**Changes to Legislation:** as of 13 October 2026, this Act is up to date with all changes known to be in force.



*Number* 42 *of* 2015

# RESIDENTIAL TENANCIES (AMENDMENT) ACT 2015

**REVISED**

**Updated to 15 March 2023**

This Revised Act is an administrative consolidation of the *Residential Tenancies (Amendment) Act 2015*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Environmental Protection Agency (Emergency Electricity Generation) (Amendment) Act 2023* (6/2023), enacted 10 March 2003, and all statutory instruments up to and including the *Residential Tenancies (Amendment) Act 2015 (Section 63(a)) (Commencement) Order 2023* (S.I. No. 96 of 2023), made 7 March 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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# RESIDENTIAL TENANCIES (AMENDMENT) ACT 2015

**REVISED**

**Updated to 15 March 2023**

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*Number* 42 *of* 2015

# RESIDENTIAL TENANCIES (AMENDMENT) ACT 2015

**REVISED**

**Updated to 15 March 2023**

An Act to amend and extend the Residential Tenancies Acts 2004 and 2009; to amend the Housing (Miscellaneous Provisions) Act 2009; to provide for the application of the Residential Tenancies Act 2004 to certain dwellings that are the subject of a tenancy; to provide for the restriction, in respect of the tenants of such dwellings, of certain entitlements of tenants under the Residential Tenancies Act 2004; to re-name the Private Residential Tenancies Board and the private residential tenancies register; to provide for the dissolution of the Rent Tribunal established under the Housing (Private Rented Dwellings) (Amendment) Act 1983 and for the transfer of its functions to the Residential Tenancies Board; to repeal certain provisions of the Housing (Private Rented Dwellings) (Amendment) Act 1983; to provide for the Private Residential Tenancies Board to hold, and return, deposits paid by tenants to landlords, for any interest received from the holding of such deposits by the Private Residential Tenancies Board to be retained by it for its use in respect of its performance of its functions under the Residential Tenancies Acts 2004 to 2015; to amend the Housing (Miscellaneous Provisions) Act 1992; in accordance with the exigencies of the common good, to provide, for a certain period, for the regulation of reviews of rent; to amend the periods of notice for the setting of new rents and the periods of notice for certain tenancy terminations; and to provide for related matters.

[4*th December*, 2015]

**Be it enacted by the Oireachtas as follows:**

## PART 1

### Preliminary and General

**Short title, collective citation, construction and commencement**

**1.** (1) This Act may be cited as the Residential Tenancies (Amendment) Act 2015.

(2) The Residential Tenancies Acts 2004 and 2009 and this Act, other than *subsection (3)* and *sections 15*, *85* and *87*, may be cited together as the Residential Tenancies Acts 2004 to 2015 and shall be construed together as one.

(3) The Housing Acts 1966 to 2014, *sections 15*, *85* and *87* and this subsection may be cited together as the Housing Acts 1966 to 2015 and shall be construed together as one.

(4) This Act, other than *section 25*, *subparagraph (i)* of *paragraph (a)* of *subsection (1)* of *section 26*, *section 26(2)* and *section 31*, shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

**Annotations**

**Editorial Notes:**

**E1** A table showing commencement information ordered by section is available at https://www.irishstatutebook.ie/eli/isbc/2015_42.html#commencement.

**E2** Power pursuant to subs. (4) exercised (15.03.2023) by *Residential Tenancies (Amendment) Act 2015 (Section 63(a)) (Commencement) Order 2023* (S.I No. 96 of 2023).

2. The 15th day of March 2023 is appointed as the day on which paragraph (a) of section 63 of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) shall come into operation.

**E3** Power pursuant to subs. (4) exercised (25.02.2018) by *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) Order 2018* (S.I. No. 37 of 2018).

2. The 25th day of February 2018 is appointed as the day on which the following provisions of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) come into operation:

(a) Part 1, insofar as it is not already in operation;

(b) section 22;

(c) section 57 other than paragraph (b) of subsection (1) of that section;

(d) section 58.

**E4** Power pursuant to subs. (4) exercised (20.04.2017) by *Residential Tenancies (Amendment) Act 2015 (Section 17(c)) (Commencement) Order 2017* (S.I. No. 159 of 2017).

2. The 20th day of April 2017 is appointed as the day on which paragraph (c) of section 17 of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) comes into operation.

**E5** Power pursuant to subs. (4) exercised (9.05.2016) by *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) (No. 3) Order 2016* (S.I. No. 216 of 2016).

2. The 9th day of May 2016 is appointed as the day on which the following provisions of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) come into operation:

(a) section 26, insofar as it is not already in operation;

(b) sections 28 and 29;

(c) section 36;

(d) paragraph (b) of section 60, other than paragraph (c) of subsection (4) of section 135 of the Residential Tenancies Act 2004 (No. 27 of 2004) as that subsection is substituted by paragraph (b) of section 60.

**E6** Power pursuant to subs. (4) exercised (7.08.2016) by *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) (No. 2) Order 2016* (S.I. No. 151 of 2016).

2. The 7th day of April 2016 is appointed as the day on which the following provisions of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) come into operation:

(a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15;

(b) paragraphs (a), (b), (c), (e) and (f) of section 16;

(c) paragraphs (a) and (b) of section 17;

(d) sections 18, 19, 20 and 21;

(e) section 85.

**E7** Power pursuant to subs. (4) exercised (1.03.2016) by *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) Order 2016* (S.I. No. 119 of 2016).

2. The 1st day of March 2016 is appointed as the day on which the following provisions of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) come into operation:

(a) section 27;

(b) sections 32 and 33;

(c) sections 39 to 41;

(d) sections 44 and 45;

(e) section 47;

(f) sections 49 and 50;

(g) section 51 other than paragraph (b) of subsection (1) of that section;

(h) section 52, insofar as it relates to the insertion of subsections (4) and (5) into section 115 of the Residential Tenancies Act 2004 (No. 27 of 2004);

(i) sections 54 to 56;

(j) paragraph (d) of section 60;

(k) paragraph (e) of section 60, insofar as it relates to the insertion of subsections (6) and (8) into section 135 of the Residential Tenancies Act 2004 (No. 27 of 2004);

(l) section 62 other than subparagraph (iii) of paragraph (b) of that section;

(m) sections 66 to 69;

(n) sections 86 and 87;

(o) the Schedule.

**E8** Power pursuant to subs. (4) exercised (8.01.2016) by *Residential Tenancies (Amendment) Act 2015 (Commencement of sections 30 and 42 and Part 4) Order 2016* (S.I. No. 4 of 2016).

2. The day appointed as the day on which sections 30 and 42 and Part 4 (sections 74 to 84) of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) come into operation is 8 January 2016.

**E9** Power pursuant to subs. (4) exercised (1.01.2016) by *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) Order 2015* (S.I. No. 631 of 2015).

2. The 1st day of January 2016 is appointed as the day on which the following provisions of the Residential Tenancies (Amendment) Act 2015 (No. 42 of 2015) come into operation:

(a) section 2;

(b) paragraph (d) of section 63, insofar as it relates to the insertion of subsection (7) into section 139 of the Residential Tenancies Act 2004 (No. 27 of 2004).

**Interpretation**

**2.** In this Act—

"Act of 2009" means the Housing (Miscellaneous Provisions) Act 2009;

"Board" has the meaning assigned to it by section 4 of the Principal Act;

"Minister" means the Minister for the Environment, Community and Local Government;

"Principal Act" means the Residential Tenancies Act 2004.

## PART 2

### Application of Principal Act to certain dwellings let by approved housing bodies to certain tenants

**Amendment of section 3 of Principal Act**

**3.** (1) Section 3(2) of the Principal Act is amended by substituting the following paragraph for paragraph (c):

"(c) a dwelling that is let by or to a public authority and without prejudice to the generality of the foregoing, including a dwelling provided by a public authority to an approved housing body other than a dwelling referred to in subsection (2A),".

(2) Section 3 of the Principal Act is amended by inserting the following subsection after subsection (2):

"(2A) Where—

(a) a public authority provides a dwelling, of which it is the owner, to an approved housing body under a contract or lease between the public authority and the approved housing body pursuant to paragraph (ea) of section 6(2) of the Housing (Miscellaneous Provisions) Act 1992, and

(b) subsequent to such provision the dwelling concerned is the subject of a tenancy between the approved housing body concerned and a household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009 that has been assessed under that section of that Act as being qualified for social housing support (within the meaning of that Act),

for the purposes of subsection (1) and without prejudice to paragraph (c) of subsection (2) —

(i) this Act applies to that dwelling (including any such dwelling that is the subject of a tenancy created before the coming into operation of this subsection),

(ii) any such tenancy shall not, for the purposes of this Act, be treated as a sub-tenancy arising out of such lease or contract between the public authority and the approved housing body, and

(iii) references in this Act to a sub-tenancy shall not include a dwelling that is the subject of a tenancy between the approved housing body and the household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009.".

(3) Section 3 of the Principal Act is amended by inserting the following subsections after subsection (3):

"(4) Without prejudice to subsection (1), for the purposes of the application of this Act to—

(a) a dwelling referred to in subsection (2A), and

(b) a dwelling, other than a dwelling referred to in paragraph (a), that—

(i) is owned and provided by an approved housing body to whom assistance is given under subsection (2) of section 6 of the Housing (Miscellaneous Provisions) Act 1992, other than the assistance referred to in paragraph (ea) of that subsection, for the purposes of such provision by the approved housing body,

(ii) is the subject of a tenancy (including a tenancy created before the commencement of this subsection), and

(iii) is let by that approved housing body to a household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009 that has been assessed under that section of that Act as being qualified for social housing support (within the meaning of that Act),

subsections (5) and (6) (both inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*) and sections 3A and 3B (both inserted by *section 4* of the *Residential Tenancies (Amendment) Act 2015*) shall apply to a dwelling referred to in paragraphs (a) and (b).

(5) For the purposes of the application of this Act (and regulations made under it) to a dwelling referred to in subsection (4)(a) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*)—

(a) the approved housing body concerned shall be deemed to be a landlord of such dwelling,

(b) references in this Act (or regulations made under it) to a landlord, in so far as the references concern a dwelling, referred to in subsection (4)(a), shall be construed accordingly, and

(c) the person who is the tenant of the dwelling shall be construed in accordance with subsection (6).

(6) For the purposes of the application of this Act (and regulations made under it) to a dwelling referred to in paragraphs (a) and (b) of subsection (4) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*)—

(a) where the household comprises one person, that person shall be deemed to be a tenant of such dwelling,

(b) where the household comprises 2 or more persons, whichever of those persons who has been granted occupation of the dwelling pursuant to the tenancy agreement shall be deemed to be the tenants of such dwelling, and

(c) references in this Act to a tenant and multiple tenants, in so far as the references concern a dwelling, referred to in paragraph (a) or (b) of subsection (4), the subject of a tenancy, shall be construed accordingly.".

**Certain restrictions for dwellings the subject of a tenancy referred to in section 3(4) of Principal Act**

**4.** (1) The Principal Act is amended by inserting the following new sections after section 3:

**"Restrictions on sub-letting and assignment of tenancy for dwellings referred to in section 3(4)**

**3A.** (1) A tenant of a dwelling the subject of a tenancy that is referred to in section 3(4) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*) shall not assign or sub-let the tenancy.

(2) Any sub-tenancy of a dwelling referred to in section 3(4) that is purported to be created shall be void.

(3) Any assignment of a dwelling referred to in section 3(4) that is purported to be made is void.

(4) Section 16(k) shall not apply in respect of a dwelling the subject of a tenancy referred to in section 3(4).

**Application of Act to dwellings referred to in section 3(4): supplemental provisions**

**3B.** For the purposes of the application of this Act to a dwelling the subject of a tenancy referred to in section 3(4) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*)—

(a) a reference in Part 4 to a 'continuous period of 6 months', means a continuous period of 6 months that commences on or after the commencement of section 3(4),

(b) a reference in this Act to 'relevant date' shall be construed as meaning the date on which section 3(4) of the Act is commenced,

(c) the ground specified in paragraph 4 of the Table to section 34 shall not apply in respect of the termination of a tenancy in respect of a dwelling the subject of a tenancy referred to in section 3(4),

(d) section 50(7) shall not apply to a licensee of a tenant, or multiple tenants, referred to in section 50(7) of a dwelling the subject of a tenancy referred to in section 3(4),

(e) sections 19, 20, 21 and 22 shall not apply to a dwelling the subject of a tenancy referred to in section 3(4), and

(f) section 139 shall not apply in respect of a dwelling the subject of a tenancy referred to in section 3(4).

**Notification to Minister of designations**

**3C.** Where an approved housing body makes a designation referred to in subsection (5) of section 25, it shall notify the Minister of such designation and consent of the public body concerned not later than 6 months after the making of such designation.".

(2) Section 5 of the Principal Act is amended in the definition of "relevant date" by inserting "or, in the case of a dwelling the subject of a tenancy referred to in section 3(4) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*), shall be construed in accordance with section 3B(b) (inserted

by *section 4* of the *Residential Tenancies (Amendment) Act 2015*)" after "is commenced".

(3) Section 16(k) of the Principal Act is amended by substituting "subject to section 3A(4) (inserted by *section 4* of the *Residential Tenancies (Amendment) Act 2015*), not assign or sub-let" for "not assign or sub-let".

(4) Section 27 of the Principal Act is amended by inserting "or, in the case of a dwelling the subject of a tenancy referred to in section 3(4) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*), shall be construed in accordance with section 3B(a) (inserted by *section 4* of the *Residential Tenancies (Amendment) Act 2015*)" after "commences on or after the relevant date".

**Amendment of section 4 of Principal Act**

**5.** Section 4(1) of the Principal Act is amended—

(a) by inserting the following definitions:

" 'approved housing body' means a body—

(a) approved under section 6(6) of the Housing (Miscellaneous Provisions) Act 1992 for the purposes of section 6 of that Act, and

(b) to which—

(i) assistance under section 6 of the Housing (Miscellaneous Provisions) Act 1992 is given for the provision by the approved housing body of dwellings owned by it, or

(ii) assistance referred to in section 6(2)(ea) of that Act is given;

'housing authority' has the meaning assigned to it by section 23 of the Housing (Miscellaneous Provisions) Act 1992;",

and

(b) in the definition of "public authority", by inserting the following paragraph after paragraph (c):

"(ca) a housing authority,".

**Setting of rent under tenancy for dwellings referred to in section 3(4)**

**6.** The Principal Act is amended by inserting the following section after section 19:

"**19A.** (1) In setting the rent under the tenancy of a dwelling referred to in section 3(4) the amount of rent under the tenancy of a dwelling—

(a) referred to in paragraph (a) of section 3(4), shall be determined in accordance with the contract or lease referred to in section 3(2A), and

(b) referred to in paragraph (b) of section 3(4), shall be determined in accordance with the terms of the assistance referred to in that paragraph.

