

EDITORIAL

More restrictions on property owners have been placed recently to further improve and manage their properties. This brings to mind the huge burden on us all to comply with standards in rental accommodation. When you compare the private rental sector and the local authority rental sector, how can local authorities oversee/inspect the standards we have to adhere to and ignore the disgraceful conditions that their tenants have to exist in; some with no toilets, no running water, dampness, broken windows, vermin etc., rampant through out. It is high time for a little bit of attention to be paid to local authority property.

We provide homes for 500,000 tenants of which 120,000 are rent assisted because local authorities cannot provide them with accommodation. The state pays approx €500m for this accommodation. If the local authorities had to provide their own it would cost €10 billion capital, or €850m annually to fund this, apart from the maintenance repair and running of them. It is time credit is given where credit is due!

The Budget at the time of going to print has not been outlined but what do we expect only further taxation and charges? I would be surprised if otherwise - we will attach an update of any matters that arise.

On the 29th September we lost a friend, a true friend and a dedicated member of our committee since 1994, Tom O'Neill passed away - may he rest in peace.

Stephen A. Faughnan,

Chairman



Tom O'Neill - Sadly Missed

We wish to express our sympathies to the family of Tom O'Neill on his sad passing in September. Tom was a member of the IPOA since 1994. He served on the IPOA Committee and was dedicated to the organisation. The Association is very grateful for all the work he did for property owners over the years. He will be sadly missed both as a colleague and friend. May he rest in peace.

Tom O'Neill

Picture by Donal Doherty

Rent Tribunal

The transfer of secretariat and administrative functions of the Rent Tribunal from the Department of Environment, Heritage and Local Government to the PRTB took place on 1st October 2009.

The Rent Tribunal, established in August 1983, was set up to fix the terms of tenancies including the rent of the dwellings formally controlled under the Rent Restrictions Acts 1960-1981. The Tribunal may determine new cases or may review cases previously determined by the District court or by the Tribunal itself. The Tribunal determines applications on the basis of written submissions made and can include oral hearings.

Joint Oireachtas Committee on Finance

The IPOA made a presentation to the Joint Oireachtas Committee on Finance on Thursday 3rd December 2009.

Members of the Committee include Michael Ahern TD, Chairman, Michael McGrath TD, Frank Fahey TD, Chris Andrews TD, Richard Bruton TD, Kieran O'Donnell TD, Noel Ahern TD, Terence Flanagan TD, Sean Barrett TD, Joan Burton TD, Noel Grealish TD, and Senators John Hanafin, Marc McSharry, Feargal Quinn and Liam Twomey.

It was a wonderful opportunity to meet with the Committee and outline the difficulties facing property owners letting in the private rental market. These difficulties included, reduction of mortgage interest relief, increase in CAT & CGT, rental income taxed as unearned, the banks not passing on ECB reductions to buy to let investors, negative equity, reduced rents, the abolishment of refurbishment relief, new standards, Building Energy Rating Certificates and the €200 charge.

The Local Government (Charges) Act 2009 is particularly unfair to property owners with pre 63 type properties; it is unacceptable that they have to pay per bed-sit/unit. This is causing particular difficulties and the amount due is exorbitant and anti business. It was pointed out to the Committee that this has to be paid again in March which is twice in a six month period - totally intolerable.

The points detailed were accepted by the Committee including the fact that the tax situation for let property is outdated and needs reviewing. They will make recommendations to the relevant departments in regard to each issue highlighted.

We wish to take this opportunity to thank our members for supporting the Association in 2009. Merry Christmas and Happy New Year from the Chairman, Committee and Staff of the IPOA.



Rent Books, Receipt Books, Leases etc., available from the office



CONTENTS

Editorial	1
Tom O'Neill- Sadly Missed	1
Joint Oireachtas Committee on Finance	1
Rent Tribunal	1
Changes to RTA 2004	2
PRTB Review	2
Board of PRTB	3
Letting Choices	3
Recent Dublin Members Meeting	3
PRTB to be Commended	3
Interview with Shane Ross	4
Long Term Leasing Initiative	5
Advertising Opportunities	5
Recent Meeting with NLA	5
Cork Members Meeting	6
Pre Budget Submission	6
Meeting with John Brady TD	6
Inventories	6
Housing Standards	7
Head of Public Affairs UIPI	8
World Property Day 10th December	8

Changes to Residential Tenancies Act 2004

The following amendments to the Residential Tenancies Act 2004 were contained in the Housing (Miscellaneous Provisions) Act 2009 that came into law on the 15th July 2009.

