are available upon request from the RTB call centre at 0818 30 30 37 or 01 7028100.
70. The appeal form must set out the grounds of appeal. The grounds for appeal should be clear and well defined.
71. The fee that must accompany an appeal form is:

Application Type	Fee
Appeal following adjudication	€85

- 72.** The RTB may change the fee to accompany an appeal application from time to time, with the consent of the Minister.

Calculation of appeal period

- 73.** Under section 100 of the Act, case parties must make an appeal within 10 working days from the date the RTB serves the adjudicator's report on both case parties, together with a statement under section 99(3) of the Act.

The 10 working day appeal period starts on the day the adjudicator's decision is delivered to a case party's address. This date is counted as Day 1 of the appeal period.

The RTB uses An Post's track and trace system to confirm when the decision was delivered.

If a case party has asked for, or has agreed to receive the decision by email, the 10 day appeal period starts on the day the email is sent.

- 74.** A paper appeal application form must be signed, dated and posted to the RTB within the 10 working days' appeal period. The RTB requires a certificate of postage (available from post offices) to prove that the appeal was posted in time.

Extension of time for referring a dispute

- 75.** Case parties are responsible for ensuring an appeal application, including the required fee payment, is made to the RTB within the 10 working days' appeal period. The RTB may, on application, extend the time limit to refer an appeal to a tenancy tribunal. The RTB will not extend the time unless the applicant party shows "good grounds" for why the time should be extended under section 88 of the Act. The applicant's "good grounds" should explain the delay in submitting an appeal and provide a justifiable reason and supporting evidence, where available. The RTB may consider all relevant circumstances when deciding to grant an extension of time, including the length of time it has taken to bring the application.

J. Matters Specific to Tenancy Tribunals

Nature of hearing and other matters

- 76.** The RTB will set the date for a tenancy tribunal hearing as soon as practicable after receiving an appeal from adjudication, a referral from mediation, or a direct referral to a tenancy tribunal.

- 77.** A tenancy tribunal hearing will be a full hearing or re-hearing of all the matters in dispute. The parties may agree to limit the hearing to specific matters in dispute between them. In the case of re-hearings, matters that have arisen since the original hearing may also be considered where they are relevant to the subject of the original dispute. However, the tenancy tribunal cannot consider entirely new matters not related to the original dispute, which have not been the subject of adjudication or mediation.
- 78.** The RTB will issue 'Tribunal Procedures' to all parties before a tenancy tribunal hearing. The procedures will be in line with section 104 of the Act and may include any further information that a tenancy tribunal considers appropriate.

K. Evidence

Circulation of evidence

- 79. A party may submit relevant documents as evidence to support their case, as well as written submissions if they choose to do so (together the “case files”).
- 80. The RTB will give case parties deadlines to submit evidence before the hearing is scheduled. The RTB will circulate all case files submitted by each case party to all parties to the case and with the tenancy tribunal before a tenancy tribunal in line with fair procedures and once submitted by the appropriate deadline.
- 81. Case parties must provide case files to the RTB by the date set by the RTB. The RTB sets deadlines to ensure a reasonable time for the RTB to circulate the case files to all case parties and to ensure the application is complete before scheduling a hearing. The RTB will not generally accept case files submitted outside the deadline. However, the tenancy tribunal can allow additional case files to be admitted at the hearing, having considered submissions from the parties and in line with fair procedures.
- 82. The RTB may only accept evidence in one single submission by each party.
- 83. The RTB will not accept, retain, circulate, or store audio or video recordings submitted in advance of a hearing, whether by email or any other means. Any such material will not form part of the evidential record unless otherwise directed. A party wishing to rely on audio or video evidence must notify the RTB and the other party in advance of the hearing and may request that the tenancy tribunal permit the material to be presented during the hearing.
- 84. Any such request shall be determined at the discretion of the tenancy tribunal, having regard to relevance, fairness, and the efficient conduct of proceedings.

- 85. The tenancy tribunal may specify, where necessary, other deadlines that case parties must comply with to submit case files to support their case.

Abandoning an appeal or non-attendance by a party

- 86. Where an appeal has been received but the appellant is no longer at the address provided, has failed to inform the RTB of any new contact address and cannot be contacted by the RTB, the RTB may deem the appeal to be abandoned and make a determination order on the basis of the adjudicator’s determination.
- 87. Where a party fails to attend at a tenancy tribunal hearing and the tenancy tribunal is satisfied that the party was notified of the hearing date and there appears to be no material reason for their non-attendance, the tenancy tribunal may proceed to determine the dispute on the evidence available to it. Where the absent party is the appellant, the tenancy tribunal may determine that the appeal is abandoned and uphold the adjudicator’s determination. This will depend on the circumstance of each individual case and is a matter to be determined at the discretion of the tenancy tribunal. A party may appeal a decision of the tenancy tribunal to the High Court on a point of law under section 123(3) of the Act.
- 88. Where the tribunal issues a summons requiring the attendance of a witness, the person summoned is legally obliged to attend the hearing. Failure to comply with a summons, without valid reason, may constitute an offence and may be subject to further legal consequences.

Decision of Tribunal

- 89. The tenancy tribunal will, as soon as practicable after a hearing, make and notify the RTB of its determination in relation to that dispute.

L. Determination Orders

Issuing

90. As soon as possible after each of the events referred to in section 121(1)(a) – (d), the Director will proceed to prepare and issue a determination order.

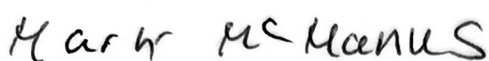
Amendments to Determination Orders

91. The Director of the RTB may, by notice in writing given to the parties, correct any mistake (including any omission) of an administrative or clerical nature in a determination order. This includes an error arising from oversight, omission, transcription, calculation, formatting, record-keeping or other administrative processing which does not affect the substance, merits, findings, reasoning or intended effect of the determination order. Such mistakes (a non-exhaustive list) may include typographical errors, incorrect dates, references, names, addresses, numbering, cross-references, calculations or the accidental omission of information that was clearly intended to be included in the order.

Publication

92. Agreements reached at mediation are confidential between the parties in dispute and will not be published by the RTB.
93. The RTB will publish on its website and elsewhere as it may consider appropriate, adjudication reports and determination orders and tenancy tribunal reports and determination orders, issued by the Director in accordance with section 121 of the Act.
94. Under the Act, the RTB is required to publish decision outcomes to ensure transparency and public accountability. Due to this requirement, published decisions cannot be removed on request alone. The RTB can only consider removal where a clear and justified reason is provided, and where this is in line with the Act.

Signed:



Mr Mark McManus

Acting Chairperson

Residential Tenancies Board

Approved by the Board 21st July 2026



For more information, visit **rtb.ie**