(2) Where there is a subsequent setting of rent under a tenancy referred to in subsection (1) by way of a review under section 20A, the amount of rent set following such review shall be determined—

(a) in the case of a dwelling referred to in paragraph (a) of subsection (1), in accordance with the contract or lease referred to in that paragraph, and

(b) in the case of a dwelling referred to in paragraph (b) of subsection (1), in accordance with the assistance referred to in that paragraph.".

**Rent review for dwellings referred to in section 3(4) of Principal Act**

**7.** The Principal Act is amended by inserting the following section after section 20:

"**20A.** (1) A review of the rent under the tenancy of a dwelling referred to in section 3(4) shall be carried out in accordance with the tenancy agreement relating to the tenancy of the dwelling.

(2) Where a tenancy agreement referred to in subsection (1) does not include provision for a review of the rent of a dwelling referred to in section 3(4), subject to subsection (3), either party may require a review of the rent under the tenancy to be carried out for the purpose of setting the rent.

(3) A review referred to in subsection (2) shall not be carried out more than once in any 12 month period.".

**Notification of change in amount of rent following review under section 20A**

**8.** The Principal Act is amended by inserting the following section after section 22:

**"22A.** Where, following a review of rent under section 20A, there is a change in the amount of rent, the landlord shall notify the tenant of the amount of rent set following that review in accordance with the tenancy agreement or where there is no such provision in the tenancy agreement, as soon as practicable.".

**Amendment of section 25 of Principal Act**

**9.** Section 25 of the Principal Act is amended by inserting the following subsections after subsection (4):

"(5) This Part does not apply to a tenancy of the dwelling referred to in section 3(4) where—

(a) the dwelling concerned is designated by the approved housing body for the use by it as a transitional dwelling, and

(b) the consent of the public authority which—

(i) is, in the case of a dwelling referred to in paragraph (a) of section 3(4), a party to the lease or contract referred to in section 3(2A), or

(ii) provides, in the case of a dwelling referred to in paragraph (b) of section 3(4), the assistance referred to in that paragraph,

has, in respect of the designation referred to in paragraph (a), been obtained by the approved housing body before it makes the designation.

(6) In subsection (5) 'transitional dwelling' means a dwelling that an approved housing body leases for periods not exceeding 18 months for the purposes of the approved housing body concerned.

(7) Where, before the coming into operation of *section 3* of the *Residential Tenancies (Amendment) Act 2015*, an approved housing body had not, for the purposes of subsection (5), made a designation in respect of a dwelling referred to in paragraph (a) or (b) of section 3(4) that it leases to a household referred to in subsection (2A) or (4)(b) of section 3 for a period not exceeding 18 months, the approved housing body concerned—

(a) may designate that dwelling to be a transitional dwelling for the purposes of subsection (5) at any time during the period of 12 months commencing on the day on which *section 3* of the *Residential Tenancies (Amendment) Act 2015* comes into operation, and

(b) shall notify the Minister of that designation not later than 3 months after it is made.".

**Amendment of section 39 of Principal Act**

**10.** Section 39 of the Principal Act is amended—

(a) in subsection (1) by substituting ", 4 and 6" for "and 4", and

(b) by inserting the following subsection after subsection (5):

"(6) In respect of a dwelling the subject of a tenancy referred to in section 3(4) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*), a person to whom subsection (3)(a) applies shall not elect, under subsection (3)(b), to become a tenant, or tenants, of such dwelling unless—

(a) in the case of a dwelling referred to in section 3(4)(a), he or she is a member of a household referred to in section 3(4)(a), or

(b) in the case of a dwelling referred to in section 3(4)(b), he or she is a member of a household referred to in section 3(4)(b).".

**Amendment of section 50 of Principal Act**

**11.** Section 50 of the Principal Act is amended in subsection (7) by substituting "may, subject to section 3B(d) (inserted by *section 4* of the *Residential Tenancies (Amendment) Act 2015*), request" for "may request".

**Amendment of section 78 of Principal Act for purpose of *Part 2***

**12.** Section 78 of the Principal Act is amended, in paragraph (b) of subsection (1), by inserting "or, as the case may be, section 19A" after "section 19".

**Change of name of Board**

**13.** (1) The board established under section 150 of the Principal Act shall, on and from the commencement of this section, be re-named An Bord um

Thionóntachtaí Cónaithe or, in the English language, the Residential Tenancies Board.

(2) Section 4 of the Principal Act is amended in subsection (1) by substituting the following for the definition of "Board":

" 'Board' shall be construed in accordance with section 150(1) and *section 13* of the *Residential Tenancies (Amendment) Act 2015*;".

(3) In any enactment or any instrument under an enactment, references to the Private Residential Tenancies Board shall be construed as references to the Residential Tenancies Board.

(4) The Principal Act is amended—

(a) in section 131—

(i) in subsection (1), by deleting "private", and

(ii) in subsection (2), by substituting " 'rented sector' " for "private rented sector",

(b) in section 151(1) —

(i) in paragraph (c), by deleting "private",

(ii) in paragraph (d), by deleting "private",

(iii) in paragraph (e), by deleting "private", and

(iv) in paragraph (f), by deleting "private" in each place where it occurs,

(c) in section 151(2), by deleting "private",

(d) in section 151 by substituting the following subsection for subsection (4):

"(4) In this section 'rented sector' means—

(a) the sector of commercial activity in the State consisting of the letting of dwellings, and

(b) the letting, by approved housing bodies, of dwellings, referred to in section 3(4) (inserted by *section 3* of the *Residential Tenancies (Amendment) Act 2015*), to households referred to in that subsection.",

and

(e) in section 181—

(i) in subsection (1), by deleting "private", and

(ii) in subsection (3), by substituting " 'rented sector' " for " 'private rented sector' ".

**Change of name of register**

**14.** (1) The register established and maintained under section 127(1) of the Principal Act shall, on and from the commencement of this section, be re-named the "residential tenancies register".

(2) In any enactment or any instrument under an enactment references to the private residential tenancies register shall be construed as references to the residential tenancies register.

**Amendment of section 20 of Act of 2009**

**15.** Section 20 of the Act of 2009 is amended by substituting the following subsection for subsection (1):

"(1) For the purposes of this section 'household' means—

(a) a person who lives alone,

(b) 2 or more persons who live together, or

(c) 2 or more persons who do not live together but who, in the opinion of the housing authority concerned, have a reasonable requirement to live together.".

**Amendment of section 134 of Principal Act**

**16.** Section 134 of the Principal Act is amended—

(a) in subsection (2), by substituting "Subject to subsection (2A), an application" for "An application",

(b) by inserting the following subsection after subsection (2):

"(2A) Where an application under this section is made in respect of a tenancy and the dwelling that is the subject of that tenancy is a dwelling referred to in section 3(4), an application under this section in respect of such tenancy shall be made—

(a) where the tenancy has commenced before the day on which section 3(4) comes into operation, within 12 months from the day on which section 3(4) comes into operation,

(b) where the tenancy commences within the period of 12 months from the day on which section 3(4) comes into operation—

(i) within 12 months from the day on which section 3(4) comes into operation, or

(ii) within 1 month from the commencement of the tenancy,

whichever is the later, or

(c) where the tenancy commences on a day that falls 12 or more months from the day on which section 3(4) comes into operation, within 1 month from the commencement of the tenancy.",

(c) by substituting the following subsection for subsection (3):

"(3) An application under this section shall—

(a) be in the prescribed form,

(b) subject to subsections (4) and (7), be accompanied by—

(i) subject to subparagraph (ii), the fee referred to in section 137(1)(b)(ii), or

(ii) in the case of a tenancy referred to in subsection (2A), the fee specified in section 137A(1)(a) or as the case may be the fee specified in section 137A(1)(b),

and

(c) where a fee referred to in section 176(3)(ba) is required to be paid, be accompanied by that fee.",

(d) by inserting the following subsection after subsection (3):

"(3A) Where a deposit referred to in section 12(1)(d) —

(a) has been paid to the landlord, the application under this section shall, pursuant to section 135A(1), be accompanied by the deposit, or

(b) has not been paid to the landlord and a statement referred to in section 135A(2) is, pursuant to that section, required to be furnished to the Board, the application under this section shall be accompanied by that statement.",

(e) in subsection (4) —

(i) by substituting "requirements" for "requirement",

(ii) by substituting "do" for "does", and

(iii) by substituting "subsection (2)(a), (2)(b), (2A)(i), (2A)(ii) or (2A)(iii)" for "subsection (2)(a) or (b) ",

(f) in subsection (5) —

(i) in paragraph (a), by inserting "or where the applications are made pursuant to subsection (2A), the fee specified in section 137A(1)(a) or as the case may be the fee specified in section 137A(1)(b)," after "section 137,",

(ii) in paragraph (a), by substituting "subsection (2)(a), (2)(b), (2A)(i), (2A)(ii) or (2A)(iii) " for "subsection (2)(a) or (b) ", and

(iii) by substituting the following paragraph for paragraph (b):

"(b) the applicant has paid—

(i) in respect of several applications falling within section 137(3), the single fee referred to in section 137(2) and the dwellings to which those several applications related included the relevant dwelling, or

(ii) in respect of several applications falling within section 137A(3), the single fee referred to in section 137A(2) and the dwellings to which those several applications related included the relevant dwelling,",

and

(g) F1**[**...**]**

**Annotations**

**Amendments:**

**F1** Repealed (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(a), S.I. No. 236 of 2019.

**Amendment of section 137 of Principal Act**

**17.** Section 137 of the Principal Act is amended—

(a) in subsection (1) by inserting "and section 137A" after "subsections (2) and (6) ",

(b) in subsection (2) by substituting "section 134(3)(b)(i)" for "section 134(3) ",

(c) in subsection (3) by substituting "in respect of not more than 10 tenancies" for "in respect of tenancies",

(d) F2**[**...**]**

and

(e) F2**[**...**]**

**Annotations**

**Amendments:**

**F2** Repealed (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(b), S.I. No. 236 of 2019.

**Fee to accompany application under section 134(2A)**

**18.** The Principal Act is amended by inserting the following section after section 137:

**"Fee to accompany application under section 134(2A)**

**137A.** (1) The fee to accompany an application under section 134(2A) shall be—

(a) if the application is made in the period of 12 months beginning on commencement of section 3(4), a fee of €45, or

(b) if the application is made after the period referred to in paragraph (a) —

(i) unless subparagraph (ii) applies, a fee of €90, or

(ii) if the Board has, under subsection (1A) of section 138, declared a fee for the purposes of this paragraph, the fee declared by the Board under that subsection.

(2) The requirement under section 134(3)(b)(ii) for a fee specified in this section to accompany an application under section 134 shall be regarded as satisfied, as respects the applications referred to in subsection (3), if the applicant referred to in subsection (3) opts to pay the Board a single fee of the amount specified in subsection (4) in respect of those applications.

(3) The applications referred to in subsection (2) are applications made by the same person at the same time in respect of not more than 10 tenancies of dwellings comprised in the same property.

(4) The amount of the single fee referred to in subsection (2) is—

(a) if the applications concerned are made in the period of 12 months beginning on the commencement of section 3(4), €187.50, or

(b) if the applications concerned are made after the period referred to in paragraph (a) —

(i) unless subparagraph (ii) applies, a fee of €375, or

(ii) if the Board has, under subsection (1A) of section 138, declared a fee for the purposes of this paragraph, the fee declared by the Board under that subsection.

(5) The option of paying the single fee referred to in subsection (2) is not available to the person referred to in subsection (3) if the applications concerned are not made within the period specified in paragraph (a), (b) or (c) of section 134(2A).

(6) If an application under section 134(2A) is not made within the period specified in paragraph (a), (b) or (c) of section 134(2A), the fee to accompany that application shall, subject to subsection (7), be the total amount of—

(a) the fee referred to in paragraph (a) or, as the case may be, paragraph (b) of subsection (1), and

(b) an additional amount of €20 for—

(i) each month, or

(ii) part of a month,

falling after the expiration of the period specified in paragraph (a), (b) or (c) of section 134(2A).

(7) The fee referred to in subsection (6) shall not exceed the total amount of €240.".

**Amendment of section 138 of Principal Act**

**19.** Section 138 of the Principal Act is amended—

(a) by inserting the following subsection after subsection (1):

"(1A) Without prejudice to subsection (1), where, in respect of the fee referred to in subsections (1)(b) and (4)(b) of section 137A, the Board is satisfied that, having regard to changes in the value of money generally in the State that have occurred in—

(a) any period ending on or before the date that falls 24 months after the commencement of subsection (2A) of section 134, or

(b) any period subsequent to that date,

it is appropriate for it to declare a fee of a greater or lesser amount than—

(i) in the case of section 137A(1)(b) —

(I) €90, or

(II) the amount that was last previously declared (in exercise of the power under this section) for the purposes of that provision,

or

(ii) in the case of section 137A(4)(b) —

(I) €375, or

(II) the amount that was last previously declared (in exercise of the power under this section) for the purposes of that provision,

it may, subject to subsection (2A), declare in writing, for the purposes of subsection (1)(b) or (4)(b) of section 137A, a fee of such greater or lesser amount.",

and

(b) by inserting the following subsection after subsection (2):

"(2A) In respect of the declaration of a fee referred to in subsection (1A), the amount (expressed as a percentage) by which the amount of a fee declared under that subsection is greater or lesser than the amount of the relevant fee mentioned in that subsection shall be such as, in the opinion of the Board, approximates to the percentage increase or decrease in the value of money generally in the State that has occurred in—

(a) unless paragraph (b) applies, the period beginning on the commencement of subsection (2A) of section 134 and ending on the making of the declaration, or

(b) if the power under this section has been previously exercised for the purpose of subsection (1)(b) or (4)(b) of section 137A, as the case may be, the period beginning on the date that the power was last exercised and ending on the making of the declaration.".

**Amendment of section 144 of Principal Act**

**20.** Section 144 of the Principal Act is amended in subsection (5) by—

(a) substituting "shall apply as if subsection (2) or, as the case may be, subsection (2A)" for "shall apply as if subsection (2) ", and

(b) substituting "or 137A(6)" for "(fee of double the ordinary amount to be paid on late application)".

**Amendment of section 176 of Principal Act**

**21.** Section 176 of the Principal Act is amended, in subsection (3), by inserting the following paragraph after paragraph (b):

"(ba) the making of an application under section 134 which is not made in electronic form,".

## PART 3

### Amendments of Principal Act

**Amendment of section 8 of Principal Act**

**22.** Section 8 of the Principal Act is amended by inserting the following subsection after subsection (1):

"(1A) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.".

