

SEEKING PRIVATE RENTED ACCOMMODATION

The information contained in this leaflet is a guide only and not a definitive interpretation of the law.

Before you rent you should take the time to ensure that the property is right for you by asking yourself questions such as:

- Can I afford the rent and other expenses?
- Is it convenient to work, college or schools?
- Is the property large enough and suited to my needs?
- Is there access to public transport?

Private rented accommodation is most commonly sourced through websites, to-let sections of newspapers, property agents, shop notice boards, student services and word of mouth.

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Threshold
Solving housing problems,
preventing homelessness

Viewing the property

When you view a property you should inspect it thoroughly before agreeing to rent it and check:

- What items are provided in the property? What condition are they in?
- Does everything work – check the keys, shower, cooker, toilet, heating etc.
- Are there signs of damp? Is there adequate ventilation?
- Does the property have fire safety measures installed such as alarms, fire blankets, carbon monoxide detectors?
- What is the Building Energy Rating (BER)?
- Will there be a lease?
- How much will the deposit and rent be and how will they be paid?
- What bills will you have? How will these be paid?
- Who do you contact for repairs etc?
- Is designated car parking provided?
- Have you full contact details for the landlord/letting agent?

If repairs are necessary or items need to be replaced you should insist they are carried out before you move in and have this confirmed in writing.

Renting and discrimination

The provision of rented accommodation is considered a service under the Equal Status legislation which prohibits discrimination, directly or indirectly, on nine grounds.

- Gender.
- Civil status.
- Family status.
- Sexual orientation.
- Religion.
- Age.
- Race.
- Membership of the Traveller community.
- Disability.

Also, a person cannot be discriminated against or victimised by association.

A landlord cannot discriminate against you if you are in receipt of rent supplement, housing assistance (HAP) or any payment under the Social Welfare Acts.

More information is available from the Irish Human Rights and Equality Commission www.ihrec.ie

If you have been discriminated against and wish to take further action you can refer a case to the Workplace Relations Commission www.workplacerelations.ie

Shared accommodation

Many people share private rented accommodation. A group of friends may decide to move in together or you could move in with a group of people you do not know. Shared accommodation may have the benefit of being cheaper than renting on your own, but it will require compromise if everyone is to get along. Most disputes between tenants are not covered by law but can usually be resolved by sitting down and trying to find a solution.

If you enter a tenancy as part of a group and you all sign a lease, you are then responsible as a group for the tenancy. If one of the group decides to leave, fails to pay their portion of the rent or damages the property in any way, the other tenants may be held liable.

In shared accommodation there is often a turnover of tenants, with people moving in and out over a period of time. It is common practice for the person moving into the property to pay their deposit to the person leaving.

Threshold advises that you pay the deposit directly to the landlord and get a receipt to avoid difficulties in getting your deposit returned to you when you leave.

If you decide to sign a lease it may offer additional security but you may be taking on additional responsibilities.

Sharing with a property owner or renting from a tenant

Where you are sharing with the owner or renting from a tenant, this is a license arrangement. The normal landlord and tenant laws do not cover this situation and disputes which might arise cannot be referred to the Residential Tenancies Board (RTB). It is recommended in these arrangements that both parties draw up a written agreement to cover issues such as deposits, rent, bills, house rules and notice requirements.

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See our other guides...



If you need further information
visit our website

www.threshold.ie

Information that may be requested

In seeking private rented accommodation you may be asked to provide personal information. Some examples include:

- Reference from your previous landlord.
- Reference from your employer.
- Proof of income such as a bank statement or payslips.
- Photo ID such as passport or driver licence.
- PPS number.

You do not have to provide any information where you feel uncomfortable in doing so, but this may result in you not being offered the property to rent.

Your landlord may require your PPSN in order to register the tenancy with the RTB. Any information about you obtained by your landlord must be used in accordance with data protection legislation.

For further information see www.dataprotection.ie

Rent scams

Demand for private rented accommodation is very high and in some cases prospective tenants may be victims of a rent scam.

Do not agree to rent a property through a website/social media without viewing it first.

Do not hand over cash and insist upon a proper receipt. This should be done at the property.

Ensure that the keys work and that you have proper contact details for the landlord/agent.

If you have any concerns report it to the Gardai immediately.



Paying a security deposit

Usually you will be asked to pay a security deposit when you rent a property. A deposit is normally the equivalent of one month's rent and is held by the landlord, as security, to cover any rent arrears, outstanding bills or damage beyond normal wear and tear at the end of the tenancy.

You should not hand over a deposit until you are happy with the condition of the property and all the terms and conditions of the letting. Avoid paying in cash and always get a receipt.

A holding or booking deposit does not necessarily create a tenancy and the Residential Tenancies Board (RTB) will not be able to deal with disputes unless a tenancy has commenced. Receipt of keys and access to the property will usually indicate that your tenancy has begun.

