

IPOA E-ZINE

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Official on-line magazine of the Irish Property Owners Association

Registered members of the IPOA can subscribe to receive this regular update by e-mailing their name, membership number and e-mail address to: ipoa@eircom.net

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1. INTRODUCTION

Welcome to the 2nd issue of the IPOA e-zine. The e-zine is e-mailed to you every month and works alongside the organisation's newsletter in providing you with up-to-date news and developments from the IPOA and the private rental market in Ireland.

Please contact us with any opinions, news stories or any other matters relating to the sector, e-mail: ipoa@eircom.net

I.P.O.A. - YOUR VOICE PROMOTING PROFESSIONALISM & FAIR PLAY IN THE PRIVATE RENTAL MARKET

2. EDITORIAL

As usually the summer can be a very slow time in the rental market and a good proportion of our members use this time to upgrade and revitalise their properties. Always a good idea because this helps to attract tenants and keeps your investment property in tip top condition.

We would recommend that property owners inspect all appliances prior to tenant moving into their property and ensure that fire alarms and safety equipment is tested and in full working order.

3. NEWS

DETERMINATION ORDERS

We note that a number of disputes have been determined by the Tenancies Board and these are enclosed.

We would be very concerned at the time taken for disputes 6-8 months before the termination orders have been made. In some cases going through the courts would indeed have been faster.

Although a number of determinations have been in favour of property owners, it will be interesting to see how long they take before these cases can be closed and tenants leave with arrears paid. If the determination orders are not complied with by tenants/property owners, the sheriff will have to be appointed to enforce the orders but will the monies owing actually be paid.

Where rent arrears are from unemployed tenants how will the board be able to get arrears from tenants who have no money? It could take up to eight months for the board to give a determination order and the property owner may not have received any rent for this period causing hardship for property owners who risk foreclosure from banks if mortgages are not paid.

NOTICE OF TERMINATION

The Residential Tenancies Act 2004 is very specific in the form that notice of termination can be given and if it is given incorrectly the property owner can lose out even if the tenant is substantially in arrears. We have had a barrister draw up a notice of termination which complies with the terms of the Act and this is available for our members.

In the case of non payment of rent, after the probationary period has elapsed a letter has to be given notifying the tenant that they have 14 days to bring the rent up to date. If it has not been brought up to date you then serve them with a 28 day notice of termination. This means that it takes a minimum of six weeks to have your property vacated.

ABUSE OF ESB

A number of property owners have run into problem with their ESB accounts on tenanted properties. What is happening is that when the tenants move into the property originally the bill is put into the tenant's name. After a period of time the tenant changes the bill back into the property owners name but leaves it at the tenanted address. They pay small amounts on the bill each month but let it run up and then they move on. The property only finds the problem when they have left with a bill in their own name and this can be for a considerable amount. Property owners need to be very vigilant.

Something on a lighter note.

Recently a member had difficulties with a tenant who had brought snakes into the property. Fortunately the tenant has now left complete with assortment of pets.

DETERMINATIONS ORDERS FROM PRTB

Private Residential Tenancies Board

Determination Order

Ref: TR04/2005

In the matter of Mohammad Kaliad and Tania Zelene (Applicant Tenants) and Basil McKeown (Respondent Landlord) the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines as follows:

Pursuant to section 58 of the Act the termination by the Respondent of the tenancy of the dwelling at 33 Caragh Road, Cabra, Dublin 7 was unlawful.

The Applicants are entitled to re-enter the dwelling forthwith on foot of the terms of the tenancy entered into by the parties on 18 February 2005.

This Order was made by the Private Residential Tenancies Board on 24th June 2005.

Private Residential Tenancies Board

Determination Order

Ref: DR04/2005

In the matter of Francis Murphy (Applicant Landlord) and Tracie Brooks (Respondent Tenant) the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines as follows:

The Respondent must give up possession of the dwelling at 40 Sundale Park, Mountain View, Tallaght, Dublin 24 within 7 days of the date of issuing this Order.

The Respondent must pay to the Applicant arrears of rent arrears at the rate of €1,200 per month or part thereof from the 8th day of November 2004 to the date of recovery of possession of the dwelling from the Respondent.

Any sum held as deposit by the Applicant shall be returned to the Respondent after final inspection and the handing up of vacant possession of the dwelling less any appropriate

deduction in respect of outstanding rent and on account of the condition of the dwelling at that date.

This Order was made by the Private Residential Tenancies Board on 24th June 2005.

Private Residential Tenancies Board

Determination Order

Ref: DR09/2005

In the matter of Elizabeth O'Sullivan (Applicant Landlord) and Darren Burdon (Respondent Tenant) the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines as follows:

The Notice of Termination served by the Applicant on the Respondent, which did not contain a date of service, was not valid.

Accordingly the tenancy at 32 Charleston Road, Ranelagh, Dublin 6 is not terminated. The arrears of rent owing and any other matters in dispute should be included and dealt with on receipt of a valid Notice of Termination in a new application to the Board.

This Order was made by the Private Residential Tenancies Board on 24th June 2005.