**Amendment of section 12 of Principal Act**

**23.** Section 12 of the Principal Act is amended—

(a) in subsection (1), by substituting the following paragraph for paragraph (d):

"(d) where a deposit is paid by the tenant to the landlord on entering into the agreement for the tenancy or lease—

(i) transmit the deposit to the Board in accordance with this Act, and

(ii) for the purpose of the effecting, by the Board, the return of that deposit to the tenant, subject to the conditions specified in subsection (4), and ascertaining, for the purpose of such return, if a default referred to in that subsection is to be taken into account—

(I) respond to the notification of the Board that relates to the return of the deposit in accordance with this Act,

(II) provide information, in accordance with this Act, to the Board of any such default,

(III) notify the Board, as soon as practicable, of any change in the information provided to the Board under section 136(1)(b) in respect of his or her address for correspondence, and

(IV) notify the Board on or as soon as practicable after the end of the tenancy with a statement, in the prescribed form, that he or she requires a default referred to in subsection (4) to be taken into account by the Board,",

(b) in subsection (4), by substituting "A deposit referred to in subsection (1)(d) shall, in accordance with this Act, be returned to the tenant" for "Subsection (1)(d) applies and has effect", and

(c) by inserting the following subsection after subsection (5):

"(6) A landlord shall send a copy of the notification referred to in subsection (1)(d)(ii)(IV) to the tenant at the same time as he or she sends the notification to the Board.".

**Amendment of section 16 of Principal Act**

**24.** Section 16 of the Principal Act is amended—

(a) in paragraph (m), by substituting "withhold)," for "withhold), and",

(b) in paragraph (n), by substituting "dwelling, and" for "dwelling.", and

(c) by inserting the following paragraph after paragraph (n):

"(o) where a deposit referred to in section 12(1)(d) has been paid to the landlord by the tenant, for the purpose of the effecting, by the Board, the return of the deposit to the tenant subject to the conditions specified in section 12(4) and ascertaining, for the purpose of such return, if a default referred to in section 12(4) is to be taken into account—

(i) to respond to the notification of the Board that relates to the return of the deposit in accordance with this Act,

(ii) to provide information, in accordance with this Act, to the Board of any such default, and

(iii) to notify the Board, as soon as practicable, of his or her address for correspondence when the tenancy has ended.".

**Amendment of section 20 of Principal Act**

**25.** (1) Section 20 of the Principal Act is amended by inserting the following subsections after subsection (3):

"(4) The references to '12 months' in—

(a) paragraphs (a) and (b) of subsection (1), and

(b) subsection (3),

shall, for the duration of the relevant period, be construed as references to '24 months'.

(5) Subsections (4) and (6) shall cease to have effect on the day immediately before the fourth anniversary of the day on which *section 25* of the *Residential Tenancies (Amendment) Act 2015* came into operation and, on and from the first-mentioned day—

(a) paragraphs (a) and (b) of subsection (1), and

(b) subsection (3),

shall be read as if subsection (4) had not been enacted.

(6) In subsection (4), 'relevant period' means the period commencing on the day on which *section 25* of the *Residential Tenancies (Amendment) Act 2015* comes into operation and ending on the day immediately before the fourth anniversary of the day on which that section came into operation.".

(2) In the case of a tenancy which commenced before the coming into operation of *subsection (1)*, for the purposes of the amendments effected by that subsection, where—

(a) a period of 12 months, beginning on the commencement of the tenancy, has not elapsed before the day on which *subsection (1)* comes into operation, a review of rent under that tenancy may not occur until a period of 24 months, beginning on the commencement of the tenancy, has elapsed,

(b) a period of 12 months, beginning on the date of the commencement of the tenancy, has elapsed before the day on which *subsection (1)* comes into operation and a review of rent under section 20 of the Principal Act has not been carried out before that day, a review of rent may not occur until a period of 24 months, beginning on the commencement of the tenancy, has elapsed,

(c) a review of rent was carried out pursuant to section 20(3) of the Principal Act and that review of rent was the most recent review of rent carried out before the coming into operation of *subsection (1)*, a review of rent may not occur until a period of 24 months, beginning on the date of that most recent review of rent, has elapsed, or

(d) one or more reviews of the rent under that tenancy has, or have, been carried out in accordance with section 20 of the Principal Act, a review of rent may not occur until a period of 24 months, beginning on the date

of the most recent review of rent carried out before the coming into operation of *subsection (1)*, has elapsed.

(3) The amendments effected by *subsection (1)* —

(a) shall not apply in respect of a review of rent under the tenancy of a dwelling carried out under section 20 of the Principal Act where a review of rent—

(i) is being carried out in accordance with that section before the day on which *subsection (1)* comes into operation, or

(ii) has been carried out in accordance with that section before the day on which *subsection (1)* comes into operation, pursuant to which a notice under section 22(2) of the Principal Act has been served on the tenant concerned before the day on which *subsection (1)* comes into operation,

and

(b) shall apply in respect of a review of rent under the tenancy of a dwelling carried out after the review of rent referred to in *paragraph (a)* during the period for which subsections (4) and (6) of section 20 of the Principal Act have effect.

**Amendment of section 22 of Principal Act**

**26.** (1) Section 22 of the Principal Act is amended—

(a) in subsection (2) —

(i) by substituting "90 days" for "28 days",

(ii) by substituting "in the prescribed form" for "in writing", and

(iii) by inserting "and the matters specified in subsection (2A)" after "have effect",

and

(b) by inserting the following subsections after subsection (2):

"(2A) The notice referred to in subsection (2) shall—

(a) without prejudice to subsection (2) and pursuant to the condition referred to in that subsection, state the amount of the new rent and the date from which it is to have effect,

(b) include a statement that a dispute in relation to the setting of a rent pursuant to a review of the rent under a tenancy must be referred to the Board under Part 6 before—

(i) the date stated in the notice as the date from which that rent is to have effect, or

(ii) the expiry of 28 days from the receipt by the tenant of that notice,

whichever is the later,

(c) include a statement by the landlord that in his or her opinion the new rent is not greater than the market rent, having regard to—

(i) the other terms of the tenancy, and

(ii) letting values of dwellings—

(I) of a similar size, type and character to the dwelling that is the subject of the tenancy, and

(II) situated in a comparable area to that in which the dwelling the subject of the tenancy concerned is situated,

(d) specify, for the purposes of paragraph (d), and without prejudice to the generality of that paragraph, the amount of rent sought for 3 dwellings—

(i) of a similar size, type and character to the dwelling that is the subject of the tenancy, and

(ii) situated in a comparable area to that in which the dwelling the subject of the tenancy concerned is situated,

and

(e) include the date on which the notice is signed.

(2B) The notice referred to in subsection (2) shall be signed by the landlord or his or her authorised agent.

(2C) In this section 'amount of rent sought' means the amount of rent specified for the letting of a dwelling in an advertisement the date of which falls within the period of 4 weeks immediately preceding the date on which the notice referred to in subsection (2) is served.".

(2) Where, before the coming into operation of *subparagraph (i)* of *paragraph (a)* of *subsection (1)*, a notice under subsection (2) of section 22 of the Principal Act has been served on a tenant, notwithstanding the amendments to that section by *subsection (1)*, that section shall continue to apply to—

(a) that notice, and

(b) the operation of subsection (3) of that section in respect of that notice,

as if *subparagraph (i)* of *paragraph (a)* of *subsection (1)* had not been enacted.

**Additional requirements relating to termination by landlord**

**27.** The Principal Act is amended by inserting the following section after section 33:

"**33A.** Without prejudice to section 33, in addition to the grounds for termination by a landlord under section 34, in accordance with section 57(b), Part 5 shall apply in relation to the termination of a Part 4 tenancy by a landlord.".

**Amendment of section 34 of Principal Act**

**28.** The Table to section 34 of the Principal Act is amended—

(a) in paragraph 1(a), by inserting "in writing" after "notified",

(b) in paragraph 2, by inserting "and the notice of termination is accompanied by a statement referred to in section 35" after "occupying household",

(c) in paragraph 3, by inserting "and the notice of termination is accompanied by a statutory declaration referred to in section 35" after "containing the dwelling",

(d) in paragraph 4, by substituting "by a statutory declaration" for ", in writing, by a statement",

(e) in paragraph 5—

(i) in subparagraph (a), by substituting "intended works," for "intended works, and",

(ii) by inserting the following subparagraphs after subparagraph (a):

"(aa) that, in a case where planning permission has been obtained, a copy of the planning permission is attached to the notice or statement,

(ab) that planning permission is not required and he or she has complied with the requirements of section 35(9)(b), and",

and

(iii) in subparagraph (b)(i) by inserting "within the period of 6 months from the expiry of the period of notice required to be given by the notice, or if a dispute in relation to the validity of the notice was referred to the Board under Part 6 for resolution, the final determination of the dispute" after "available for re-letting",

and

(f) in paragraph 6—

(i) in subparagraph (a), by substituting "intended use," for "intended use, and",

(ii) by inserting the following subparagraphs after subparagraph (a):

"(aa) that, in a case where planning permission has been obtained, a copy of the planning permission is attached to the notice or statement,

(ab) as to whether any works are to be carried out in respect of the change of use and where such works are required to be carried out, specifying—

(i) details of those works,

(ii) the name of the contractor, if any, employed to carry out such works, and

(iii) the dates on which the intended works are to be carried out and the proposed duration of the period in which those works are to be carried out,

and".

**Amendment of section 35 of Principal Act**

**29.** Section 35 of the Principal Act is amended by inserting the following subsections after subsection (6):

"(7) The statement to accompany a notice of termination in respect of a termination referred to in paragraph 2 of the Table shall specify—

(a) the bed spaces in the dwelling, and

(b) the grounds on which the dwelling is no longer suitable having regard to the bed spaces referred to in paragraph (a) and the size and composition of the occupying household.

(8) The statutory declaration that is to accompany a notice of termination in respect of a termination referred to in paragraph 3 of the Table shall include a declaration that the landlord intends to enter into an enforceable agreement to transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling.

(9) A notice of termination in respect of a termination made on the ground specified in paragraph 5 of the Table, or the statement referred to in that paragraph shall—

(a) for the purposes of the statement referred to in subparagraph (aa) of paragraph 5 of the Table, be accompanied by a copy of the planning permission required for the carrying out of the refurbishment or renovation of the dwelling concerned, and

(b) specify, where planning permission is not required—

(i) the name of the contractor, if any, employed to carry out the intended works, and

(ii) the dates on which the intended works are to be carried out and the proposed duration of the period in which those works are to be carried out.

(10) A notice of termination in respect of a termination made on the ground specified in paragraph 6 of the Table, or the statement referred to in that paragraph shall, for the purposes of the statement referred to in subparagraph (aa) of paragraph 6 of the Table, be accompanied by a copy of the planning permission required for the carrying out of the change of use of the dwelling concerned.".

**Slip or omission in notice of termination**

**30.** The Principal Act is amended by inserting the following section after section 64:

"**64A.** On the hearing of a complaint under Part 6 in respect of a notice of termination, an adjudicator or the Tribunal, as the case may be, may make a determination that a slip or omission which is contained in, or occurred during the service of, the notice of termination shall not of itself render the notice of termination invalid, if he or she or it, as the case may be, is satisfied that—

(a) the slip or omission concerned does not prejudice, in a material respect, the notice of termination, and

(b) the notice of termination is otherwise in compliance with the provisions of this Act.".

**Amendment of section 66 of Principal Act**

**31.** (1) Section 66 of the Principal Act is amended—

(a) by substituting the following Table for Table 1:

"TABLE 1

Termination by Landlord

| Duration of Tenancy (1) | Notice Period (2) |
|---|---|
| Less than 6 months | 28 days |
| 6 or more months but less than 1 year | 35 days |
| 1 year or more but less than 2 years | 42 days |
| 2 years or more but less than 3 years | 56 days |
| 3 years or more but less than 4 years | 84 days |
| 4 or more but less than 5 years | 112 days |
| 5 or more but less than 6 years | 140 days |
| 6 or more but less than 7 years | 168 days |
| 7 or more but less than 8 years | 196 days |
| 8 or more years | 224 days |

",

and

(b) by substituting the following Table for Table 2:

"TABLE 2

Termination by Tenant

| Duration of Tenancy (1) | Notice Period (2) |
|---|---|
| Less than 6 months | 28 days |
| 6 or more months but less than 1 year | 35 days |
| 1 year or more but less than 2 years | 42 days |
| 2 or more but less than 4 years | 56 days |
| 4 years or more but less than 8 years | 84 days |
| 8 or more years | 112 days |

".

(2) Where, immediately before the coming into operation of *subsection (1)*, a period of notice was specified in a notice of termination in respect of a tenancy to which section 66 of the Principal Act applies but that period had not expired, notwithstanding the amendments to section 66 of the Principal Act made by *subsection (1)*, the periods of notice specified in the Tables to that section before those amendments were made shall continue to apply in respect of the notice of termination concerned as if those amendments had not been made.

**Amendment of section 67 of Principal Act**

**32.** Section 67 of the Principal Act is amended in subsection (2) —

(a) by inserting the following paragraph after paragraph (a):

"(aa) in the case of the termination of a tenancy of a dwelling to which Part 4 applies, 28 days regardless of the duration of the tenancy,",

and

(b) in paragraph (b), by inserting "in the case of the termination of a tenancy of a dwelling to which Part 4 does not apply," before "28 days".

**Amendment of section 70 of Principal Act**

**33.** Section 70 of the Principal Act is amended in subsection (3) by inserting "by the landlord" after "("the sub-tenant")".

**Amendment of section 75 of Principal Act**

**34.** Section 75 of the Principal Act is amended—

(a) in subsection (2), by inserting "76A," after "76(4),",

(b) in subsection (4)(d), by substituting "landlord," for "landlord, and", and

(c) in subsection (4) by inserting the following paragraph after paragraph (d):

"(da) in the case of a complaint mentioned in section 76A—

(i) the landlord and the tenant, or

(ii) in the case of a sub-tenancy, the head-tenant and the sub-tenant referred to in that section,

and".

**Right of referral of complaint in respect of compliance with section 86(1)(a)**

**35.** The Principal Act is amended by inserting the following sections after section 76:

"**76A.** (1) This section applies where a matter has been referred to the Board for resolution (the 'original dispute') and pending the determination of that dispute a tenant referred to in section 86(1)(a)(i), or as the case may be, a sub-tenant referred to in section 86(1)(a)(ii), has failed to comply with section 86(1)(a).

(2) (a) Without prejudice to the generality of section 76 or to section 78(1)(q), or the obligation referred to in section 16(a), a landlord may refer to the Board for resolution a complaint that the tenant referred to in section 86(1)(a)(i) has failed to comply with section 86(1)(a).

