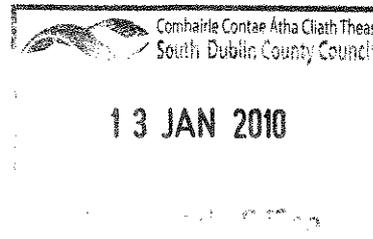




12 January, 2010.

Ms. Mary Maguire,
Meetings Administrator,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24.



RE: REP04/MF/10

Dear Ms. Maguire,

I have been asked by the Minister for the Environment, Heritage and Local Government, John Gormley, T.D., to refer to your letter regarding the motion passed by the South Dublin County Council on the 14th of December 2009, relating to anti-social behaviour by tenants.

I wish to advise you that action to deal with anti-social behaviour is primarily a matter for An Garda Síochána. However, landlords in the private residential sector are responsible for enforcing the obligations that apply to their tenants under the Residential Tenancies Act, 2004. In this regard the Act prohibits Anti-Social behaviour in, or in the vicinity of a dwelling to which the Act applies and allows a landlord to terminate any tenancy where the tenant is engaging in or allowing other occupiers of, or visitors to, the dwelling to engage in such behaviour, subject to a notice period of only seven days in the case of serious anti-social behaviour.

Under Section 15 of the Residential Tenancies Act, 2004 'a landlord of a dwelling owes to each person, who could be potentially affected, a duty to enforce the obligations of the tenant under the tenancy.'

Section 77 of the Residential Tenancies Act gives a right to refer a complaint to the Private Residential Tenancies Board (PRTB) subject to certain conditions and also allows the PRTB, again subject to

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certain conditions, to furnish, to a person who proposes to make such a complaint, the name and address of the landlord concerned in accordance with the procedures in the Act.

For further advice and information in this regard, may I suggest that you make contact with the PRTB. The PRTB website address is www.prtb.ie and they are located at O'Connell Bridge House, Dublin 2, Tel. 01-635 0600

It may also be of interest to you to know that in April 2009 Mr. Michael Finneran T.D., Minister for Housing, and Local Affairs announced that this Department was to conduct a review of the Residential Tenancies Act, 2004. This review is currently underway and preliminary results were announced in November 2009. If you wish to make a submission for consideration in the review process please forward it to the Private Rented Sector, Department of the Environment, Heritage and Local Government, Unit 1, Ardcavan Business Park, Ardcavan, Co. Wexford.

I trust this information is helpful.

Yours sincerely,



Tom Gallagher
Rúnaí Aire Stáit