No Signature Required

Section 135 (2) of the Residential Tenancies Act has been deleted. This removes the requirement for landlord and tenant signatures on the tenancy registration form and was carried out to facilitate online registration. However, please do bear in mind that this only applies to applications which were received after the commencement of the legislation, i.e. the 15th of July 2009.



PRESTIGE

UNDERWRITING SERVICES (IRELAND) LTD

Property Owners Insurance Scheme Commercial and Residential

In association with



S.A. Faughnan (Brokers) Ltd.
Phone - 824 5555

Combined Comprehensive Insurance cover for

- Houses converted to Flats
- Residential 'Buy to Let'
- Purpose Built Apartment Blocks
- Commercial / Shops, Offices, Pubs, Restaurants

Comprehensive 'All Risks' wording

- All Risks cover on Buildings
- All Risks cover for Loss of Rent receivable
- Immediate quotations and cover
- Up to 30 days full cover whilst property is unoccupied pending tenants
- Generous No Claim Discounts
- 24 Hour, 365 days a year claim reporting line

Generous Limits

- Loss of rent receivable – 20% of building sum insured as standard
- Trace & Access cover - €13,000
- Fire Brigade Charges - €5,000
- Damage caused by Emergency Services - €5,000
- Property Owners Liability (cover for accidents to members of the public and domestic/casual property repairs/maintenance persons other than permanent employees under a contract of service)
Limit of Indemnity €2,600,000 as standard
Limit of €6,500,000 available
- Employers Liability Limit of Indemnity - £13,000,000 extension may be included at a minimal charge
- Costs in cleaning drains, gutters etc following damage - €5,000
- Replacement locks - €1,000
- Damage to car parks, yards, road ways - €5,000

This specialist scheme is underwritten by Prestige Underwriting Services (Ireland) Limited on behalf of Brit Insurance Limited. Brit Insurance Limited provides a variety of insurance products to the Irish, European and International Insurance Markets.

Prestige Underwriting Services (Ireland) Limited is regulated by the Financial Regulator.

Late Fee Applicable

Section 135 (5) of the Act was also changed and its implementation by the PRTB, a landlord has 1 month from the tenancy commencement date to apply to the PRTB to register a tenancy. If the form submitted is incomplete it will be returned by the PRTB and the late fee will apply unless it is resubmitted within the month. However, in view of the current backlogs in registrations the Board have decided to adopt a practical approach in relation to the change in legislation as it relates to the late fee until such time as the online system is up and running in early 2010.

Information Shared with Revenue

Section 147A has been inserted after Section 147 of the Residential Tenancies Act 2004 which provides for the supply of information by the PRTB from the Register of Tenancies to the Revenue Commissioners as required.

Minister Michael Finneran announces significant changes to Private Residential Tenancies Board (PRTB) legislation

Michael Finneran T.D., Minister for Housing and Local Services, announced the preliminary results of his review of the Residential Tenancies Act. The review, which commenced in April this year, was conducted by his Department and makes recommendations in a number of key areas with an overall emphasis on streamlining and simplifying the Act and reducing delays.

Among the main issues that will be addressed by the amending legislation are

- A statutory objective of 6 months to be set for the issuing of determination orders arising out of dispute resolution applications.
- The Board of the PRTB to be reduced from 15 to 12 members.
- The introduction of fixed fines where deposits are illegally retained by landlords.
- Measures to address non-payment of rent by tenants during a dispute

process, in particular to introduce scope for the legal termination of such a tenancy.

- Measures that will encourage the greater use of mediation as a means of settling disputes.
- The separation of the governance and quasi-judicial functions of the Board.
- The simplification of procedures in general, including those for the registration and termination of tenancies.
- The inclusion within the remit of the Residential Tenancies Act of those segments of the voluntary and co-operative housing sector that most closely parallel the current remit of the RTA, i.e. standard social housing.

A number of issues requiring further research, including third party complaints under the Act, the Act's engagement with anti-social behaviour matters and how best to address issues surrounding the retention of deposits, will also be considered in detail.