(b) Without prejudice to the generality of section 76 or to section 78(1)(q), or the obligation referred to in section 16(a), a head-tenant may refer to the Board for resolution a complaint that the sub-tenant referred to in section 86(1)(a)(ii) has failed to comply with section 86(1)(a).

(3) In this section—

'head-tenant' has the meaning assigned to it by paragraph 1 of the Schedule;

'sub-tenant' has the meaning assigned to it by paragraph 1 of the Schedule.

**Section 76A: supplemental provisions relating to adjudication and determination of dispute relating to complaint**

**76B.** (1) Where in respect of a dispute concerning a complaint under section 76A, the Board has made a communication under section 92 in relation to the dispute and has, in accordance with section 94(aa), arranged for the dispute to be the subject of adjudication—

(a) when adjudicating, under section 97, such dispute and without prejudice to section 97, the adjudicator—

(i) shall have regard to the original dispute referred to in section 76A, and

(ii) may proceed to give such directions under section 117 as he or she considers appropriate for the purpose of providing relief of an interim nature in respect of the complaint,

and

(b) the Board shall arrange for the original dispute referred to in section 76A and the dispute concerning a complaint under section 76A to be determined concurrently.

(2) Where in respect of a dispute concerning a complaint under section 76A, the Board has made a communication under section 92 in relation to the dispute and has, in accordance with section 94(aa), referred it to the Tribunal—

(a) when determining such dispute, without prejudice to Chapter 6 of this Part, section 109 or any other provision of this Part, the Tribunal—

(i) shall have regard to the original dispute referred to in section 76A, and

(ii) may proceed to give such directions under section 117 as it considers appropriate for the purpose of providing relief of an interim nature in respect of the complaint,

and

(b) the Board shall arrange for the original dispute referred to in section 76A and the dispute concerning a complaint under section 76A to be determined concurrently.".

**Amendment of section 77 of Principal Act**

**36.** Section 77 of the Principal Act is amended—

(a) by inserting the following subsection after subsection (1):

"(1A) Without prejudice to subsection (1), where the breach of duty referred to in that subsection concerns a breach of duty referred that relates to the obligation of the tenant under section 16(h), the complaint may, if the conditions specified in subsection (2A) are satisfied, be referred to the Board by, or on behalf of, a person referred to in section 15.",

(b) by inserting the following subsection after subsection (2):

"(2A) The conditions mentioned in subsection (1A) are—

(a) the person referred to in section 15 is or was directly and adversely affected by the breach of duty alleged in the complaint, and

(b) before making the reference, the person referred to in section 15 took all reasonable steps to resolve the matter—

(i) by communicating or attempting to communicate with the landlord or former landlord, or

(ii) by—

(I) requesting a person referred to in subsection (4) (in this section referred to as a 'subsection (4) person') to communicate with the landlord or former landlord on his or her behalf, and

(II) the subsection (4) person to whom such request was made having communicated or attempted to communicate with the landlord or former landlord on behalf of the person referred to in section 15,

and the requirement in this paragraph shall not be read as requiring the institution of legal proceedings or the landlord, or former landlord, being given to understand that such proceedings might be instituted.",

(c) in subsection (3) by—

(i) inserting "or, as the case may be, subsection (2A)(b) " after "with subsection (2)(b) ", and

(ii) inserting "or, as the case may be, a subsection (4) person to whom a request under subsection (4) has been made," after "under this section",

and

(d) by inserting the following subsections after subsection (3):

"(4) In the case of a complaint referred to in subsection (1A) a person referred to in section 15 may request—

(a) an owners' management company within the meaning of the Multi-Unit Developments Act 2011,

(b) a body corporate, or

(c) an unincorporated body of persons where one of the principal objects of the unincorporated body is to promote the safety and security of dwellings or the safety, security and the general well-being of persons residing in the vicinity of the dwelling that is the subject of the tenancy concerned and includes a body commonly known as a residents' association or a neighbourhood watch group,

to do either or both of the following on his or her behalf:

(i) to make the communication referred to in subsection (2A)(b);

(ii) to refer the complaint referred to in subsection (1A) to the Board.

(5) For the purposes of section 75(4)(e), where, in accordance with this section, a subsection (4) person—

(a) refers a complaint to the Board on behalf of a person referred to in section 15, or

(b) makes the communication referred to in subsection (2A)(b) on behalf of a person referred to in section 15,

the subsection (4) person shall not be treated as a party to the complaint under this section and shall not be construed as being a party to a complaint under this section for the purposes of this Part.".

**Amendment of section 78 of Principal Act**

**37.** (1) Section 78 of the Principal Act is amended in subsection (1) —

(a) by substituting "where appropriate, and without prejudice to section 76A, complaints" for "where appropriate, complaints", and

(b) by substituting the following paragraphs for paragraph (a):

"(a) without prejudice to the generality of paragraph (e), failure by a landlord to transmit the deposit to the Board under section 12(1)(d)(i),

(aa) failure by—

(i) a landlord to comply with section 12(1)(d)(ii)(III), or

(ii) a tenant to comply with section 16(o)(iii),

(ab) the return of the deposit to one or both parties,

(ac) failure by a party to the tenancy to comply with sections 148A, 148F(2) or 148I(3),

(ad) any loss referred to in section 148I(6),".

(2) Where, on or before the coming into operation of *subsection (1)*, a dispute referred to in paragraph (a) of section 78(1) of the Principal Act had been commenced but had not been finally determined in accordance with the Principal Act, the dispute shall be determined in accordance with that Act as if that paragraph had not been amended by *subsection (1)* and for the purposes of that dispute—

(a) paragraph (d) of section 12(1) of the Principal Act shall apply in relation to that dispute as if that paragraph had not been amended by *section 23*, and

(b) subsection (4) of section 12 of the Principal Act shall apply in respect of the return or repayment of that deposit as if that subsection had not been amended by *section 23*.

(3) Where on or before the coming into operation of *subsection (1)* and *section 23*, a tenancy had ended and the deposit had not been returned to the tenant (whether the landlord was relying on section 12(4) of the Principal Act or otherwise) and a dispute referred to in paragraph (a) of section 78(1) of the Principal Act had not been referred to the Board for resolution—

(a) paragraph (d) of section 12(1) of the Principal Act shall apply to the landlord as if that paragraph had not been amended by *section 23*,

(b) subsection (4) of section 12 of the Principal Act shall apply in respect of the return of that deposit as if that subsection had not been amended by *section 23*, and

(c) where a dispute on the retention or refund of the deposit arises, either party may refer the dispute to the Board under paragraph (a) of section 78(1) of the Principal Act as if paragraph (a) of that section had not been amended by *subsection (1)* and the dispute shall be determined as if that paragraph had not been amended by *subsection (1)*.

(4) Where, on or before the coming into operation of *subsection (1)* and *section 23*, a notice of termination had been served in respect of a tenancy and a deposit had been paid to the landlord and had not been returned to the tenant (whether the landlord was relying on section 12(4) of the Principal Act or otherwise), and a dispute referred to in paragraph (a) of section 78(1) of the Principal Act had not been referred to the Board for resolution—

(a) paragraph (d) of section 12(1) of the Principal Act shall apply to the landlord as if that paragraph had not been amended by *section 23*,

(b) subsection (4) of section 12 of the Principal Act shall apply in respect of the return of that deposit as if that subsection had not been amended by *section 23*, and

(c) where a dispute on the retention or refund of the deposit arises, either party may refer the dispute to the Board under paragraph (a) of section 78(1) of the Principal Act as if paragraph (a) of that section had not been amended by *subsection (1)* and the dispute shall be determined as if that paragraph had not been amended by *subsection (1)*.

(5) In *subsection (2)* the reference to a dispute being finally determined in accordance with the Principal Act includes, in respect of that dispute, the final determination of an appeal under section 123(3) of that Act or an application for the enforcement, under section 124 of that Act, of the determination order concerned.

**Amendment of section 79 of Principal Act**

**38.** Section 79 of the Principal Act is amended—

(a) by designating that section as subsection (1), and

(b) by inserting the following subsection after subsection (1):

"(2) In the case of a complaint made under section 76A—

(a) subsection (1) shall not apply to the complaint, and

(b) the reference to the Board of a complaint made under section 76A shall not include any other dispute or complaint.".

**Amendment of section 82 of Principal Act**

**39.** Section 82 of the Principal Act is amended—

(a) in subsection (5) by substituting "subject to subsection (6), any costs referred to in subsection (7)" for "such costs and expenses", and

(b) by inserting the following subsections after subsection (5):

"(6) Any costs awarded under subsection (5) shall not exceed €1,000.

(7) In subsection (5), costs incurred by the other party includes costs or expenses—

(a) relating to travelling and attendance at any place required for the adjudication or determination of the matter concerned, and

(b) relating to the preparation of his or her case,

and, for the avoidance of doubt, such preparation costs do not include legal costs referred to in section 5(3)(a).".

**Amendment of section 84 of Principal Act**

**40.** Section 84(1) of the Principal Act is amended in paragraph (d) by inserting ", frivolous" after "trivial".

**Amendment of section 86 of Principal Act**

**41.** Section 86 of the Principal Act is amended, in subsection (1), by substituting the following paragraph for paragraph (a):

"(a) the rent payable—

(i) under the tenancy concerned shall continue to be payable to the landlord by the tenant, or as the case may be, each multiple tenant, and

(ii) under any sub-tenancy arising out of a tenancy referred to in subparagraph (i), shall continue to be payable to the head-tenant by the sub-tenant, or as the case may be, each sub-tenant,".

**Amendment of section 93 of Principal Act**

**42.** (1) Section 93 of the Principal Act is amended by inserting the following subsection after subsection (2):

"(2A) No fee shall be payable by either party in respect of the arrangement by the Board, in accordance with subsection (2), for the matter to be the subject of mediation.".

(2) *Subsection (1)* shall apply to mediations arranged, in accordance with section 93(2) of the Principal Act, on or after the commencement of this section.

**Amendment of section 94 of Principal Act**

**43.** Section 94 of the Principal Act is amended by inserting the following paragraph after paragraph (a):

"(aa) mediation of the kind mentioned in that section in relation to a complaint referred to in section 76A in which case the Board may, as it thinks appropriate—

(i) arrange for the dispute to be the subject of adjudication under section 97 by a person appointed by it from amongst the panel of adjudicators under section 164(4), or

(ii) refer the dispute to the Tribunal,".

**Amendment of section 95 of Principal Act**

**44.** (1) Section 95(4) of the Principal Act is amended in paragraph (c) by substituting "persons who participated in" for "persons who attended".

(2) Section 95(5) of the Principal Act is amended by substituting "Board" for "Director".

(3) Section 95 of the Principal Act is amended by inserting the following subsections after subsection (5):

"(5A) Notwithstanding that, following a mediation, the parties have signed an agreement that resolves the dispute concerned, each of the parties may, not later than 10 days from the completion of the mediation concerned, notify the mediator and the Board in writing that he or she no longer agrees with that agreement and does not wish to be bound by it.

(5B) In this section and section 96, the 'date of the completion of the mediation' means—

(a) the date that the document referred to in subsection (3)(b) is signed by each of the parties, or

(b) where the document is signed by the parties on different dates, the later of those dates.".

(4) Section 95 of the Principal Act is amended by deleting subsection (6).

**Procedures to be followed by Board following report of mediator**

**45.** (1) The Principal Act is amended by substituting the following section for section 96:

"Procedures to be followed by Board following report of mediator

**96.** (1) Where—

(a) the report furnished to the Board under section 95(5) states that there is agreement between the parties and that the agreement resolves the dispute,

(b) a period of 10 days has elapsed from the date of the completion of the mediation, and

(c) during that period of 10 days no party to the agreement has made a notification under section 95(5A) to the mediator and the Board,

the Board shall prepare a determination order under section 121 in respect of the dispute.

(2) Where—

(a) one or more of the parties to a dispute request the Board to refer the dispute to the Tribunal, and

(b) the report furnished to the Board under section 95(5) states that—

(i) there is no agreement between the parties that has resolved the dispute,

(ii) the dispute is not resolved notwithstanding that, one, or more than one, of the matters concerning the dispute have been agreed between the parties, or

(iii) there is an agreement between the parties that has resolved the dispute but, within the period of 10 days following the completion of the mediation, a party to that agreement has made a notification to the mediator and the Board under section 95(5A),

the Board shall refer the dispute to the Tribunal.".

(2) *Subsection (1)* shall apply to a mediation arranged in accordance with section 93(2) of the Principal Act on or after the commencement of this section.

**Amendment of section 97 of Principal Act**

**46.** Section 97 of the Principal Act is amended—

(a) in subsection (1), by substituting ", 94(a) or 94(aa)" for "or 94(a)", and

(b) in subsection (2), by substituting ", 94(a) or 94(aa)" for "or 94(a)".

**Amendment of section 98 of Principal Act**

**47.** Section 98(1) of the Principal Act is amended in paragraph (a) by substituting "10 days" for "21 days".

**Amendment of section 101 of Principal Act**

**48.** Section 101 of the Principal Act is amended in subsection (3), by substituting "94(a) or 94(aa)" for "94(a)".

**Amendment of section 103 of Principal Act**

**49.** Section 103 of the Principal Act is amended—

(a) in subsection (4) by deleting "subject to subsection (5),", and

(b) by deleting subsection (5).

**Amendment of section 104 of Principal Act**

**50.** Section 104 of the Principal Act is amended—

(a) in subsection (1)(b) by substituting "section 96(2)" for "section 96(6)", and

(b) in subsection (5)(b) —

(i) in subparagraph (i), by substituting "a specification," for "a specification, or",

(ii) in subparagraph (ii), by substituting "that dwelling, or" for "that dwelling.", and

(iii) by inserting the following subparagraph after subparagraph (ii):

"(iii) one or more of the parties requests the Board to specify such a period on the grounds of alleged financial or other hardship.".

**Amendment of section 109 of Principal Act**

**51.** (1) Section 109(2) of the Principal Act is amended—

(a) in paragraph (c) by inserting "other than the procedure referred to in section 93(1) and 93(2)" after "in relation to it",

(b) in paragraph (d)(i) by inserting "or 94(aa)" after "section 94(a)",

(c) by deleting paragraph (d)(iii), and

(d) in paragraph (d)(v) by substituting "96(2)" for "96(6)".

(2) *Paragraphs (a)*, *(c)* and *(d)*of *subsection (1)* shall apply to a mediation arranged in accordance with section 93(3) of the Principal Act on or after the commencement of this section.

**Amendment of section 115 of Principal Act**

**52.** Section 115 of the Principal Act is amended by inserting the following subsections after subsection (3):

"(4) Without prejudice to the generality of subsection (3), an amount that is to be awarded in accordance with a direction relating to a failure to comply with section 16(f) or 16(g) shall be included in the amount referred to in subsection (3)(a) or, as the case may be, subsection (3)(c)(i).

