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SCSI SUBMISSION ON RTB STATEMENT OF STRATEGY FOR 2023-2025



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What are the biggest challenges facing the RTB in the next 3 years (Short/Long Term)?

There are several imminent challenges that are negatively impacting Ireland's private rental market such as rental inflation, the exodus of landlords from the market, inadequate security of tenure and non-compliance amongst landlords and tenants. These challenges also impact the role of the RTB.

Increased regulation and high taxation have hastened the exit of many long-term landlords, particularly those who have now retired. As property prices continue to rise, landlords are utilising the opportunity to sell their investment as rental regulations are complex and for those landlords locked into below market rents, it is becoming a more attractive proposition to sell their investment. According to SCSi members, over the last number of years, the complexity of rental legislation has been cited by landlords as the number one reason as to why they are exiting the rental market.

The RTB's current adjudication process needs to be heavily improve upon, as it's lengthy and inefficient. The responsive nature of the RTB is unsatisfactory, and dispute resolution overall has become secondary and needs increased prioritization. It may be worthwhile to establish a special department that solely oversees and manage the Adjudication process. Residential tenancy amendments continue to be introduced without adequate enforcement or balanced supports for landlords and tenants. The SCSi's view is that private tenants have inadequate security of tenure and landlords have inadequate supports to address non-performing tenants.

The SCSi continues to advocate for a marked increase in new housing supply to address continued and projected high demand for housing across the population.

There are reasons why landlords can end a tenancy (plus 6 months) which can include the property no longer suiting the tenants needs, the property is needed by the landlord for their personal / family use, the landlord wants to offer the property for sale or there are plans for a significant refurbishment of the property. In the main, the exodus of landlords from the market is impacting on security of tenure and creating uncertainty. However, given the strength of current protections and the cost and practical challenges of executing legal evictions, landlords are acting earlier against non-compliant tenants than may be necessary to protect their long-term investment. The RTB has helped this situation with their mediation services however fear and uncertainty on both sides tends to leave the landlord tenant relationship as adversarial in nature rather than willing partners. The RTB needs to prioritise the implementation of an effective long-term strategy for the housing market that fosters a more sustainable rental sector overall.

In summary, the RTB requires considerable investment to tackle the issues, some of which are covered in this submission. Investment in effective technology and human resources should be a priority so that the RTB is able to respond to the growing and changing needs of the market. There needs to be further investment in resources and training to ensure there is consistency regarding administrative competence. A responsive registration and complaints handling process is crucial to improve the landlord/tenant customer relationship and instil more trust and professionalism to the regulation.

At present, the long delays with dealing with complaints and registrations is frustrating many in the sector and encouraging a proportion of landlords to sell their investment. There needs to be an overhaul of the current Adjudication process, and potentially the establishment of a specialized department altogether for such proceedings.

Adjudication hearings are taking too much time to resolve. SCSi believes that dedicated resourcing should be provided in the area of Adjudication with a special department established and adequately resourced to tackle the issue of delays. This is one of the fundamental issues and reasons for dissatisfaction with the private rental market and sector.

The RTB's role as the regulator of the rental sector is to ensure that all tenancies that should be registered are registered, to enforce non compliance through investigating improper conduct and non registration, and to enforce decisions from our Disputes Service. How could the RTB further support compliance in the Private Rented sector?

In regard to non-compliance there are certain conditions that need to be amended to ensure RTB can fulfil its responsibilities in an efficient manner. Currently, the process to remove non-compliant tenants is lengthy and in certain instances there is no recourse for landlords to get payment for outstanding rents or costs associated with damage to rented property. Addressing this issue would help mitigate one of the components that has exacerbated the ongoing exodus of landlords.

Another vital issue is with non-registrants and identifying such occurrences with a more sufficient approach. A procedure for minimizing the amount of non-registrants needs to be cultivated, which would likely require investment in technology coupled with collaboration with other Government agencies such as the Revenue Commissioners. Once a feasible identification approach has been developed, the next step would then be to develop an effective technique for prevention and enforcement.

What can the RTB do, within its remit, to enhance the renting experience for those living in and providing accommodation in the rental sector?

