



**An Bille um Thionóntachtaí Cónaithe (Gearáin mar gheall ar Iompar
Frithshóisialta agus ar Fhailí ar an Taobh Seachtrach de Theaghaisí) (Leasú),
2019**

**Residential Tenancies (Complaints of Anti-Social Behaviour and Neglect of
Dwelling Exteriors) (Amendment) Bill 2019**

Mar a tionscnaíodh

As initiated



**AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (GEARÁIN MAR GHEALL AR
IOMPAR FRITHSHÓISIALTA AGUS AR FHAILLÍ AR AN TAOBH SEACHTRACH
DE THEAGHAISÍ) (LEASÚ), 2019
RESIDENTIAL TENANCIES (COMPLAINTS OF ANTI-SOCIAL BEHAVIOUR AND
NEGLECT OF DWELLING EXTERIORS) (AMENDMENT) BILL 2019**

Mar a tionscnaíodh

As initiated

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation and commencement
2. Definitions

PART 2

AMENDMENT OF THE PRINCIPAL ACT

3. Amendment of section 15 of Principal Act
4. Amendment of section 16 of Principal Act
5. Amendment of section 77 of Principal Act
6. Amendment of section 97 of Principal Act

ACTS REFERRED TO

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies Acts 2004 to 2016



**AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (GEARÁIN MAR GHEALL AR
IOMPAR FRITHSHÓISIALTA AGUS AR FHAILLÍ AR AN TAOBH SEACHTRACH
DE THEAGHAISÍ) (LEASÚ), 2019
RESIDENTIAL TENANCIES (COMPLAINTS OF ANTI-SOCIAL BEHAVIOUR AND
NEGLECT OF DWELLING EXTERIORS) (AMENDMENT) BILL 2019**

5

Bill

entitled

An Act to amend the Residential Tenancies Act 2004 to amend third party complaints and to provide for related matters.

Be it enacted by the Oireachtas as follows:

10

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Residential Tenancies (Complaints of Anti-Social Behaviour and Neglect of Dwelling Exteriors) (Amendment) Act 2019. 15
- (2) The Residential Tenancies Acts 2004 to 2016 and this Act may be cited together as the Residential Tenancies Acts 2004 to 2019 and shall be read together as one.
- (3) This Act shall come into operation on such day as may be fixed by order of the Minister for Housing, Planning and Local Government.

Definitions

20

2. In this Act—

“Minister” means the Minister for Housing, Planning and Local Government;

“Principal Act” means the Residential Tenancies Act 2004.

PART 2

AMENDMENT OF THE PRINCIPAL ACT

25

Amendment of section 15 of Principal Act

3. The Principle Act is amended by the substitution of the following for section 15:

“Duty owed to certain third parties to enforce tenant’s obligations

- 15. (1) A landlord of a dwelling owes a duty to enforce the obligations of the tenant under the tenancy and section 16 of the Principal Act including and not limited to anti-social behaviour.
- (2) Nothing in this section affects any duty of care, and the remedies available for its breach, that exist apart from this section.” 5

Amendment of section 16 of Principal Act

- 4. Section 16 of the Principal Act is amended by the insertion of the following after paragraph (1):
 - “(1a) be responsible for the reasonable upkeep of the exterior curtilage of the dwelling.” 10

Amendment of section 77 of Principal Act

- 5. The Principal Act is amended by the substitution of the following for section 77:
 - “77. (1) A person (in this section referred to as a ‘complainant’) may make a complaint in writing to the Board alleging that a breach of duty by a landlord in regard to upholding a tenant’s obligations has occurred or is occurring under section 15. 15
 - (2) Where the Board receives a complaint, it shall cause an investigation of the matter the subject of the complaint to be carried out unless, following the making of such inquiries as it thinks fit, the Board is satisfied that— 20
 - (a) insufficient information is provided with the complaint to enable the Board to form a view whether the complaint should be investigated,
 - (b) the complaint does not relate to improper conduct, 25
 - (c) the complaint is not made in good faith,
 - (d) the complaint is frivolous or vexatious or without substance or foundation, or
 - (e) the complaint should be referred to the Board for resolution under Part 6. 30
 - (3) Where the Board decides that a complaint falls within paragraph (a), (b), (c), (d) or (e) of subsection (2), it shall give notice in writing to the complainant and the landlord of the decision and the reasons for the decision.
 - (4) Where a complaint is withdrawn by a complainant before the decision maker has made a decision under section 148X(4) or (5), the Board may proceed as if the complaint had not been withdrawn if it is satisfied that there is good and sufficient reason for so doing. 35
 - (5) Where, pursuant to subsection (4), the Board proceeds as if a

complaint had not been withdrawn, the investigation concerned shall thereupon be treated as an investigation initiated by the Board, and other provisions of this Part shall be construed accordingly.

- (6) Where the Board considers it appropriate, the undertaking of investigations into suspected breaches of the Residential Tenancies Acts 2004 to 2016 and any related enactments, the issuing of findings arising from said investigations, referrals under Part 6 of the Act and the making of subsequent recommendations to the Minister.” 5

Amendment of section 97 of Principal Act

6. Section 97 of the Principal act is amended by the insertion of the following after subsection (7): 10

“(8) In determining complaints under section 15 the Board may direct the termination of a tenancy.”.

An Bille um Thionóntachtaí Cónaithe
(Gearáin mar gheall ar Iompar Frithshóisialta
agus ar Fhaillí ar an Taobh Seachtrach de
Theaghaisí) (Leasú), 2019

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Thionóntachtaí Cónaithe,
2004 chun gearáin tríú páirtí a leasú agus do
dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Darragh Ó Briain a thug isteach,
21 Bealtaine, 2019*

Residential Tenancies (Complaints of Anti-
Social Behaviour and Neglect of Dwelling
Exteriors) (Amendment) Bill 2019

BILL

(as initiated)

entitled

An Act to amend the Residential Tenancies Act 2004
to amend third party complaints and to provide
for related matters.

*Introduced by Deputy Darragh O'Brien,
21st May, 2019*

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Tel: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

ISBN 978-1-4468-6485-2



9 781446 864852