(5) The amount of costs or expenses that may be awarded to a party shall not exceed €1,000.

(6) For the purposes of a direction under subsection (3), where a complaint under section 76A was made, the amount that is directed under subsection (3) to be paid to a party when that complaint and the original dispute referred to in section 76A have been determined concurrently, shall include the amount of rent that was directed to be paid in the interim direction referred to in section 76B.".

**Amendment of section 117 of Principal Act**

**53.** Section 117 of the Principal Act is amended by inserting the following subsection after subsection (4):

"(5) Without prejudice to subsection (1), in the case of a complaint referred to in section 76A, the adjudicator, or as the case may be

the Tribunal, may, in dealing with the complaint, proceed to give such directions under this section as the adjudicator or Tribunal, considers appropriate for the purpose of providing relief of an interim nature (other than payment of arrears of rent) to the parties including a direction that pursuant to section 86(1)(a) —

(a) the tenant shall continue to pay the rent payable under the tenancy, or

(b) the sub-tenant shall continue to pay the rent payable under the sub-tenancy,

pending the determination of the original dispute referred to in section 76A.".

**Amendment of section 119 of Principal Act**

**54.** Section 119 of the Principal Act is amended —

(a) in subsection (1) —

(i) in paragraph (i) by substituting "subject to subsection (3), costs" for "costs", and

(ii) by deleting paragraph (iii),

and

(b) by inserting the following subsection after subsection (2):

"(3) The costs awarded under subsection (1)(i) shall not exceed €1,000.".

**Amendment of section 121 of Principal Act**

**55.** Section 121 of the Principal Act is amended—

(a) in subsection (1), by substituting the following paragraph for paragraph (a):

"(a) an agreement referred to in section 96(1),",

(b) in subsection (4) by substituting the following paragraph for paragraph (a):

"(a) in the case of such an agreement, the report furnished to it under section 95(4),",

and

(c) by deleting subsection (7).

**Amendment of section 123 of Principal Act**

**56.** Section 123 of the Principal Act is amended—

(a) in subsection (1), by substituting "an agreement referred to in section 96(1)" for "an agreement mentioned in a mediator's report under section 95(4)", and

(b) in subsection (4), by deleting "in relation to the point of law concerned".

**Amendment of section 124 of Principal Act**

**57.** (1) Section 124 of the Principal Act is amended—

(a) by substituting "District Court" for "Circuit Court" in each place it occurs,

(b) by inserting the following subsections after subsection (7):

"(7A) Without prejudice to the generality of subsection (2), where the determination order that is the subject of an application under this section includes provision for the return of a deposit pursuant to section 148B(b) and the Board has paid the deposit in accordance with section 148B(b), the court shall have regard to that payment when making an order under this section including an ancillary or other order referred to in subsection (7).

(7B) Without prejudice to the generality of subsection (2), where the determination order that is the subject of an application under this section includes provision for the return of a deposit pursuant to section 148B(b) and the Board has not, before the application under this section, paid the deposit in accordance with section 148B(b), the court shall have regard to such provision for the return of a deposit when making an order under this section including an ancillary or other order referred to in subsection (7).",

(c) in subsection (9), by substituting "District Court district" for "circuit", and

(d) by inserting the following subsection after subsection (9):

"(10) The monetary limit for the time being standing specified of the jurisdiction of the District Court shall not apply in respect of proceedings brought or heard, as the case may be, in the District Court under this section on or after the commencement of *section 57* of the *Residential Tenancies (Amendment) Act 2015* and, the monetary limit which shall apply in respect of those proceedings, shall be the monetary limit for the time being standing specified of the jurisdiction of the Circuit Court.".

(2) Subject to *subsection (3)*, the amendments effected by *paragraphs (a)* and *(b)* of *subsection (1)* shall not affect any proceedings brought under section 124 of the Principal Act before this section comes into operation.

(3) Where, before this section comes into operation, proceedings have been brought under section 124 of the Principal Act but not yet heard either in whole or in part by the Circuit Court, the Circuit Court may—

(a) on application to it in that behalf, and

(b) with the consent of each party to the proceedings,

remit those proceedings to the District Court.

(4) For the purposes of *subsection (3)*, proceedings shall not be taken to have been heard in part by reason of the Circuit Court having heard an interlocutory application or any procedural application or motion relating to the proceedings.

**Amendment of section 125 of Principal Act**

**58.** (1) Section 125 of the Principal Act is amended by substituting "District Court" for "Circuit Court" in each place it occurs.

(2) Subject to *section 57(3)*, the amendments effected by *subsection (1)* shall not affect any proceedings brought under section 124 of the Principal Act before this section comes into operation.

**Cancellation of return of deposit in cases of failure to provide statement of agreement or disagreement**

**59.** The Principal Act is amended by inserting the following section after section 125:

"**125A.** (1) A person who establishes to the satisfaction of the Board that, in relation to the return, under section 148L(1), of a deposit (or an amount of the deposit), that there are good and substantial reasons for his or her having failed to comply with section 148F(2) and 148I(3), the Board may, subject to subsection (3), exercise the powers referred to in subsection (2).

(2) The powers mentioned in subsection (1) are—

(a) to cancel the return of the deposit,

(b) to direct that the return of the deposit be the subject of a dispute to be referred to the Board under paragraph (ab) of section 78(1), and

(c) to direct the party to whom the deposit was returned under section 148L, to return the deposit (or a specified amount of the deposit) to the Board.

(3) The Board may direct that—

(a) the cancellation of the return of the deposit under section 148L shall not have effect unless specified conditions are, within a specified period, complied with by the person referred to in subsection (1), and

(b) the return of the deposit be subject to specified conditions, including, where appropriate, a condition referred to in paragraph (a).

(4) The reference to conditions in subsection (3) means conditions analogous to the terms the High Court may impose under the Rules of the Superior Courts for setting aside a judgment obtained in circumstances where one of the parties did not appear at the trial concerned.

(5) The reference in subsection (4) to the Rules of the Superior Courts shall be construed in accordance with subsection (6) of section 125.

(6) The Board, before deciding whether to exercise the powers under this section, shall afford the party to whom the deposit was returned under section 148L an opportunity to be heard.".

**Amendment of section 135 of Principal Act**

**60.** Section 135 of the Principal Act is amended—

(a) by inserting the following subsection after subsection (1):

"(1A) Where—

(a) a further Part 4 tenancy comes into being, and

(b) pursuant to subsection (1)(c), such further Part 4 tenancy is required to be registered,

the requirement under section 134(3A) that such registration be accompanied by the deposit referred to in section 135A or the notice referred to in section 135A(2) shall be satisfied if—

(i) the deposit that, in accordance with section 134(3A), accompanied the registration of the tenancy under section 134, has not been returned to either or both parties and remains in the designated tenancy deposit account,

(ii) the deposit that, in accordance with section 148P, was transmitted to the Board, has not been returned to either or both parties and remains in the designated tenancy deposit account,

(iii) a notice referred to in section 135A accompanied, in accordance with section 134(3A), the registration of the tenancy under section 134, and subsequent to the furnishing of that notice to the Board, the tenant has not paid a deposit referred to in section 12(1)(d) to the landlord, or

(iv) a notice referred to in section 148P(2) was sent to the Board and subsequent to the furnishing of that notice to the Board the tenant has not paid a deposit referred to in section 12(1)(d) to the landlord.",

(b) by substituting the following subsection for subsection (4):

"(4) An acknowledgement, in the prescribed form, shall be given to the applicant under section 134 and to the tenant and shall—

(a) acknowledge the receipt by the Board of the application under section 134,

(b) acknowledge the receipt by the Board of a fee referred to in subsection (3) of that section,

(c) acknowledge the receipt by the Board of a deposit referred to in section 135A and the amount of that deposit, or a notice referred to in section 135A,

(d) specify the reference number, referred to in subsection (3), assigned by the Board in respect of the tenancy concerned, and

(e) include a statement setting out—

(i) a summary of the rights and obligations of tenants and landlords under this Act and without prejudice to the generality of the foregoing, the statement shall set out a summary of the rights and obligations of tenants and landlords in relation to—

(I) the setting of rent under section 19, a review of rent under section 20 and the notification of a new rent under section 22,

(II) security of tenure under Part 4, and

(III) the termination of tenancies under Parts 4 and 5,

(ii) the matters which may be referred to the Board for resolution under Part 6 and without prejudice to the generality of the foregoing the statement shall specify that—

(I) a complaint may be referred to the Board under section 78(1)(b) in respect of the amount of rent that ought to be initially set in compliance with section 19, and

(II) a complaint may be referred to the Board under section 78(1)(c) in respect of the amount of rent determined on foot of a review of rent,

(iii) the redress that may be granted by the Board and without prejudice to the generality of the foregoing the statement shall specify the maximum amount of damages that may be paid to a party to a dispute pursuant to section 115(3), and

(iv) the function of the Board, referred to in section 147A, to disclose to the Revenue Commissioners information contained in the register referred to in that section.",

(c) by inserting the following subsections after subsection (4):

"(4A) An acknowledgement referred to in subsection (4) shall specify—

(a) the procedures for the return of the deposit and the requirement on the parties under this Act and the conditions, in respect of such return, referred to in section 12(4),

(b) the obligations on the parties referred to in sections 12(1)(d)(ii), 16(o) and 148A,

(c) that, without prejudice to paragraph (b) and the obligation on the parties under sections 12(1)(d)(ii)(III) and 16(o)(iii), all notifications relating to the return of the deposit referred to in section 12(1)(d) will be sent to the most recent address provided to the Board by each party, and

(d) that any interest that accrues on the deposit held by the Board will be retained by the Board in accordance with this Act.

(4B) Where an application under section 134 is received by the Board and is not accompanied by the deposit, or statement, referred to in section 135A(2), without prejudice to subsections (4) and (5), the Board shall, as soon as practicable, notify the parties in writing of the omission concerned and request the landlord to transmit such deposit or provide such statement not later than 14 days from the receipt of the notice under this subsection.

(4C) The notification in writing under subsection (4B) shall be in the prescribed form.",

(d) by substituting the following subsection for subsection (5):

"(5) Where an application, other than an application referred to in subsection (6), under section 134 is received by the Board and the application is—

(a) incomplete, or

(b) not accompanied by—

(i) the fee referred to in section 134(3)(b)(i) or as the case may be section 134(3)(b)(ii), or

(ii) the fee referred to in section 134(3)(c), where that fee is required to be paid,

the Board shall notify the applicant of the omission concerned and specify a date by which the application is to be completed or the fee is to be paid.",

and

(e) inserting the following subsections after subsection (5):

"(6) Where—

(a) an application under section 134 received by the Board is incomplete, and

(b) the Board, having regard to—

(i) the information provided with that application, and

(ii) the information required to be contained in the register pursuant to section 127(3),

is satisfied that the information provided with the application, is sufficient to effect the registration of the tenancy concerned,

the Board, having regard to the proper discharge by it of its functions under this Act and where in its opinion it is appropriate, may, subject to subsection (7), treat the application as complete for the purposes of this Part and register the tenancy concerned.

(7) Subsection (6) shall not apply where the deposit, or the statement, referred to in section 134(3A), have not accompanied the application under section 134.

(8) Where an application referred to in subsection (6) is received by the Board before the coming into operation of subsection (6), and has not been determined before such coming into operation, subsection (6) shall apply to such application.".

**Obligation to transmit deposit to Board**

**61.** The Principal Act is amended by inserting the following sections after section 135:

**"135A.** (1) For the purposes of section 12(1)(d), where a deposit referred to in that section is paid by a tenant to his or her landlord on entering into the agreement for the tenancy or lease, the landlord shall, subject to subsection (2), transmit that deposit to the Board with the application for registration under section 134.

(2) Where a tenant has not paid a deposit referred to in subsection (1) to his or her landlord on entering into the agreement for the tenancy or lease, the application for registration under section 134 shall be accompanied by a statement, in the prescribed form, stating that the tenant has not paid a deposit referred to in subsection (1) to the landlord and that a deposit is not available to provide for a default referred to in section 12(4).

(3) For the purposes of subsection (1), where the landlord transmits a sum of money to the Board that is equal in value to the sum of the deposit, the sum transmitted to the Board shall be treated as the deposit paid to the landlord by the tenant.

(4) The Minister may make regulations relating to the manner in which the deposit referred to in subsection (1) may be transmitted to the Board and may include provision for the electronic transfer of the deposit.

**Enforcement of obligations under section 135A**

**135B.** (1) Where a notice under section 135(4B) is sent to a landlord and he or she does not transmit the deposit concerned or furnish the statement concerned within the period specified in that notice, the Board shall serve a further notice on the landlord stating that he or she is required to transmit the deposit concerned or furnish the notice concerned to the Board within 14 days of receipt by him or her of the further notice under this section and that where he or she fails to do so within that period, he or she is guilty of an offence.

(2) A person who fails to comply with the further notice under subsection (1) is guilty of an offence.

(3) It shall be a defence for a person charged with an offence under subsection (2) for the person to show that he or she took all reasonable steps to comply with subsection (1).".

**Amendment of section 136 of Principal Act**

**62.** Section 136 of the Principal Act is amended—

(a) by designating that section as subsection (1),

(b) in subsection (1) —

(i) by deleting paragraph (e),

(ii) by deleting subparagraphs (i) and (ii) of paragraph (i), and

(iii) by inserting the following paragraph after paragraph (k):

"(ka) if a deposit referred to in section 134(3A) has accompanied the application, the amount of that deposit,",

and

(c) by inserting the following subsection after subsection (1):

"(2) Nothing in subsection (6) of section 135 shall operate to affect the obligation under subsection (1).".

**Amendment of section 139 of Principal Act**

**63.** Section 139 of the Principal Act is amended—

(a) in subsection (1), by substituting ", by a notice in writing in the prescribed form, the information specified in subsection (2) " for "the information mentioned in subsection (2) in the prescribed form",

(b) F3**[**...**]**

(c) F3**[**...**]**

and

(d) by inserting the following subsections after subsection (4):

"(5) Without prejudice to subsection (1), the Board shall, as soon as may be, update the register following the receipt by it of—

(a) information referred to in section 12(1)(d)(ii)(III), and

(b) information referred to in section 16(o)(iii).

(6) No fee shall be payable in respect of the furnishing to the Board of the information referred to in subsection (5).

(7) (a) Without prejudice to subsection (1), a landlord may, at any time, notify the Board in writing of—

(i) any changes in respect of particulars entered in the register, and

(ii) any additional particulars to be entered in the register,

in respect of the tenancy.

(b) In subsection (4), the reference to information shall include particulars notified under paragraph (a).