Speaking at a meeting with recently-appointed members of the Board of the PRTB the Minister also said that his Department will examine all opportunities for the introduction of time and procedural efficiencies in the Act. The Department will now begin work on drafting a comprehensive revision to the Residential Tenancies Act with the intention of presenting a draft Bill to Government before the end of 2010. Minister Finneran commented, *"When I announced this review I emphasised the need to amend the Act in order to enhance the operational efficiency with which the PRTB does its work. Today's proposals will achieve that goal and will best equip the PRTB to meet head on the challenges it faces. I look forward to working closely with the PRTB and other stakeholders over the next year to produce the best possible legislation to further enhance the regulatory environment governing the private rented sector."*

BOARD OF THE PRTB

We are delighted to see the recent changes to the Board of the PRTB, it has been streamlined with the removal of some dead wood. The new Chairwoman Orla Coyne has the qualities and determination required to steer the Board to be more efficient and effective. The appointments of Joan O'Dowd, Department of Social & Family Affairs and John Tiernan the recently retired Roscommon County Manager are welcome and will add valuable knowledge and experience to the Board.

LETTING CHOICES

Most rental properties let in Ireland are furnished. This suits a large sector of tenants, who are mobile and require rental accommodation for short periods of time. A growing number of people require their accommodation unfurnished. This allows them to make homes and to choose their own furniture which is suitable for their own circumstances. Unfurnished letting is popular in both Europe and America. The accommodation is let for less but the property owner saves on not having to furnish. It would also reduce the number of disagreements about damages above normal wear and tear.

Disability Letting

There is a shortage of units suitable for people with disabilities or for the elderly. If you have property due for renovation, consider this market. It will not exclude you from letting to other sectors of the market but there are currently too few properties suitable for this category, so there is less choice for tenants. Landlord's experience of letting in this sector is that tenants stay for years if they find suitable accommodation which is excellent news for property owners.

Dublin Members Meeting 21st September 2009

This was a vibrant lively meeting and very well attended (360). The Local Government Charges Act 2009 was detailed, explaining and outlining property owner's liability under the legislation. Ruth Cannon BL was there to answer questions on the legislation. There was huge dissatisfaction from the members in respect of all the difficulties being faced by investors. The increased legislation, recent additional taxes, levies and the reduction in mortgage interest relief is causing hardship and putting people out of business. This on top of the negative equity situation and the fall in rental income has put members in a loss making situation.

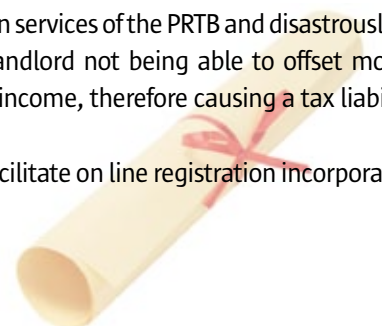
It was decided by the meeting that members would approach other property owners to grow the membership. It was also suggested by a member that if each member contributed another €50 towards a development campaign to increase our numbers, we would be in a stronger position to lobby Government. This was agreed by the members present at the meeting and will be followed up in 2010, when our 3 year development plan is complete.

PRTB TO BE COMMENDED

Anne Marie Caulfield, Director and her team at the PRTB are to be commended on the recent change to the Residential Tenancies Act 2004, that allows a property owner to register a tenancy without the signature of the tenant. This was changed in part 7 of the Housing (Miscellaneous Provisions) Act 2009 (which came into law on the 15th July 2009). This was an item of importance that IPOA lobbied for.

Previously if the tenant would not sign the registration form, the landlord could not register the tenancy. If a property owner has been unable to register a tenancy he/she would be unable to avail of the dispute resolution services of the PRTB and disastrously could have resulted in the landlord not being able to offset mortgage interest against rental income, therefore causing a tax liability.

This change will also facilitate on line registration incorporating an immediate receipt.



Stephen Faughnan **SENATOR** Interviews ... **SHANE ROSS**

Shane Ross is an Independent Senator nominated by TCD. He is Business Editor of the Sunday Independent and Journalist of the year 2009. He is a man of stature in his many straight talking activities on the rights and wrongs of society. And his straight to the point answers, mirror his profile in public and in the press where he is held in high esteem:-



His many recent campaigns include:-

- Banks and Auctioneer abuses
- Transport
- Broadband
- Parents & Young Children
- Schools
- Foreign Affairs
- Admission to T.C.D.

1. Will NAMA have the ability to rectify the current economic problems, and do we as property owners in the private rental sector need to fear the consequences?

Not unless NAMA is dead lucky and property prices rebound. The consequences for property owners are obvious.