One of the most prominent issues that the RTB must address is the inefficient manner in which rental queries are addressed. There should be an increased amount of resources available to the RTB so that such disputes can be mitigated in a more timely and effective manner. There is ample criticism circulating regarding the difficulty associated with contacting RTB and getting in touch with someone capable of addressing these issues. There should be an increased amount of staff with the capacity to undertake higher concentrations of queries, and these professionals should be adequately trained on how to address every facet regarding such disputes.

The RTB has plenty of useful online guides and supports highlighting the rights and responsibilities of those involved in tenancies. However, with the continued tinkering of the regulations, its becoming more complex and more difficult to navigate for landlords and tenants.

How can the RTB engage in a collaborative way with the key stakeholders in the rental sector, to ensure there is a better understanding of rental rights and responsibilities?

The publications and guidance developed by the RTB and also other organisations such as the SCSi are generally clear and accessible. It is positive to see them being updated regularly to take account of changes to regulations. The SCSi can work with the RTB through a special forum between RTB key staff and letting agents to review guidance material and any updates necessary.

On a practical note, given the current situation with the rental market where supply is low and demand for accommodation is so high, tenants are fearful to request their rights as part of their rental covenants, even though they know what their rights are. This is posing a particular issue for the sector as the fear as a tenant of being issued with a termination notice is of concern.

The themes outlined below have emerged as part of the first phase of our stakeholder consultations. Please review the three themes below and consider what actions you would suggest that RTB takes to achieve these objectives?

Theme 1: Support Effective Regulation

RTB to act as a credible, fair, & effective regulator in the residential tenancies sector. To maintain the RTB register and ensure that all tenancies that should be registered are registered. To be seen to be using the portfolio of powers granted in the Act for enforcement, investigation, and sanction in a proportionate way, To prevent and resolve disputes as early and efficiently as possible with fair and enforceable decisions.

The RTB should prioritize establishing an effective scheme to address matters of non-compliance. Currently, there is no guarantee that landlords will receive due compensation in cases relating to rent refusal or damaged property. This scheme should be comprehensive and efficient as opposed to the current approach which has deterred many landlords from remaining in the market. There is also an imminent need for there to be increased investment in technology that targets non-compliance and strengthens collaborations with other agencies such as the Revenue Commissioners. Further investment will ensure that non-compliant landlords are found so that this issue becomes less prevalent. The Rent Relief credit within the recent budget is another potential avenue for identifying non-compliant landlords as tenants that claim the relief could be reconciled with properties/tenancies. The approach is not an exhaustive solution to the current crisis but can surely be utilized as an effective gateway for identifying potential circumvention attempts.

Theme 2: Evidence based input to policy thinking and decision making

The RTB will provide data, evidence and ideas to policy makers to inform their thinking. We will proactively measure the impact of policy implementation. We will continue to build awareness and understanding of the RTB role. The RTB will continue to engage other actors in the Private Rental sector to share information, improve the level of understanding on the role of the RTB, to support compliance and listen to feedback and insights from others. We will continue to provide forums to listen to the voice of the customer and other stakeholders and support collaboration within the sector.

The RTB should increase engagement with relevant organisations such as the SCSi, which collects data and formulates reports relating to the private rental market on a consistent basis. Fostering increased engagement with stakeholders such as the SCSi will give RTB a more comprehensive understanding of the challenges facing the market, and how they can be effectively mitigated.

The data extracted through stakeholder engagement should subsequently be utilised in promoting legislation that proactively ascertains the needs of the public and the market itself. Furthermore, the SCSi and its consistent engagement with its membership allows the organisation to identify upcoming trends at a much earlier rate than RTB, which can typically be delayed due to the time it takes to register tenancies and identify potential market fluctuations.

Theme 3: Ensure Organisational Excellence

In order to deliver on the themes above we need an organisation with the right skills, capacity, structure and enabling technology. We will continue our digital journey to support customer engagement and create more efficient services and improve customer service. It is vital to address feedback on challenges with our new registration platform. Strengthen organisational capacity- through people development, strong governance and a focus on agile and innovative ways of working

Answer: The RTB can meet the objectives of this theme by actively encouraging feedback, and consequently adjusting its operations accordingly based on such input. There should be an open line of communication between the organisation and its stakeholders.



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