(8) F4**[**...**]**"

**Annotations**

**Amendments:**

**F3** Repealed (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(c), S.I. No. 236 of 2019.

**F4** Repealed (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(c), S.I. No. 236 of 2019.

**New sections 148A to 148Q inserted into Principal Act**

**64.** The Principal Act is amended by inserting the following sections after section 148:

**"Obligation of parties in relation to return of deposit**

**148A.** Without prejudice to sections 12(1)(d)(ii), 16(o), 148F(2) and 148I(3), for the purpose of the performance of the Board of its functions relating to the return of a deposit referred to in section 12(1)(d), a landlord and a tenant shall respond to a notification of the Board in respect of such return within the prescribed period that is specified, in regulations, for the notification concerned.

**Return of deposit by Board**

**148B.** The Board shall return a deposit transmitted to it by the landlord pursuant to section 134(3A), to one or, as the case may be, both parties—

(a) pursuant to an agreement between the parties, in respect of which an application is made under section 148C, as to such return or, as the case may be, pursuant to section 148G or 148J,

(b) where one or both parties have referred a dispute to the Board in respect of the return of the deposit and the Board has, under section 121, prepared and issued a determination order, such return shall be made—

(i) in accordance with the determination order concerned and, in the case of a determination order referred to in section 123(1), as soon as practicable after the determination order is issued to, and becomes binding on, the parties in accordance with section 123(1) or such other period as may be specified in the determination order,

(ii) in accordance with the determination order concerned and, in the case of a determination order referred to in section 123(2), as soon as practicable after the expiry of the relevant period (within the meaning of section 123(8)), or such other period as may be specified in the determination order,

(iii) where the determination order is appealed under section 123(3), in accordance with the final determination of those proceedings and as soon as practicable after such final determination or such other period as may be specified in the determination order or such final determination, or

(iv) where an application is made under section 124 in respect of the determination order before the deposit is paid, in accordance with the final determination of those proceedings and as soon as practicable after such final determination,

or

(c) in accordance with section 148L.

**Agreement between the parties on the return of deposit**

**148C.** (1) Where the landlord and tenant are in agreement in respect of the manner in which the deposit referred to in section 12(1)(d) is to be returned by the Board, an application may be made to the Board by both parties (in this Act referred to as a 'joint agreed application') in respect of the return of the deposit to one or both of the parties.

(2) A joint agreed application shall be made on, or as soon as practicable after, the end of the tenancy.

(3) A joint agreed application under this section shall include—

(a) the reference number, referred to in section 135(3), used by the Board for the tenancy concerned,

(b) the date on which the tenancy ended,

(c) a statement that the landlord and the tenant have agreed the manner in which the deposit is to be returned to one or both of the parties,

(d) having regard to the conditions referred to in section 12(4), a statement that—

(i) all of the deposit is to be returned to the tenant,

(ii) all of the deposit is to be returned to the landlord, or

(iii) the whole amount of the deposit is not to be returned to the tenant or the landlord and specifying the amount that is to be returned to each party,

(e) the address of the dwelling, and

(f) the address for correspondence, after the tenancy has ended, of the landlord and the tenant if the address has not been provided to the Board as required under section 12(1)(d)(ii)(III) or, as the case may be, section 16(o)(iii).

(4) A joint agreed application shall be made in the prescribed form and each party shall state their agreement to the return of the deposit in the manner specified in the joint agreed application.

(5) A joint agreed application under this section shall be sent to the Board by the landlord.

(6) The Minister may make regulations under this section for the making of a joint agreed application and provision may be made for the making of the application by electronic means.

**Return by Board of deposit where joint agreed application made under section 148C**

**148D.** (1) Where the Board has received a joint agreed application under section 148C for the return of the deposit referred to in section 12(1)(d), it shall, as soon as practicable—

(a) acknowledge receipt of the joint agreed application to each party, and

(b) return the deposit in accordance with the manner specified in the joint agreed application pursuant to section 148C(3)(d), unless one of the parties notifies the Board, in writing, within the prescribed period, that there is no agreement between the parties in respect of the manner in which all or part of the deposit is to be returned to one or both of them.

(2) Where the address provided for the landlord or tenant in the joint agreed application is different to the address furnished to the Board pursuant to—

(a) section 12(1)(d)(ii)(III), in the case of the landlord or, as the case may be, the address for correspondence furnished to the Board pursuant to section 136, or

(b) section 16(o)(iii), in the case of the tenant,

the Board shall notify the parties accordingly and require confirmation of the correct address for correspondence in respect of the return of the deposit.

(3) Where the Board does not receive a notification referred to in paragraph (b) of subsection (1) within the prescribed period, the Board shall, as soon as practicable, return the deposit in accordance with the joint agreed application.

(4) Where the landlord or the tenant notifies the Board of the matter specified in subsection (1)(b), the Board shall notify the parties, in writing, that—

(a) as there is no agreement between the parties in respect of the return by the Board of the deposit referred to in section 12(1)(d), and

(b) as the Board is required under section 148B to return all or part of the deposit referred to in section 12(1)(d) to one or both of the parties in accordance with section 148B,

it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under Part 6.

**Application for return of deposit where no agreement between the parties**

**148E.** (1) Where a landlord and tenant do not agree on the return, by the Board, of a deposit to one or both of them, the landlord or the tenant may apply to the Board in respect of such return to one or both of them on, or as soon as practicable after, the end of the tenancy.

(2) An application under this section shall include—

(a) the reference number, referred to in section 135(3), used by the Board for the tenancy concerned,

(b) the date on which the tenancy ended,

(c) a statement that the parties are not in agreement in respect of the return of the deposit to one or both of them,

(d) a statement that—

(i) all of the deposit is to be returned to the tenant,

(ii) all of the deposit is to be returned to the landlord, or

(iii) the whole amount of the deposit is not to be returned to the tenant or the landlord and specifying the amount that is to be returned to each party,

(e) the address of the dwelling,

(f) confirmation that the applicant has complied with the obligation under section 12(1)(d)(ii)(III) or, as the case may be, section 16(o)(iii),

(g) if the application is made by the landlord, a statement as to whether he or she has—

(i) made the notification referred to in section 12(1)(d)(ii)(IV) to the Board, and

(ii) complied, where the notification was made, with section 12(6),

and

(h) if the application is made by the tenant, a statement—

(i) as to whether he or she has received a copy of the notification referred to in section 12(1)(d)(ii)(IV),

(ii) as to whether he or she agrees with the matters specified in that notification, and

(iii) as to whether the statement referred to in paragraph (d) incorporates the matters specified in that notification.

(3) Where the Board receives an application under this section from each party in respect of the same tenancy, the Board shall consider each such application together.

(4) An application under this section shall be made on notice to the other party to the tenancy.

(5) An application under this section shall be made in the prescribed form.

(6) Without prejudice to paragraph (h) of subsection (2), where—

(a) a tenant makes an application under section 148E,

(b) the tenant has received a copy of the notification referred to in section 12(1)(d)(ii)(IV),

(c) the tenant does not agree with the matters specified in the notification, and

(d) the tenant has not incorporated all or any of the matters specified in that notification in the statement referred to in paragraph (d) of subsection (2),

the Board shall notify the parties that—

(i) as, pursuant to the statement referred to in paragraph (d) and the notification referred to in paragraph (b), there is no agreement between the parties in relation to the matters specified in the notification, and

(ii) as the Board is required under paragraph (b) of section 148B to return all or part of the deposit referred to in section 12(1)(d) to one or both of the parties in accordance with that section,

it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under Part 6.

(7) The Minister may make regulations under this section for the making of an application under this section and provision may be made for the making of the application by electronic means.

**Notification by Board of application for return of deposit where no agreement between the parties**

**148F.** (1) On receipt of an application under section 148E, the Board shall—

(a) acknowledge receipt of the application on notice to the party who did not make the application,

(b) notify the party who did not make the application—

(i) that an application has been made under section 148E for the return of the deposit,

(ii) of the statement referred to in section 148E(2)(d), and

(iii) if the application was made—

(I) by the landlord, whether the landlord has provided the notification to the Board under section 12(1)(d)(ii)(IV) and whether the notification has specified a default referred to in section 12(4), or

(II) by the tenant, whether he or she has received a copy of the notification and whether he or she agrees with the matters specified in it and has taken it into account in the statement referred to in subparagraph (ii),

(c) request the party who did not make the application concerned to notify the Board, in writing and within the prescribed period, if he or she—

(i) agrees with the return of the deposit as set out in the application concerned (in this Act referred to as a 'statement of agreement'), or

(ii) does not agree with the return of the deposit as set out in the application concerned (in this Act referred to as a 'statement of disagreement'),

(d) notify the party who did not make the application—

(i) of the requirements for return of the deposit under section 148B, and

(ii) that it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under Part 6,

(e) inform the party who did not make the application of the right of referral to the Board for resolution under Part 6 of a dispute between the parties in respect of the return of the deposit,

(f) request the party who did not make the application to notify the Board that if he or she does not agree with the return of the deposit whether he or she proposes to refer, or has referred, the disagreement on such return to the Board for resolution under Part 6,

(g) inform the party who did not make the application that where he or she does not respond, within the prescribed period, to the Board with the information requested under paragraph (c), the return of the deposit shall be made in accordance with section 148L, and

(h) inform the party who did not make the application of the obligations on the parties under sections 12(1)(d)(ii)(III) and 16(o)(iii) to provide the Board with his or her address for correspondence when the tenancy has ended and of the obligations of the parties under section 148A and subsection (2).

(2) Without prejudice to section 148A, the party who did not make the application under section 148E and to whom the notification in subsection (1) is sent, shall send the statement of agreement or, as the case may be, the statement of disagreement to the Board within the prescribed period.

(3) Where the party who did not make the application under section 148E proposes to refer, or has referred, the disagreement referred

to in paragraph (f) of subsection (1), to the Board for resolution under Part 6, he or she shall, within the prescribed period, notify the Board accordingly and such notification shall be made in writing in the prescribed form.

**Return of deposit where statement of agreement under section 148F received**

**148G.** (1) Where the party who did not make the application under section 148E, and to whom a notification under section 148F(1) was made, sends the Board a statement of agreement, the Board shall—

(a) acknowledge receipt of the statement of agreement on notice to the party who made the application under section 148E, and

(b) return the deposit in accordance with the application under section 148E as soon as practicable.

(2) A statement of agreement shall be in writing and in the prescribed form.

**Notification to parties of statement of disagreement under section 148F**

**148H.** (1) Where the party who did not make the application under section 148E, and to whom a notification under section 148F was made, provides the Board with a statement of disagreement, the Board shall—

(a) acknowledge receipt of the statement of disagreement on notice to the party who made the application under section 148E, and

(b) notify both parties that—

(i) as, pursuant to the statement of disagreement by the party who did not make the application under section 148E, there is no agreement between the parties in respect of the return by the Board of the deposit referred to in section 12(1)(d), and

(ii) as the Board is required under paragraph (b) of section 148B to return all or part of the deposit referred to in section 12(1)(d) to one or both of the parties in accordance with that section,

it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under Part 6.

(2) A statement of disagreement shall be in writing and be made in the prescribed form.

(3) The notification under subsection (1)(b) shall be in the prescribed form.

(4) Following the notification under subsection (1)(b) —

(a) where the parties subsequently agree on the amount of the deposit to be returned to one or both of them, the parties may

make a joint agreed application under section 148C in respect of that deposit, or

(b) either of the parties may, subsequent to that notification, make an application under section 148E (in this section referred to as a 'revised application') and nothing in this Act shall be construed as preventing the party who did not make the revised application from providing a statement of agreement in respect of that revised application.

(5) Where the parties make a joint agreed application pursuant to subsection (4)(a), the parties shall notify the Board that the joint agreed application replaces the first application made under section 148E.

**Notification by Board where no statement of agreement, or disagreement, received within prescribed period**

**148I.** (1) Where the Board does not receive, pursuant to section 148F, a statement of agreement or, as the case may be, a statement of disagreement within the prescribed period, the Board shall—

(a) notify the party who did not make the application under section 148E that the Board has not received, within the prescribed period, a statement of agreement or, as the case may be, a statement of disagreement as required under section 148F(2),

(b) request the party referred to in paragraph (a) to provide the Board, within the prescribed period, with—

(i) a statement of agreement or, as the case may be, the statement of disagreement as required under section 148F(2), and

(ii) a notification specified in subsection (2), if a statement of disagreement is provided to the Board pursuant to subparagraph (i),

(c) notify the party referred to in paragraph (a) of the return of the deposit by the Board in accordance with section 148L if—

(i) the notification referred to in subparagraph (i) of paragraph (b) is not provided to the Board within the period prescribed for the purposes of that paragraph,

(ii) a notification referred to in subparagraph (ii) of paragraph (b), that is required under that subparagraph to be provided to the Board, is not provided to the Board within the period prescribed for the purposes of that paragraph, and

(iii) the Board is satisfied of the matters specified in subsection (1) of section 148L,

and

(d) notify the party referred to in paragraph (a) of the obligation of the landlord under section 12(1)(d)(ii) and the tenant under section 16(o), the obligations on the parties under section 148A, the obligation under section 148F(2) and of the obligation under subsection (3).

(2) Where a statement of disagreement is provided to the Board pursuant to subsection (1), it shall be accompanied by a

notification, in writing, to the Board stating whether the party to whom the notification under subsection (1) was sent—

(a) has made an application under section 148E in respect of the deposit concerned, or

(b) has referred a dispute to the Board, for resolution under Part 6, in relation to the deposit concerned.

(3) Without prejudice to section 148A, the party to whom the request referred to in paragraph (b) of subsection (1) is made shall provide the Board, within the prescribed period, with—

(a) the statement of agreement or, as the case may be, the statement of disagreement, and

(b) where a notification specified in subparagraph (ii) of that paragraph is required to be provided to the Board, shall provide the Board with that notification.

(4) Where, pursuant to a notification under subsection (1), the Board does not, within the prescribed period, receive—

(a) a statement of agreement or, as the case may be, a statement of disagreement, and

(b) a notification referred to in subparagraph (ii) of paragraph (b) of subsection (1) where such notification is required to be provided to the Board under that subparagraph,

the Board shall request the party who made the application under section 148E to make a statutory declaration which shall include a declaration as to the matters specified in subsection (5).