2. Were the banks reckless in offering 100% loans to people for second homes based on the equity in their private homes?

The banks were reckless in numerous activities. One hundred per cent loans for second properties was only one example.

3. Was the Celtic Tiger economy in any way driven by the Auctioneering Bodies or by Auctioneers, and were they reckless in moves to encourage and advise potential purchasing and allow gazumping to be practised?

Auctioneers hyped the property market in an unscrupulous way especially by publishing unreal guide prices and then keeping to secret 'reserve' prices that were even higher. This was a low trick.

4. Do you consider the shareholders in financial institutions are getting a fair deal?

No. Small shareholders are getting massacred. They are

bewildered and have been misled, sometimes by bank managers advising them to buy shares in the same bank.

Many small shareholders sank small life savings (but it was all they had) into bank shares anticipating dividends for life. Now they have no dividends and virtually no capital.

I have no sympathy for the larger institutional shareholders.

5. Do you feel pensions are the right method for preparing for old age, or would an investment in a second property be more suitable if given incentives to do so (if current constraints were removed)?

No way should pensioners be encouraged to sink too much of their pension fund into high risk areas like property. They should be invested in a spread of assets.

6. Are Public Servants holding the Government to ransom in pay and terms and conditions of employment?

A deal will need to be hammered out that recognizes the value of public servants but also takes into account their unique position as having permanent jobs and pensions.

7. Currently, the Residential Tenancies Act 2004 governs the private rental sector and was set up as a fast track approach to resolving disputes between landlords/tenants. Do you feel that delays currently are a reason for disbanding the PRTB as a body too bureaucratic to function properly?

I am not qualified to answer without being more fully briefed.

8. Recent comments called for the abolition of the Senate - would you agree with this call and why?

No but if there is going to be a hatchet taken to the Seanad as a result the call will have been useful. We need a boot put up our backsides to hasten changes to ensure that the Upper and Lower Houses are not mirror images. The first simple move would be to hold Dail and Seanad elections on the same day. That way no one who failed to reach the Dail would have a second-best choice.

9. Are you in favour of a property tax or water charges?

No.

10. It is interesting to note Shane's replies and when one thinks back over the years the abuses of power by various segments of society are quite pronounced.

We would like to thank Shane for his contribution to our newsletter.

Stephen

Long Term Leasing Initiative

In 2009, the Department of the Environment, Heritage and Local Government (DoEHLG) launched the Social Housing Leasing Initiative. The introduction of leasing as a form of social housing provision represents a widening of the options for increasing the supply of social housing. Leasing introduces greater flexibility in the composition of social housing stock.

Under this initiative local authorities will:

- Lease suitable properties (houses/apartments) from private property owners
- For periods of 10-20 years
- For occupation by its qualifying social housing applicants.

There are a number of benefits for property owners including:

- The local authority will maintain the property internally for the term of the lease.
- Local authorities will pay a lease payment equivalent to 80% of the market rent, payable quarterly in advance for the full term of the lease.
- The lease agreement will be subject to rent reviews, which may be revised on an upward and downward basis dependent on market conditions.
- Properties will be returned in good condition at the end of the lease term.
- The local authority will have full landlord responsibility for its tenants.

Under the 'Long Term Leasing Initiative' the local authorities will require that landlords:

- Maintain responsibility for structural maintenance and structural repair.
- Pay any management company charges, if applicable, on the property

Local authorities across the country are seeking a mixture of property types in areas where they have a need for social housing provision. Properties must be of a very high standard and meet the Housing (Standards for Rented Housing) Regulations 2008. The focus is for newer built properties and should come with a structural guarantee. Properties must comply with planning and building regulations and have BER Certificates. Properties should ideally be provided unfurnished.

Property Owners who require further information or to check on property requirements in their area should make contact with the local authority in the area.

Properties Required for the Dublin City Area

Dublin City Council are seeking properties for long term leasing arrangements. If you are interested in entering into leasing arrangements or wish to find out more information, please contact Pat Fitzpatrick or Áine Daly at 01 656 4100 or log onto www.ahp.ie for further information.

Advertising Opportunities

The IPOA offers a number of opportunities for advertising. If you have a service useful to property owners, you could consider advertising in the newsletter, diary or webpage. If you require any information please do not hesitate to contact us.