Private Residential Tenancies Board

Determination Order

In the matter of Brona O' Neill (Applicant) and Shane Doyle (Respondent) the Private Residential Tenancies Board determines as follows:

1. A valid Notice of Termination of Tenancy in respect of the dwelling at Apartment 1, 38 Francis Street, Dublin 8 was served by the Applicant.
2. The Respondent is directed to vacate and deliver up possession of the above-mentioned dwelling within 5 days of the date of issuing this Order and all persons having knowledge of the making of this Determination Order are similarly directed to vacate the dwelling. In the event that any persons are in occupation of the dwelling on the basis of a sub-tenancy, such persons are also directed to vacate the dwelling.
3. The Respondent shall forthwith pay to the Applicant the sum of €780 per month in respect of his occupation of the above-mentioned dwelling for the period from 15th of October 2004 to 11th of May 2005 or the date of recovery of possession, whichever is later.

This Order was made by the Private Residential Tenancies Board on 6th May 2005.

Private Residential Tenancies Board

Determination Order

In the matter of Louise Doody (Applicant) and Lynsey McKenna (Respondent) the Private Residential Tenancies Board determines as follows:

4. A valid Notice of Termination of Tenancy in respect of the dwelling at No. 229, The Station House, The Tramyard, Dublin 8 was served by the Applicant on 10th November 2004.
5. The Respondent must give up possession of the dwelling within 7 days of the date of issuing this Order.
6. The Applicant may deduct out of the deposit she holds the accumulated deficit of €136 in rent payments outstanding on 15th March 2005 and any apportionment of rent due from then up to the date of giving up possession.

This Order was made by the Private Residential Tenancies Board on 8th June 2005.

Private Residential Tenancies Board

Determination Order

Ref: DR38/2005

In the matter of Mary Simmons and Jessica Freed (Applicant Tenants) and Joseph Dunne (Respondent Landlord) the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004 and pursuant to a declaration under section 97(4)(b) of that Act relating to a decision reached by the parties themselves, determines as follows:

The Applicants shall vacate the dwelling at 27 Brickfield Drive, Crumlin, Dublin 12 on or before midnight on 30th June 2005.

The Applicants shall endeavour to find alternative accommodation before 30th June 2005. In the event that they find such alternative accommodation they shall vacate the dwelling and hand over possession to the Respondent. Such attempts by the Applicants shall be made without direction or interference from the Respondent.

The Applicants shall pay to the Respondent the rent that became due on 11th February 2005 which was tendered to the bank and which was refused by the bank as the Respondent had closed the rent account. The Applicants shall pay the rent due on 11th March 2005.

The Respondent shall accept on 11th April 2005 the original deposit as the rent due on that date.

If on 11th May 2005 the Applicants are still in possession of the dwelling, they shall pay the Respondent one month's rent in advance.

If, however, the Applicants have vacated the dwelling before 11th May 2005, the Respondent shall compensate the Applicants at the daily rate of €40.00 for each full day that the dwelling was not occupied by them between 11th April 2005 and 11th May 2005. The Respondent and Applicants agree that the rent is paid and accepted without prejudice to any further hearing, should the foregoing not be complied with by either party. The Applicants shall facilitate the Respondent to call to the dwelling to collect certain personal belongings from time to time. The Respondent shall telephone the Applicants to arrange a suitable time and date prior to calling. The Respondent when visiting shall not seek to pressurise the Applicants to vacate the dwelling.

This Order was made by the Private Residential Tenancies Board on 24th June 2005.

Private Residential Tenancies Board

Determination Order

Ref: DR65/2005

In the matter of John and Deirdre Monks (Applicant Landlords) and Gerard and Jackie Whelan (Respondent Tenants) the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines as follows:

1. The Applicants served a valid Notice of Termination on the Respondents on 20th January 2005.

The Respondents must give up possession of the dwelling at 13 The Nurseries, Forest Road, Swords, Co. Dublin within 7 days of the date of issuing this Order.

The Respondents must pay to the Applicants arrears of rent at the rate of €1,250 per month from the 13th day of February 2005 to the date of giving up possession of the dwelling.

The deposit of €1,500 is to be returned to the Respondents subject to final inspection of the dwelling by the Applicants and payment of the rent arrears by the Respondents.

This Order was made by the Private Residential Tenancies Board on 24th June 2005.

4. PRESS CLIPPINGS

18/07/05 Irish Examiner

Tenants have to be registered

By Michael Brennan

THE estimated 80,000 landlords who have not registered their tenants have not realised that the days of illegal evictions and withholding deposits are over, a housing agency warned yesterday.

Threshold said that landlords should sign up immediately to the Private Residential Tenancies Board (PRTB).

This is the law and we want 100% compliance,” said chairperson Aideen Hayden.

Around 70,000 landlords have registered their tenancies with the PRTB since last September, which Threshold estimates is less than half of the total of 150,000 landlords.

Ms Hayden said: “Maybe a lot of landlords don’t realise it is in their interest to register. If they don’t, they have no access to the dispute mechanism,” she said.

The PRTB has already resolved around 100 landlord-tenant disputes informally and has issued determination orders in 10 cases.

Landlords who do not register with the board face fines of up to €3,000 or six months’ imprisonment.

PRTB deputy director Shirley Groae said all tenancies had to be registered within one month of tenants moving in.

The Irish Property Owners Association (IPOA) said landlords had shown exceptional compliance.

But spokesperson Fintan McNamara said it was grossly unfair that landlords had to pay registration fees each time a tenant arrived.

He said landlords were waiting to see how the board’s low-cost dispute resolution system operated.

Upcoming Press: *Look out for the IPOA featuring in the following press over the coming weeks - Irish Property Buyers Magazine, Property Weekly, Accountancy Ireland and RTE News*