(5) A statutory declaration referred to in subsection (5) shall include a declaration—

(a) that the person making the declaration—

(i) has not participated with the other party to make a joint agreed application under section 148C in respect of the return of the deposit concerned,

(ii) has not made a new application (including a revised application referred to in section 148K) under section 148E in respect of the deposit concerned,

(iii) has not, pursuant to the failure, by the other party, to comply with subsection (3) or section 148F(2), referred a dispute to the Board for resolution under Part 6, other than a dispute under subsection (6), in relation to the return of the deposit, and

(iv) has not received a notification from the Board, pursuant to Part 6, that an application has been made to it pursuant to section 76 in respect of the return of the deposit or any matter relating to the return of the deposit,

(b) that, in respect of the return, by the Board, of the deposit—

(i) the deposit be returned to the tenant,

(ii) the deposit be returned to the landlord, or

(iii) if the whole amount of the deposit is not to be returned to the tenant or the landlord, the amount of the deposit that is to be returned to each party,

(c) of the grounds on which he or she is relying for the return of the deposit and where an amount of the deposit is to be returned to him or her, as specified in accordance with paragraph (b)(iii), the grounds on which that amount is calculated,

(d) if he or she is the tenant, that—

(i) he or she has not, received a notification under section 12(6) of a default referred to in section 12(4), and

(ii) to the best of his or her knowledge, there has, or has not, been a default referred to in section 12(4), and if there has been such default that it has been addressed in the declaration pursuant to the requirements of paragraphs (b) and (c),

and

(e) if he or she is the landlord, that—

(i) he or she has complied with sections 12(1)(d)(ii)(IV) and 12(6), and

(ii) there has been a default referred to in section 12(4), and it has been addressed in the declaration pursuant to the requirements of paragraphs (b) and (c).

(6) Any loss accruing to the party who made the application under section 148E by reason of delay in the return of the deposit that arises from either or both of the following may be the subject of a complaint to the Board under Part 6:

(a) the failure of the other party to provide the Board with a notification of agreement or disagreement under section 148F and subsection (3) (or either of them) within the prescribed period;

(b) the failure of the other party to comply with section 12(1)(d)(ii)(III) or, as the case may be, section 16(o)(iii).

(7) A notification and request under subsection (1) shall be made in the prescribed form.

(8) The Board shall send the party who made the application under section 148E a copy of a notification under subsection (1).

(9) The party referred to in subsection (1)(b) shall notify the party who made the application under section 148E that he or she has sent to the Board—

(a) the statement of agreement, or

(b) the statement of disagreement and a notification required under subsection (2),

within the prescribed period.

(10) Where—

(a) the application under section 148E is made by a tenant,

(b) the landlord has failed to comply with subsection (3),

(c) the landlord has made the notification to the Board in accordance with section 12(1)(d)(ii)(IV), and

(d) the tenant has not received the copy of the notification referred to in section 12(6),

the Board shall notify the parties, in writing, that—

(i) having regard to the making to the Board of the notification referred to in paragraph (c) and the absence of the notification referred to in paragraph (d), the matter of the default concerned requires to be addressed, and

(ii) having regard to section 148B(b), it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under Part 6.

**Return of deposit where statement of agreement under section 148I received**

**148J.** (1) Where, pursuant to the notification under section 148I(1), the Board receives a statement of agreement, the Board shall—

(a) acknowledge receipt of the statement of agreement on notice to the party who made the application under section 148E, and

(b) return the deposit in accordance with the application under section 148E as soon as practicable.

(2) A statement of agreement shall be in writing and be made in the prescribed form.

**Notification to parties of statement of disagreement under section 148I**

**148K.** (1) Where, pursuant to the notification under section 148I(1), the party concerned provides the Board with a statement of disagreement, the Board shall—

(a) acknowledge receipt of the statement of disagreement on notice to the party who made the application under section 148E, and

(b) notify both parties, in writing, of the matters specified in paragraph (b) of section 148H(1).

(2) Following the notification under subsection (1)(b) —

(a) where the parties subsequently agree on the amount of the deposit to be returned to one or both of them, the parties may make a joint agreed application under section 148C in respect of that deposit, or

(b) either of the parties may, subsequent to that notification, make a revised application and nothing in this Act shall be construed as preventing the party who did not make the revised application from providing a statement of agreement in respect of that revised application,

and section 148H(5) shall apply to the joint agreed application referred to in paragraph (a).

(3) A notification under subsection (1)(b) shall be in writing and be made in the prescribed form.

(4) In this section 'revised application' has the meaning assigned to it in section 148H.

**Return of deposit where no notification of agreement or disagreement made**

**148L.** (1) Where—

(a) pursuant to a notification under section 148I(1), the Board does not, within the prescribed period, receive—

(i) a statement of agreement or, as the case may be, a statement of disagreement, and

(ii) a notification referred to in subparagraph (ii) of paragraph (b) of subsection (1) of that section where such notification is required to be provided to the Board under that subparagraph,

(b) the Board has received a statutory declaration referred to in section 148I(5),

(c) the Board has satisfied itself, having regard to the statutory declaration referred to in section 148I(5) that the party who made the application under section 148E—

(i) has not made a joint agreed application under section 148C in respect of the return of the deposit concerned,

(ii) has not made a new application (including a revised application referred to in section 148H) under section 148E in relation to the return of the deposit concerned,

(iii) has not referred a dispute to the Board for resolution under Part 6 in relation to the return of the deposit other than a dispute referred to in section 148I(6), and

(iv) has not received a notification from the Board, pursuant to its functions under Part 6, that an application has been made to it under section 76 in respect of the return of the deposit or any matter relating to the return of the deposit,

(d) the Board is satisfied that, having regard to the statutory declaration referred to in section 148I(5), all the matters that are required, under section 148I(5), to be declared, have been declared,

(e) the Board has satisfied itself that no other application for the return of the deposit concerned has been made in respect of the tenancy concerned having regard to the reference number assigned to the tenancy in accordance with section 135(3),

(f) the Board has satisfied itself that no dispute has been referred to the Board under Part 6 in respect of the tenancy concerned and where a dispute was referred to the Board, that it did not concern the return of the deposit, and

(g) the Board has satisfied itself that the other party has been notified of the application at the address provided by him or her in accordance with section 12(1)(d)(ii)(II) or 16(o)(iii),

the Board shall, subject to subsection (2), return the deposit referred to in section 12(1)(d) to the party who made the application under section 148E as soon as practicable.

(2) Where a party has failed to comply with section 148I(3) —

(a) the Board has had regard to—

(i) the circumstances of the application under section 148E, or

(ii) the matters referred to in paragraphs (b) to (g) of subsection (1),

and

(b) in the opinion of the Board, the return of the deposit is a matter that requires resolution by the Board under Part 6,

the Board may request the party who made the application under section 148E to refer the application under section 148E to the Board for resolution under Part 6.

**Offence of furnishing false or misleading information in relation to return of deposit**

**148M.** A person who, in purported compliance with, section 148C, 148E or 148F or subsection (1), (2), (3) or (9) of section 148I, furnishes information to the Board which is false or misleading in a material respect knowing it to be false or misleading or being reckless as to whether it is false or misleading, is guilty of an offence.

**Notifications by Board for purposes of return of deposit**

**148N.** For the purpose of the performance by the Board of its functions relating to the return of a deposit referred to in section 12(1)(d), the Board shall, when making a notification to a party pursuant to those functions, send the notification to the most recent address which the party concerned has, as required under section 12(1)(d)(ii) or, as the case may be, section 16(o), provided to the Board.

**Reference by party of return of deposit to Board as a dispute for resolution under Part 6**

**148O.** (1) Without prejudice to sections 76 and 78, where a party made an application under section 148E and the other party has not provided a statement of agreement or a statement of disagreement in respect of that application within the prescribed period specified for the purposes of section 148F(1)(c) or 148I(1)(b), that party may, at any time after the prescribed period concerned, refer the return of the deposit to one or both parties to the Board as a dispute requiring resolution under Part 6.

(2) The party who refers the dispute referred to in subsection (1) for resolution under Part 6 shall notify the Board and the other party to the tenancy that the application under section 148E has been withdrawn and the return of the deposit to one or both parties has been referred to the Board as a dispute requiring resolution under Part 6 and the notification under this section shall be made at the time the reference of the dispute for resolution under Part 6 is made.

(3) For the purposes of section 148B, where the dispute referred to in subsection (1) is referred to the Board for resolution under Part 6—

(a) the application under section 148E shall be treated as withdrawn, and

(b) the return of the deposit concerned shall be made in accordance with section 148B(b).

**Transitional provisions relating to transmission of deposits of certain tenancies**

**148P.** (1) Where, on or before the coming into operation of *sections 23* and *64* of the *Residential Tenancies (Amendment) Act 2015*—

(a) a tenancy was registered in accordance with section 134,

(b) the tenancy has not been terminated,

(c) a notice of termination has not been served in respect of the tenancy, and

(d) a deposit had been paid by the tenant to the landlord on entering into the agreement for the tenancy or lease and in respect of which sections 12(1)(d) and 12(4) applied to the return or repayment, by the landlord, of the deposit before those sections were amended by *section 23* of the *Residential Tenancies (Amendment) Act 2015*,

the landlord shall transmit the deposit to the Board not later than 6 months from the date on which *sections 23* and *64* of the *Residential Tenancies (Amendment) Act 2015* come into operation.

(2) Where, on or before the coming into operation of *sections 23* and *64* of the *Residential Tenancies (Amendment) Act 2015*—

(a) a tenancy was registered in accordance with section 134,

(b) the tenancy has not been terminated,

(c) a notice of termination has not been served in respect of the tenancy, and

(d) the tenant had not paid a deposit to the landlord on entering into the agreement for the tenancy or lease,

the landlord shall, not later than 6 months from the date on which *sections 23* and *64* of the *Residential Tenancies (Amendment) Act 2015* come into operation, provide a statement to the Board, in the prescribed form, stating that the tenant has not paid a deposit referred to in subsection (1) to the landlord and that a deposit is not available to provide for a default referred to in section 12(4).

(3) A landlord shall furnish the reference number, referred to in section 135(3), assigned by the Board for the tenancy concerned with the transmission of the deposit or, as the case may be, the statement referred to in subsection (2).

(4) The landlord shall notify the tenant in writing that he or she has complied with the obligation under subsection (1) or (2) at the same time he or she transmits the deposit or provides the statement to the Board.

(5) The following provisions shall apply to a tenancy referred to in this section and where modifications are specified for those provisions, those modifications shall apply to such tenancy:

(a) clauses (I) to (IV) of section 12(1)(d)(ii);

(b) subparagraphs (i) to (iii) of section 16(o);

(c) paragraphs (c) and (d) of section 135(4) and the reference in those paragraphs—

(i) to 'acknowledgment' shall be construed as 'acknowledgment of a deposit transmitted or notice provided pursuant to section 148P', and

(ii) to 'applicant under section 134' shall be construed as 'landlord who furnished a deposit or notice pursuant to section 148P';

(d) subsection (4A) of section 135 and the reference in that subsection to 'the acknowledgement referred to in subsection (4)' shall be construed as 'the acknowledgement of a deposit transmitted or notice provided pursuant to section 148P';

(e) subsections (3) and (4) of section 135A and the reference in subsection (4) to the manner in which the deposit is to be transferred to the Board shall be construed as including the transmission of a deposit under this section;

(f) paragraph (ka) of section 136(1) and the reference to 'has accompanied the application' shall be construed as a reference to 'has been furnished pursuant to section 148P';

(g) subsections (5) and (6) of section 139;

(h) sections 148A to 148O.

**Enforcement of obligation under section 148P**

**148Q.** (1) Where, after the expiration of the 6 month period referred to in section 148P, it appears to the Board that a deposit for a tenancy registered in the register or a notice referred to in section 148P(2) has not been furnished to the Board in accordance with section 148P within that period, the Board shall, as soon as practicable—

(a) notify the parties to the tenancy in writing that it has not received the deposit or the notice referred to in section 148P, and

(b) request the landlord—

(i) to transmit the deposit to the Board or to furnish the statement referred to in section 148P(2) not later than 14 days from the receipt of the notice, or

(ii) to notify the Board in writing, not later than 14 days from receipt of the notice, that a notice of termination has been served on the tenant and of the date of service of that notice, or that the tenancy has been terminated, and of the date of the termination.

(2) The landlord shall notify the tenant in writing of the transmission of the deposit or notice pursuant to paragraph (b)(i) or the notification to the Board referred to in paragraph (b)(ii).

(3) Where a notice under subsection (1) is sent to a landlord and he or she does not—

(a) transmit to the Board, within the period referred to in paragraph (b)(i) of subsection (1), the deposit referred to in that subsection,

(b) provide to the Board, within the period referred to in paragraph (b)(i) of subsection (1), the statement referred to in that subsection, or

(c) notify the Board, within the period referred to in paragraph (b)(ii) of subsection (1), that a notice of termination has been served in respect of the tenancy or that the tenancy has been terminated in accordance with this Act,

the Board shall serve a further notice on the landlord stating that he or she is required to—

(i) transmit a deposit referred to in subsection (1)(b)(i) or provide the statement referred to in subsection (1)(b)(ii) to the Board within 14 days from the date of receipt of the further notice, or

(ii) notify the Board, within 14 days from the date of the further notice that a notice of termination has been served in respect of the tenancy or that the tenancy has been terminated in accordance with this Act,

and that where he or she fails to do so within that period, he or she is guilty of an offence.

(4) A person who fails to comply with a further notice under subsection (3) is guilty of an offence.

(5) It shall be a defence for a person charged with an offence under subsection (4) for that person to show that he or she took all reasonable steps to comply with subsection (3).".

**Amendment of section 151 of Principal Act**

**65.** Section 151 of the Principal Act is amended, in subsection (1), by inserting the following paragraphs after paragraph (b):

"(ba) to retain deposits transmitted to it in accordance with this Act in one or more designated tenancy deposit accounts and to return the deposits to the parties concerned in accordance with this Act,

(bb) to retain the interest that accrues on a designated tenancy deposit account and use it to meet the costs of the performance by it of its functions under this Act,".

**Amendment of section 153 of Principal Act**

**66.** Section 153(1) of the Principal Act is amended by substituting "not more than 12" for "not more than 15".

**Amendment of section 156 of Principal Act**

**67.** Section 156(3) of the Principal Act is amended by substituting "shall be 4" for "shall be 5".

**Amendment of section 157 of Principal Act**

**68.** Section 157 of the Principal Act is amended—

(a) in subsection (1), by inserting ", subject to subsections (2A) and (2B) (inserted by *section 68* of the *Residential Tenancies (Amendment) Act 2015*)," after "establish committees consisting", and

(b) by inserting the following subsections after subsection (2):

"(2A) Subject to subsection (2B), a member of the Board shall not be eligible for appointment to the Dispute Resolution Committee.

(2B) Notwithstanding subsection (2A), the member of the Board who is appointed under section 155 as chairperson of the Board, shall be the chairperson, and member, of the Dispute Resolution Committee for the period for which he or she is appointed as chairperson of the Board.".