Recent Meeting with National Landlords Association

Stephen Faughnan, Chairman, IPOA and Frank Lahiffe, Public Affairs and Political Communications, had a meeting with the National Landlords Association in London, in order to update the two associations on matters of mutual interest. These meetings are held on an ongoing basis and are very productive and helpful to both sides. Particular emphasis of this meeting was on the development of the new position, UIPI Head of Public Affairs and how the IPOA can gain maximum advantage from the lobbying. It is extremely important that we have a lobbyist in Brussels ensuring that we are aware of, and lobbying on, items that affect property owners.





Property Sales, Letting & Management

TOTAL RAPID PROPERTY TURNAROUND

Dublin Area



HELP!

I need LETTING & REPAIRS FAST!

Plumbers, Carpenters, Electricians,
Furniture, Cleaning, Gardening...

We manage it ALL!

Give yourself a break and call Capel Abbey today

134 The Capel Building, Mary's Abbey, Off Capel Street, Dublin 7.
tel: (01) 872 0892 fax: (01) 872 0888
Sales: 087 626 1576 Lettings: 087 415 4270
email: info@capelabbey.com web: www.capelabbey.com

CORK MEMBERS MEETING

The meeting in Cork was held on the 17th September in the Council Chamber. The venue was wonderful with a microphone for each person. There was a good attendance, for the third IPOA members meeting in Cork this year. The guest speaker was Ciarán Lynch TD, Labour's Cork Central Dail Representative. It was an interesting meeting with the Labour T.D. outlining issues he had with the delays in registration and dispute resolution PRTB and the lack of inspections carried out by the Local Authorities. Labour supports the introduction of a deposit retention scheme. The feeling from the members at the meeting was frustration at the delays, increased costs, difficulties experienced with anti-social tenants.

PRE BUDGET SUBMISSION



**Brian Lenihan, T.D.,
Minister for Finance**

The IPOA submitted its pre-budget submission to the Minister for Finance Brian Lenihan T.D. in November. Following our meeting in July where the difficulties facing the landlords were outlined Minister of Finance requested that we submit our pre-budget submission to him directly. This document outlines the difficulties facing landlords in the current market and requests certain changes to be made in the next budget.

Items that need to be addressed now are:-

1. Reverse the cut in mortgage interest relief allowable - it should be and is a legitimate business expense.
2. Reinstate refurbishment relief – to encourage property owners to keep properties in good order. Particular attention should be given to the older stock of rental accommodation which has to be repaired and maintained to comply with current standards and energy requirements.
3. Allow expenditure on energy efficiency in buildings to be offset as an expense resulting in the reduction of carbon output, decreasing tenant's bills and providing employment. It must be understood that tenants are the beneficiary of energy improvements.
4. Local Government Charges Act 2009
 - a. Allow a block payment of €400 for a pre-63 house in two or more units.
 - b. Where an investment is making a loss - exclude it from the payment of the charge.
 - c. Allow payments under the Local Government Charges Act 2009 to be offset as an expense.

5. Charges on the property, for all necessary services, refuse; water etc. should be considered based on the ability to pay and ensuring that the user is liable for payment.

6. Change the way Revenue deals with rental income and consider the letting of property as a normal business with normal business relief.

MEETING WITH JOHN BRADY T.D.

Stephen Faughnan, Chairman, IPOA met with John Brady T.D. on the 24th November to discuss the presentation made by the IPOA to the Joint Oireachtas Committee on Environment. John Brady T.D. is a member of the Committee. The presentation outlined the difficulties facing property owners and these were discussed in detail. The private rental market is facing an unprecedented situation, with falling rents, negative equity; new property taxes with property owners unable to meet mortgage payments.



Stephen Faughnan, Chairman, IPOA meets John Brady, T.D.

If letting under the Residential Tenancies Act 2004, ensure that the tenancy is registered in order to claim your mortgage interest relief.

INVENTORIES

Before letting your property ensure that you carry out a comprehensive inventory. This needs to include the age and condition of each item. Ask your new tenants to walk around the property checking that the inventory is correct. If something is not right amend it and initialise it.

Ensure that you include that the property is clean and in good order. E.g. Sofa 2 years old clean in good condition but cigarette burn on underside of cushion. If at the end of the tenancy there is damage above normal wear and tear you will be able to negotiate with the tenant using the inventory as a guide, but bear in mind the age of the item. If you do not have proof of the condition of an item at the commencement of a tenancy you are unlikely to be successful, if a

case is taken against you for deposit retention. Do use the section in the middle of the IPOA Rent Book when refunding the deposit.