Rent Supplement

The Department of Social Protection may be able to provide assistance towards the rent. See www.welfare.ie or contact your nearest advice centre for information on eligibility.

The rent cannot exceed set limits based on where you live and your personal circumstances.

Housing Assistance Payment

HAP has been rolled out nationally to replace rent supplement as a long term housing support. HAP is administered by your Local Authority. If eligible, HAP will enable you to work and still get assistance with your rent. See www.hap.ie for more information.

A refusal to accept you because you are seeking HAP or ending your tenancy because you are seeking HAP may be discriminatory under Equal Status legislation. If this happens you may be able to refer a case to the Workplace Relations Commission. See www.workplacerelations.ie

Rent book

A landlord must provide tenants with a rent book or other document such as a lease which is used to record details of the tenancy and all rent payments.

It is important that you have written proof of the fact that you have paid your rent; particularly if a dispute over alleged non-payment of rent arises. All rent and other payments must be recorded in the rent book.

Rent books can be purchased directly from Threshold.



Making an inventory and taking photographs

As part of the Rent Book Regulations your landlord must also provide an inventory listing everything in the property and the condition it is in. This should be signed by both landlord and tenant and you should keep a copy. You should also take dated photographs of all rooms to record the condition of the property when you moved in. Along with the inventory, these photos can be valuable evidence if it is claimed by your landlord at the end of the tenancy that there has been damage to the property above normal wear and tear.

Signing a lease

There is no requirement for you to sign a lease. However if you choose to do so, we advise that you read the agreement carefully as it is legally binding. You should seek advice from Threshold if there is anything in it you don't understand. All lease agreements must be in compliance with the law. Provisions within a lease cannot undermine your statutory rights and obligations. Always keep a signed copy in a safe place.

A lease is a legally binding contract for a fixed period of time, usually one year. Normally, notice cannot be given during the lease unless:

- ➔ There is a break clause;
- ➔ The other party is in breach or
- ➔ Both parties agree at the time to end the lease (Threshold recommends getting this agreement in writing).

You cannot get someone to take over the tenancy without the written consent of your landlord. If your landlord agrees to your request you should clarify who will be responsible for finding a replacement tenant. Should the landlord refuse your request you can give written notice of termination even where you have a lease.

If none of these conditions apply and you break your lease you do not automatically lose your deposit but the landlord may make deductions from or keep the deposit to cover any loss or costs incurred.

A landlord must make reasonable efforts to re-let the property as soon as possible and minimise their loss and is not entitled to double rent.

Tenancy registration

Your landlord has one month within which to register your tenancy with the RTB.

On registration, a unique registration number (RT number) is issued to both the landlord and tenant.

A published register of tenancies is available on the RTB website but it does not make landlord or tenant details available to the public. If your tenancy is not registered you can report this to the RTB.

A landlord who fails to register a tenancy will not be able to refer a dispute to the RTB, but a tenant will still be able to do so.

Agents

Landlords frequently employ agents to let and, in some cases, manage their properties. Agents must be licensed with the Property Services Regulatory Authority (PSRA) which also provides a code of practice. Tenants may make a complaint about a letting agent or auctioneer to the Property Services Regulator.

Letting agents who are members of a professional body such as the Institute of Professional Auctioneers and Valuers (IPAV) or the Society of Chartered Surveyors Ireland are obliged, under the terms of their membership, to hold a current licence and they must abide by a code of practice.

For further help visit www.threshold.ie or phone freephone 1800 454 454

Cork

22 South Mall, Cork
✉ advicecork@threshold.ie

Dublin

21 Stoneybatter, Dublin 7
✉ advice@threshold.ie

Galway

5 Prospect Hill, Galway
✉ advicegalway@threshold.ie

Guides are also available on *Resolving Problems During Your Tenancy* and *Ending a Tenancy*.

The Residential Tenancies Board (RTB) is not a public office but may be contacted as follows:

Phone 0818 30 30 37
(9.00 am to 5.00pm Monday to Friday)

All postal correspondence should be directed to:

RTB, PO Box 47, Clonakilty, County Cork.

www.rtb.ie

Private Rented Accommodation Checklist

- Is the property within your budget? ☐
- Are all the services you require in the area? ☐
- Is designated car parking provided? ☐
- Is the property in good physical condition? ☐
- Is it free from damp? ☐
- Does it have fixed heating which you can control? ☐
- Are there facilities for running hot and cold water? ☐
- Is there a bath/shower? ☐
- Are there facilities for preparation, cooking and storage of food? ☐
- Is there proper ventilation and lighting? ☐
- Are all gas and electric installations in good working order? ☐
- Has a BER Cert been provided? ☐
- Is a deposit required? ☐
- Is there a lease/rent book? ☐
- Are you clear on the amount of rent and when it is to be paid? ☐
- Are you clear on bills/service charges you will have to pay? ☐
- Do you have contact details for the landlord/agent? ☐
- Do you know who to contact for repairs and other tenancy issues? ☐