**Amendment of section 159 of Principal Act**

**69.** (1) Section 159 of the Principal Act is amended—

(a) by substituting the following subsection for subsection (2):

"(2) The Dispute Resolution Committee shall consist of not more than 45 members which shall include the chairperson of the Dispute Resolution Committee.",

(b) in subsection (3) by deleting "unless the unexpired period of his or her term of office as a member of the Board is 3 or more years at the date of his or her appointment as a member of the Committee", and

(c) by inserting the following subsection after subsection (3):

"(3A) When the member of the Board ceases to be the chairperson of the Board he or she shall also cease to be chairperson of the Dispute Resolution Committee.".

(2) Where on the commencement of *subsection (1)* a member of the Board is also a member of the Dispute Resolution Committee and of a Tribunal that has commenced but not determined a dispute, that member of the Board shall remain as a member of the Dispute Resolution Committee and of that Tribunal until that Tribunal determines that dispute.

**Amendment of section 177 of Principal Act**

**70.** Section 177 of the Principal Act is amended by inserting the following subsection after subsection (3):

"(3A) Without prejudice to subsection (3), for the purpose of the performance by the Board of its functions under paragraphs (ba) and (bb) of section 151(1), the Director, under the direction of the Board, shall—

(a) cause to be kept on a continuous basis and in a legible or a machine readable form, all proper books and records of account of all income and expenditure of the Board pursuant to those functions,

(b) keep and shall account to the Board for all designated tenancy deposit accounts as the Minister or the Board, with the consent

of the Minister, may from time to time direct should be kept, and

(c) cause to be kept on a continuous basis and in a legible or a machine readable form, and keep and shall account to the Board for, all accounts relating to the holding of interest that, pursuant to section 151(1)(bb), has been withdrawn in accordance with section 177B, from a designated tenancy deposit account.".

**Designated tenancy deposit account**

**71.** The Principal Act is amended by inserting the following sections after section 177:

**"177A.** (1) The Board shall cause to be maintained one or more bank accounts for the purpose of holding deposits transmitted to it in accordance with this Act (in this Act referred to as a 'designated tenancy deposit account') for the purpose of the performance by it of its functions under paragraph (ba) of section 151(1).

(2) The Board shall cause to be retained in a designated tenancy deposit account all of the following:

(a) a deposit transmitted to it in accordance with this Act;

(b) interest that accrues on such designated tenancy deposit account until the interest is withdrawn in accordance with section 177B.

(3) The Board shall cause a deposit transmitted to it under section 134(3A) to be lodged into a designated tenancy deposit account as soon as practicable following such transmission.

(4) The Board shall not cause to be withdrawn any sum from a designated tenancy deposit account unless the withdrawal—

(a) is for the purpose of returning a specified deposit to one or both parties in accordance with this Act, or

(b) is made in respect of withdrawing interest under section 177B.

(5) Without prejudice to section 177, the Board shall cause records of all deposits transmitted to it and lodged in a designated tenancy deposit account to be maintained and shall cause such records to be maintained in a manner that permits a deposit held in a designated tenancy deposit account to be, at all times, attributable to the landlord who transmitted it to the Board and the tenancy to which, and tenant to whom, it relates.

(6) For the avoidance of doubt—

(a) references in section 177(1) to income and expenditure shall include the income and expenditure arising from the performance by the Board of its functions under paragraphs (ba) and (bb) of section 151(1), and

(b) references in section 178(1) to books or other records of account shall include books or other records of account relating to designated tenancy deposit accounts and accounts referred to in section 177(3A)(c).

**177B.** (1) The Board shall, for the purposes of the withdrawal of moneys representing the interest which has accrued on a designated tenancy deposit account, direct the manner in which,

and the times at which, interest that has accrued on a designated tenancy deposit account is to be withdrawn from that account and placed in a bank account referred to in subsection (2).

(2) The Board shall cause to be maintained one or more bank accounts for the purpose of holding interest that is withdrawn from a designated tenancy deposit account for the purpose of the performance by it of its functions under section 151(1)(bb).

(3) For the purposes of the performance of its functions under section 151(1)(bb), the Board may, subject to section 177A(4), withdraw the moneys, representing the interest which has accrued on a designated tenancy deposit account, from a designated tenancy deposit account.".

**Amendment of section 180 of Principal Act**

**72.** Section 180 of the Principal Act is amended by inserting the following subsection after subsection (4):

"(5) Without prejudice to subsections (2) to (4), each annual report shall include information regarding the holding and return of deposits by the Board and any other information as the Minister may direct.".

**Reports to Minister concerning determination of complaints under section 76A**

**73.** The Principal Act is amended by inserting the following section after section 180:

"**180A.** (1) Without prejudice to section 180, the Board shall, not later than 6 months after the coming into operation of section 76A, make a report to the Minister in such form as the Minister may approve, on the performance of its functions under that subsection and in respect of the determination of complaints under section 76A and appeals against determinations of those complaints.

(2) The Board shall, not later than 6 months after the day on which the report under subsection (1) was made, make a further report to the Minister in respect of the same matters provided for in that subsection.

(3) Following the making of the report referred to in subsection (2), the Board shall include in its annual report under section 180 the matters provided for in subsection (1).".

## PART 4

### Transfer of functions of Tribunal established under Act of 1983 to Board

**Interpretation**

**74.** In this Part—

"Act of 1983" means the Housing (Private Rented Dwellings) (Amendment) Act 1983;

"Tribunal" has the meaning assigned to it by the Act of 1983.

**Dissolution of Tribunal**

**75.** The Tribunal shall be dissolved on the commencement of this Part.

**Transfer of functions of Tribunal to Board**

**76.** (1) The functions of the Tribunal that, immediately before the commencement of this Part, were vested in the Tribunal by or under the Act of 1983 shall, on the commencement of this Part, stand transferred to the Board.

(2) The administration and business in connection with the performance of any of the functions transferred by *subsection (1)* shall, on the commencement of this Part, stand transferred to the Board.

(3) References to the Tribunal in any enactment or instrument under an enactment relating to any function or administration and business transferred by this section shall, on the commencement of this Part, be construed as references to the Board.

(4) References to the Chairman of the Tribunal in any enactment or instrument made under an enactment relating to any function or administration and business transferred by this section shall, on the commencement of this Part, be construed as references to the chairperson of the Board.

**Amendment of section 151 of Principal Act for purposes of *Part 4***

**77.** Section 151 of the Principal Act is amended in subsection (1) by inserting the following paragraph after paragraph (f):

"(fa) the performance of the functions transferred to it by *section 76* of the *Residential Tenancies (Amendment) Act 2015*,".

**Transfer of land and other property**

**78.** (1) All lands that, immediately before the commencement of this Part, were vested in the Tribunal and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, on the commencement of this Part stand vested in the Board for all the estate or interest therein that, immediately before the commencement of this Part, were vested in the Tribunal, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

(2) All property other than land including choses-in-action that immediately before the commencement of this Part, was vested in the Tribunal shall, on the commencement of this Part, stand vested in the Board without any assignment.

(3) Every chose-in-action vested in the Board by virtue of *subsection (2)* may, on and from the commencement of this Part, be sued on, recovered or enforced by the Board in its own name, and it shall not be necessary for the Board, or the Tribunal, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(4) Any money, stocks, shares and securities transferred to the Board under *subsection (2)* which, immediately before the commencement of this Part, are in the name of the Tribunal shall, on the request of the Board, be transferred into its name.

**Transfers of rights, liabilities, etc., of Tribunal**

**79.** (1) All rights and liabilities of the Tribunal arising by virtue of any contract or commitment (expressed or implied) entered into by the Tribunal before the commencement of this Part shall on the commencement of this Part stand transferred to the Board.

(2) Every right and liability transferred by *subsection (1)* to the Board may, on and after the commencement of this Part, be sued on, recovered or enforced by or against the Board in its own name, and it shall not be necessary for the Board, or the Tribunal, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(3) Every lease, licence, wayleave or permission granted by the Tribunal in relation to land or other property vested in the Board by or under this Part and in force immediately before the commencement of this Part, shall continue in force as if granted by the Board.

**Liability for loss**

**80.** (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance, before the commencement of this Part, of the functions transferred to the Board by or under this Act, shall on and after the commencement of this Part, lie against the Board and not against the Tribunal.

(2) Where immediately before the commencement of this Part, any legal proceedings are pending to which the Tribunal is a party and the proceedings have reference to any functions transferred by *section 76*, the name of the Board shall, in so far as the proceedings relate to any function transferred by *section 76*, be substituted in the proceedings for that of the Tribunal or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

(3) Where, before the commencement of this Part, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the Tribunal, be enforceable against the Board and not the Tribunal.

(4) Any claim made or proper to be made by the Tribunal in respect of any loss or injury arising from the act or default of any person before the commencement of this Part shall, where the claim relates to a function transferred to the Board by this Part, be regarded as having been made by or proper to be made by the Board and may be pursued and sued for by the Board as if the loss or injury had been suffered by the Board.

**Provisions consequent on transfer of functions, etc.**

**81.** (1) Anything commenced by or under the authority of the Tribunal that is not completed before the commencement of this Part may, in so far as it relates to a function transferred to the Board under this Part, be carried on or completed on or after the commencement of this Part by the Board.

(2) Every determination, term of a tenancy, fixed, or varied, order, decision or request made or any notice or form given by the Tribunal in respect of a function transferred by *section 76*, shall, if and in so far as it was operative immediately before the commencement of this Part, have effect on and after such commencement as if it had been granted or made by the Board.

(3) References to the Tribunal in any court documents that relate to a function transferred by *section 76*, shall, on and after the commencement of this Part, be construed as references to the Board.

**Final accounts and final report**

**82.** (1) The Board shall, in respect of the period specified in *subsection (3)*, prepare final accounts of the Tribunal.

(2) The Board shall submit the final accounts to the Comptroller and Auditor General for audit not later than 3 months after the commencement of this Part.

(3) For the purposes of *subsection (1)*, the Minister may specify a period that is longer or shorter than a financial year of the Tribunal.

(4) The Board shall prepare the final annual report for the Tribunal and submit the report to the Minister not later than 6 months after the commencement of this Part.

**Expenses incurred by Minister**

**83.** The expenses incurred by the Minister in the administration of this Part shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.

**Repeal of certain provisions of Act of 1983**

**84.** The following provisions of the Act of 1983 are repealed:

(a) subsections (1), (2) and (3) of section 2;

(b) section 3;

(c) section 4;

(d) subsections (1), (4) and (8) of section 14;

(e) subsections (1)(a) and (3) of section 15.

## PART 5

### Miscellaneous

**Amendment of section 84 of Act of 2009**

**85.** Section 84 of the Act of 2009 is amended by substituting the following subsection for subsection (1):

"(1) For the purposes of this section 'household' means—

(a) a person who lives alone,

(b) 2 or more persons who live together, or

(c) 2 or more persons who do not live together but who, in the opinion of the housing authority concerned, have a reasonable requirement to live together.".

**Repeals and miscellaneous amendments**

**86.** (1) The Principal Act is amended in the manner specified in the Schedule.

(2) The following provisions of the Principal Act are repealed:

(a) section 115(2)(i);

(b) section 126;

(c) section 190(2)(b).

**Amendment of section 6 of Housing (Miscellaneous Provisions) Act 1992**

**87.** Section 6 of the Housing (Miscellaneous Provisions) Act 1992 is amended in subsection (2) by inserting the following paragraph after paragraph (e):

"(ea) by providing a dwelling of which the housing authority is the owner (including a house provided under Part V of the Planning and Development Act 2000) to another housing authority referred to in subsection (1)(a) or a body referred to in subsection (1)(b), under a contract or lease between the housing authority which owns the dwelling concerned and another housing authority referred to in subsection (1)(a) or a body referred to in subsection (1)(b);".

## SCHEDULE

*Section 86*

| Provision affected | Amendment |
|---|---|
| (1) | (2) |
| Section 5(4) | Insert "and the amount of such costs shall not exceed €5,000" after "of that subsection". |
| Section 6(1) | Insert "or other document" after "notice". |
| Section 88(1) | Insert "or an appeal under section 100 to the Tribunal against a determination of an adjudicator under section 97(4)(a)" after "for resolution". |

*Number* 42 *of* 2015

# RESIDENTIAL TENANCIES (AMENDMENT) ACT 2015

**REVISED**

**Updated to 15 March 2023**

## About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

## Related legislation

***Residential Tenancies Acts 2004 to 2022***: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 5(2)). The Acts in this group are:

- *Residential Tenancies Act 2004* (27/2004)
- *Residential Tenancies (Amendment) Act 2009* (2/2009)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100
- *Residential Tenancies (Amendment) Act 2015* (42/2015), other than s. 1(3) and ss. 15, 85 and 87
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 1(2)(b), part 3 and sch.
- *Residential Tenancies (Amendment) Act 2019* (14/2019), other than s. 38
- *Local Government Rates and other Matters Act 2019* (24/2019), ss. 25, 26
- *Residential Tenancies and Valuation Act 2020* (7/2020), other than s. 14
- *Residential Tenancies Act 2020* (17/2020)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), ss. 9-16
- *Residential Tenancies Act 2021* (5/2021)
- *Residential Tenancies (No. 2) Act 2021* (17/2021)
- *Residential Tenancies (Amendment) Act 2021* (39/2021)
- *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), ss. 91-99
- *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022)

## Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

**Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

**Acts which affect or previously affected this revision**

• *Residential Tenancies (Amendment) Act 2019* (14/2019)

All Acts up to and including *Environmental Protection Agency (Emergency Electricity Generation) (Amendment) Act 2023* (6/2023), enacted 10 March 2003, were considered in the preparation of this revision.

**Statutory instruments which affect or previously affected this revision**

• *Residential Tenancies (Amendment) Act 2015 (Section 63(a)) (Commencement) Order 2023* (S.I. No. 96 of 2023)
• *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) Order 2018* (S.I. No. 37 of 2018)
• *Residential Tenancies (Amendment) Act 2015 (Section 17(c)) (Commencement) Order 2017* (S.I. No. 159 of 2017)
• *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) (No. 3) Order 2016* (S.I. No. 216 of 2016)
• *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) (No. 2) Order 2016* (S.I. No. 151 of 2016)
• *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) Order 2016* (S.I. No. 119 of 2016)
• *Residential Tenancies (Amendment) Act 2015 (Commencement of sections 30 and 42 and Part 4) Order 2016* (S.I. No. 4 of 2016)
• *Residential Tenancies (Amendment) Act 2015 (Commencement of Certain Provisions) Order 2015* (S.I. No. 631 of 2015)

All statutory instruments up to and including *Residential Tenancies (Amendment) Act 2015 (Section 63(a)) (Commencement) Order 2023* (S.I. No. 96 of 2023), made 7 March 2023, were considered in the preparation of this revision.