HOUSING STANDARDS

All properties let should comply with the Housing (Standards for Rented Houses) Regulations 2008. These standards for rented houses were strengthened in the Housing (Miscellaneous Provisions) Act 2009. A new definition for "proper state of structural repair" was included:-

"A proper state of structural repair means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise."

Sections 18A and 18B provide for the issuing by housing authorities of Improvement Notices and Prohibition Notices where landlords are in breach of their obligations under the Housing (Standards for Rented Houses) Regulations 1993 and 2008. An improvement notice sets out the works a landlords must carry out, within a set time frame, to remedy any breach of regulations. Where an Improvement Notice is not complied with, a housing authority may issue a Prohibition Notice, which directs a landlord not to re-let a property until the breach has been rectified.

HOUSING (STANDARDS FOR RENTED HOUSES) (AMENDMENT) REGULATIONS 2009

I, MICHAEL FINNERAN, Minister of State at the Department of the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 5 (as amended by section 24 of the Housing (Miscellaneous Provisions) Act 1992 (No.18 of 1992) of the Housing Act 1966 (No.21 of 1966) and by section 18 (as amended by section 8 of the Housing (Miscellaneous Provisions) Act 2009 (No.22 of 2009) of the Housing (Miscellaneous Provisions) Act 1992 (No.18 of 1992) (as adapted by the Environment and Local Government (Alteration of Name of Department and Title of Minister) Order 2003 (S.I.No.233 of 2003) and the Environment, Heritage and Local Government (Delegation of Ministerial Functions) (No.2) Order 2009 (S.I.No. 407 of 2009), hereby make the following regulations:

1.(a) These Regulations may be cited as the Housing (Standards for Rented Houses) (Amendment) Regulations 2009.
(b) These Regulations come into operation on 1 December 2009.

2.The Housing (Standards for Rented Houses) Regulations 2008 (S.I.No. 534 of 2008) are amended-

(a) in Article 3 (5), by inserting after "let" the words "or available for letting",

(b) in Article 4 (1), after each occurrence of "let", by inserting "or available for letting",

(c) in Article 5, by substituting for sub-article (2) the following:

"(2)For the purposes of sub-article (1) 'a proper state of structural repair' means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, downpipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.",

(d) in Article 8 - (i) in sub-article(1), by inserting after "let" the words "or available for letting", and

(ii) by substituting for sub-article (2)(h) the following:

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 1st December, 2009.

(h) Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type) or access to a communal dryer facility",

(e) by substituting for Article 11 the following:

"FireSafety

11.(1) Subject to sub-article(2), the house shall contain a fire blanket and either a mains-wired smoke alarm or at least two 10-yearself-contained battery-operated smoke alarms.

(2) Each self-contained house in a multi-unit building shall contain a mains-wired smoke alarm, a fire blanket and an emergency evacuation plan.

(3)Emergency lighting shall be provided in all common areas within a multi-unitbuilding.", and

(f) In Article 14 (3),by inserting after "let" the words "or available for letting".

GIVEN under my hand, 27 November 2009.

MICHAEL FINNERAN. Minister of State at the Department of the Environment, Heritage and Local Government.



Emmanuelle Causse is the new Head of Public Affairs



**Emmanuelle Causse,
Head of UIPI Public Affairs**

Since the beginning of November the UIPI has expanded its Brussels office and is welcoming Mrs. Emmanuelle Causse as the new Head of Public Affairs. She will represent the private property owners in the European Union together with General Secretary, Mrs. Beatrice Laloux.

Emmanuelle Causse has more than five years of experience in European public affairs, the management of European membership based organisations and research on European policies. Prior to joining UIPI, Emmanuelle was policy and project officer for a wide European umbrella organisation with more than 100 member organisations in Europe representing the interests of women scientists in the European policy debate.

Earlier, she was a researcher in European affairs at the Austrian Institute for Advanced Studies (IHS), where she focused on the implementation of European law in national legal systems. Emmanuelle started her career in Brussels in 2001, working successively for the European Parliament (DG Research, Committee for Freedoms, Justice and Home Affairs), the well-known Brussels based think-tank Friends of Europe and the Representation of Paris Region.

Educated in governmental affairs and political science, Emmanuelle graduated from the Institute of Political Sciences "Sciences Po" Toulouse, France. She also holds a degree in law from the University of Toulouse, a Master in European Affairs from the University of Aalborg, Denmark, and a Diploma from the European Institute for Public Affairs and Lobbying, Brussels, Belgium.

Born into a family of landlords, Emmanuelle clearly understands the interests and the challenges facing property owners. A French national, she is fluent in English and German.

UIPI has three new members: Portugal, Bulgaria and Monaco. During its last Executive Committee meetings in Zurich (26-9) and Stockholm (12-6) UIPI welcomed three property owners associations - members from Portugal, Monaco and Bulgaria.

Our chairman, Stephen Faughnan serves on the UIPI Executive Committee and the Public Affairs Committee.

10th December: "WORLD PROPERTY DAY"!

The 10th of December of each year, internationally celebrated as the UN "Human Rights Day", has been declared by UIPI also as World Property Day to remind the world of a basic Human Right, crucial for everybody on this earth, which is usually "forgotten" by the human rights activists worldwide...

For this reason UIPI organizes at the end of each year, an international event named "World Property Day" in a different country, invited by one of its members. The celebration for the year 2009 will take place on December 11 in PARIS, FRANCE, organized by the Union Nationale de la Propriete Immobiliere (UNPI - www.unpi.org). As special topic of the Day, UNPI President - UIPI Vice president Mr. Jean Perrin has

DEPOSIT RETENTION AND REFUND

What a landlord should know!



Deposits belong to tenants. Tenants are legally entitled to a refund of their deposit where there is no rent / utilities owing and where there is no damage to the dwelling beyond normal wear and tear at the end of a tenancy. Landlords are required by the Residential Tenancies Act 2004 to refund the deposit promptly less any deductions in respect of outstanding rent, utilities and damage/replacements in excess of normal wear and tear. It is advisable to inform tenants in advance of any reductions.

WHAT IS NORMAL WEAR AND TEAR?

Normal wear and tear occurs where deterioration, depreciation or loss takes place over a period of time due to ordinary and reasonable use of the dwelling and appliances. For example, where a house is rented to a family with young children or a large number of people, it is more likely, that there will be some additional wear and tear.

Damage to furniture & fittings, breakages and wear & tear beyond reasonable use are common complaints by landlords. However, while some of these complaints may well be genuine and in need of redress, landlords very often leave themselves in a weak position by failing to supply proper evidence that supports their case. Where damage to fixtures and fittings is alleged, evidence such as photographs would be very beneficial to support this and moreover should be dated and taken either before or immediately after the tenant leaves the dwelling. If furniture has to be replaced (or other repair/decoration is required), then proper invoices (dated and on headed paper) should be enclosed with the application. This evidence, which is required in the interest of fair procedures and natural justice, will strongly support the landlord's case as to why the deposit was properly withheld.

WHAT STEPS CAN A LANDLORD TAKE?

Landlords do have the right to inspect the rented dwelling and very often fail to exercise this right. Section 16 (c) of the Residential Tenancies Act 2004 provides this right (with appropriate notice to tenants). If a landlord senses that matters are not going well he or she should make arrangements with the tenant to inspect the premises and preferably before the expiry of the tenancy.

Best practice supports the provision of an inventory of contents of the property and their condition to the tenant at the commencement of the tenancy. This report should be supported by photographic evidence and be signed and dated by both landlord and tenant. Before the end of the tenancy it is again recommended that the landlord and tenant go through the Inventory and agree how much, if any, of the deposit is due to be refunded. This simple practice alone could minimise the significant number of cases referred to the PRTB for deposit retention each year.

More information can be found on the PRTB website
www.prtb.ie

selected to speak about: "L'image de la Propriete Immobiliere dans l'opinion publique" ("The image of Immoveable Property in the public opinion").

The topic was chosen because it touches an extremely important matter: Each of our associations - members has the very heavy national task not only to guide its members towards a socially positive behaviour, but also to create a positive image in the public opinion of its country. This is today the real "battlefield", where social wars are gained or lost, this is actually determining the possibilities for success in what our associations are fighting for! The topic is very important not only for the delegations of all the represented associations, and the public relations officers, but also for the press which will be invited to attend the press conference to follow afterwards.

The IPOA is hosting World Property Day in Dublin in 2010, more information will be available going forward.

This newsletter was compiled by the staff and members of the IPOA.

The views expressed by writers and contributors are not necessarily those of the IPOA nor the publishers and neither accept any responsibility for them. E&OE.